



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
JOSEPH A. CURTATONE
MAYOR

MICHAEL F. GLAVIN
EXECUTIVE DIRECTOR

PLANNING DIVISION

ZONING BOARD OF APPEALS MEMBERS

HERBERT F. FOSTER, JR., *CHAIRMAN*
ORSOLA SUSAN FONTANO, *CLERK*
RICHARD ROSSETTI
DANIELLE EVANS
ELAINE SEVERINO
JOSH SAFDIE (ALT.)
BRANDY BROOKS (ALT.)

Case #: ZBA 2014-72
Site: 1154 Broadway
Date of Decision: September 17, 2014
Decision: Petition Approved with Conditions
Date Filed with City Clerk: September 24, 2014

ZBA DECISION

Applicant Name:	Shelly McPhee
Applicant Address:	1105 Massachusetts Avenue, Suite #1, Cambridge, MA 02138
Property Owner Name:	JCKK Realty Trust, Robert S. Casey, Trustee
Property Owner Address:	425 Broadway, Somerville, MA 02145
Agent Name:	Richard G. DiGirolamo, Esq.
Agent Address:	424 Broadway, Somerville, MA 02145

Legal Notice: Applicant, Shelly McPhee, and Owner, JCKK Realty Trust c/o Robert S. Casey, Trustee, seek a Special Permit with Site Plan Review (SZO §5.2) to establish 11 residential units (§7.11.1.c) and 6,300 sf of retail space (§7.11.9) in a new structure. Also, a Special Permit (§5.1) is sought for the number of compact parking spaces (§9.13.b). A Variance is sought to reduce the parking requirement by approximately 11 spaces (§9.5).

<u>Zoning District/Ward:</u>	NB zone/Ward 7
<u>Zoning Approval Sought:</u>	§5.2, §7.11.1.c, §7.11.9, §5.1, §9.13.b & §9.5
<u>Date of Application:</u>	July 16, 2014
<u>Date(s) of Public Hearing:</u>	September 17, 2014
<u>Date of Decision:</u>	September 17, 2014
<u>Vote:</u>	5-0



Appeal #ZBA 2014-72 was opened before the Zoning Board of Appeals at Somerville City Hall on September 17, 2014. Notice of the Public Hearing was given to persons affected and was published and posted, all as required by M.G.L. c. 40A, sec. 11 and the Somerville Zoning Ordinance. After one hearing of deliberation, the Zoning Board of Appeals took a vote.

DESCRIPTION:

The current proposal to construct a mixed-use building on the site with 6,300 square feet of commercial on the ground floor and 11 residential units above. The building will be 4 stories and 24,971 net square feet. There will be 10 – 2-bedroom units and 1 – 3-bedroom unit. The rear of the lot will have a driveway to access an underground parking that contains 21 vehicular parking spaces and 4 bicycle parking spaces.

There will be a courtyard at the corner of Broadway and Clarendon Street with a mature tree and kiosk for a user that is not yet determined.

FINDINGS FOR SPECIAL PERMIT (SZO §5.1, 7.11, & 9.13.b) FOR THE COMMERCIAL USE AND THE PARKING SPACE DIMENSIONS:

In order to grant a special permit, the SPGA must make certain findings and determinations as outlined in §5.1.4 of the SZO. This section of the report goes through §5.1.4 in detail.

1. Information Supplied:

The Board finds that the information provided by the Applicant conforms to the requirements of §5.1.2 of the SZO and allows for a comprehensive analysis of the project with respect to the required Special Permits.

2. Compliance with Standards: *The Applicant must comply "with such criteria or standards as may be set forth in this Ordinance which refer to the granting of the requested special permit."*

Modification of parking standards may be modified for parking lot dimensions by special permit per §9.13.b. Per §9.11.c, twenty spaces may be designed for compact cars. The proposal is for 33% of the spaces to be compact.

In considering a special permit under §9.13 of the SZO “the SPGA may grant such a special permit only when consistent with the purposes set forth in Section 9.1, and upon reaching the findings and determinations set forth in Section 5.1.4”. The Applicant must be able to demonstrate that granting the requested special permit would not cause detriment to the surrounding neighborhood through any of the criteria as set forth under SZO §9.13, which are as follows:

- 1) increase in traffic volumes;
- 2) increased traffic congestion or queuing of vehicles;
- 3) change in the type(s) of traffic;
- 4) change in traffic patterns and access to the site;
- 5) reduction in on-street parking;
- 6) unsafe conflict of motor vehicle and pedestrian traffic.

The 3 additional compact spaces will not negatively impact the criteria above.

Commercial uses over 5,000 square feet in the neighborhood business district require special permits. The proposed 6,300 square feet of commercial spaces does not yet have a specific commercial use identified because the tenant has not been identified. The general sales or rental of goods or services will be permitted as part of this approval under §7.11.9. If another type of use that requires a special permit in the district seeks to establish here, a special



permit would be required at that time. A retail use in this location will keep an active pedestrian oriented building along this block.

3. Consistency with Purposes: *The Applicant has to ensure that the project "is consistent with (1) the general purposes of this Ordinance as set forth in Article 1, and (2) the purposes, provisions, and specific objectives applicable to the requested special permit which may be set forth elsewhere in this Ordinance, such as, but not limited to, those purposes at the beginning of the various Articles."*

The proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to providing for and maintaining the uniquely integrated structure of uses in the City and conserving the value of land and buildings.

The proposal is consistent with the purpose of the Neighborhood Business district, which is, "[t]o establish and preserve areas for small-scale retail stores, services and offices which are located in close proximity to residential areas and which do not have undesirable impacts on the surrounding neighborhoods. The additional dwelling units and pedestrian friendly commercial first floor and plaza will enhance the vitality of the Teele Square business district.

4. Site and Area Compatibility: *The Applicant has to ensure that the project "(i)s designed in a manner that is compatible with the characteristics of the built and unbuilt surrounding area, including land uses."*

The building has been designed to complement the contextual and historical character of the design of the existing buildings in the Square. The materials and articulation of the building also are familiar to other buildings within Teele Square. The underground parking with compact spaces provides an efficient parking lot that is out of sight from the public realm.

5. Housing Impact: *Will not create adverse impacts on the stock of existing affordable housing.*

The proposal will add housing to Teele Square and will not create adverse impacts on existing affordable house. The existing site did not contain residential units. The proposal will directly increase the supply of housing by providing a deed restricted affordable unit and a cash payout of 0.375 into the affordable housing trust fund. The proposal will indirectly help with affordability by increasing the supply of housing to meet the demand.

6. SomerVision Plan: *Complies with the applicable goals, policies and actions of the SomerVision plan, including the following, as appropriate: Preserve and enhance the character of Somerville's neighborhoods, transform key opportunity areas, preserve and expand an integrated, balanced mix of safe, affordable and environmentally sound rental and homeownership units for households of all sizes and types from diverse social and economic groups; and, make Somerville a regional employment center with a mix of diverse and high-quality jobs. The areas in the SomerVision map that are designated as enhance and transform should most significantly contribute towards the SomerVision goals that are outlined in the table below. The areas marked as conserve are not expected to greatly increase the figures in the table since these areas are not intended for large scale change.*

Teele Square is marked as a Neighborhood Mixed Use area on the Future Land Context Map and as an area to Enhance in the SomerVision Map. The proposal will improve the building and add people to patron the businesses and enhance the vibrancy of the Square.

<u>SomerVision Summary</u>	<i>Existing</i>	<i>Proposed</i>
<i>Dwelling Units:</i>	-	11
<i>Affordable Units:</i>	-	1



<i>Commercial Sq Ft:</i>	1,152 sf post fire	6,300 sf
<i>Estimated Employment:</i>	unknown	Approximately 7

FINDINGS FOR SPECIAL PERMIT with SITE PLAN REVIEW (SZO §5.2 & 7.11.1) for the RESIDENTIAL USE:

In order to grant a special permit with site plan review, the SPGA must make certain findings and determinations as outlined in §5.2.5 of the SZO. This section of the report goes through §5.2.5 in detail.

1. Information Supplied:

The Board finds that the information provided by the Applicant conforms to the requirements of §5.2.3 of the SZO and allows for a comprehensive analysis of the project.

2. Compliance with Standards: *The Applicant must comply “with such criteria or standards as may be set forth in this Ordinance which refer to the granting of the requested special permit with site plan review.”*

The proposal is for 11 residential units. The establishment of seven or more units requires a Special Permit under SZO section 7.11.1.c.

The dimensions of the building are in the table below. A Variance is required for the number of parking spaces.

Requirements	NB	Existing (post fire)	Proposal	Permit Required
Min Lot Size	NA	12,800 sf	12,800 sf	-
Min Lot Area/Dwelling Unit	1000 sf	-	1164 sf	Special Permit with Site Plan Review
Max Ground Coverage	80%	9%	64%	-
Min Landscaped Area % of lot	10%	0%	21%	-
Min Pervious Area % of lot	NA	0%	21%	-
Floor Area Ratio (based on nsf)	2.0	0.9	1.95	-
Max Height	4 stories / 42 ft with upper floor residential	1 story / 20 ft	4 stories / 42 ft	-
Min Front Yard	NA	64.4 ft	1.5 ft / 6' top floor setback	-
Min Side Yard	NA	0.6 ft / 77.3 ft	4 ft / 0.7 ft	-
Min Rear Yard	10 ft plus 2 ft for each story above ground floor (16)	15.6 ft	21.5 ft	-
Min Frontage	NA	101.78 ft	101.78 ft	-
Parking	1.5 per 10 - 2-bedroom units, 2 per 1- 3-bedroom unit. 2 visitor spaces. Comm: 1	32	21	Special permit for # of compact spaces (7 versus 4 allow by-right)



	per 500 sf.			
Bike Parking	Res: 3 Comm: 1	-	4	-

The proposal complies with the District Standards for the Neighborhood Business District (§6.1.4).

1. *When a fourth floor is included, provide a minimum five (5) foot deep setback from the front lot line building wall, such as a balcony or deck, for the purpose of promoting a scale appropriate to surrounding neighborhoods.*

The building will be a four-story structure and the fourth floor will be setback 6 feet from the front lot line.

2. *Give preference to locating on-site, off-street parking at the rear of the lot, behind the building or below street level, providing vehicular access from either a side street or alley where possible.*

Parking will be located underground and out of view.

3. Purpose of District: *The Applicant has to ensure that the project "is consistent with the intent of the specific zoning district as specified in Article 6".*

See Section II, number 3, above.

4. Site and Area Compatibility: *The Applicant has to ensure that the project "(i)s designed in a manner that is compatible with the existing natural features of the site and is compatible with the characteristics of the surrounding area, and that the scale, massing and detailing of the buildings are compatible with those prevalent in the surrounding area".*

See Section II, number 4, above.

The design complies with the Design Guidelines in SZO §5.1.5.

1. The building maintains a strong building presence along the primary street edge, continuing the established streetwall across the front of the site so as to retain the streetscape continuity and yards and setbacks as required by Article 8 are maintained.

2. The building entrances are differentiated from the rest of the primary street elevation by recessing or projecting the entry from the plane of the streetwall.

3. The building makes use of the typical bay widths, rhythms and dimensions prevalent in buildings adjacent to the site.

4. There are clearly define these bay widths, rhythms and dimensions, making them understandable through material patterns, articulations and modulations of the facades, mullion design and treatment.

5. The roof types and slopes are similar to those of existing buildings in the area.

6. Use materials and colors are consistent with those the architectural style and period of the existing building. Use of brick masonry is encouraged and proposed.

7. The driveway to the underground parking is located on the side street and does not break the primary street wall.



8. The mechanical equipment will be located on the roof.
9. See Section II, number 2, above for how the building complies with the guidelines in Article 6 for the base district.

5. Functional Design: *The project must meet “accepted standards and criteria for the functional design of facilities, structures, and site construction.”*

The site will have a functional design. The ground floor retail area will provide a space for a small or mid-sized retail tenant that will activate the courtyard. The courtyard will provide the amenity of a usable open space in the Square. The driveway to the parking for the site will be in the back where it is least impactful.

6. Impact on Public Systems: *The project will “not create adverse impacts on the public services and facilities serving the development, such as the sanitary sewer system, the storm drainage system, the public water supply, the recreational system, the street system for vehicular traffic, and the sidewalks and footpaths for pedestrian traffic.”*

The proposal will not create adverse impacts on the public services. This proposal is a mixed-use building that will have the typical demands on public facilities. The drainage and applicable sewer regulations will be followed. The trip generation analysis for the redevelopment of the site shows that there will be 5 vehicular residential trips in the typical weekday morning and 6 vehicular residential trips in the weekday evening peak hour. The commercial use would not generate any trips in the am peak hour and 7 trips in the pm peak hour. With the existence of the Davis Square Transit Station and four MTBA bus routes within close proximity, the trip generation will likely be less than the standard ITE Trip Generation Rates. Regardless, the existing network will be able to handle the additional vehicular trips to and from the site.

7. Environmental Impacts: *“The proposed use, structure or activity will not constitute an adverse impact on the surrounding area resulting from: 1) excessive noise, level of illumination, glare, dust, smoke, or vibration which are higher than levels now experienced from uses permitted in the surrounding area; 2) emission of noxious or hazardous materials or substances; 3) pollution of water ways or ground water; or 4) transmission of signals that interfere with radio or television reception.”*

The proposal will not have any adverse impact beyond a typical residential and small scale retail development.

8. Consistency with Purposes: *“Is consistent with: 1) the purposes of this Ordinance, particularly those set forth in Article 1 and Article 5; and 2) the purposes, provisions, and specific objectives applicable to the requested special permit with site plan review which may be set forth elsewhere in this Ordinance, such as, but not limited to, those at the beginning of the various sections.”*

See Section II, number 3, above.

9. Preservation of Landform and Open Space: *The Applicant has to ensure that “the existing land form is preserved in its natural state, insofar as practicable, by minimizing grading and the erosion or stripping of steep slopes, and by maintaining man-made features that enhance the land form, such as stone walls, with minimal alteration or disruption. In addition, all open spaces should be designed and planted to enhance the attractiveness of the neighborhood. Whenever possible, the development parcel should be laid out so that some of the landscaped areas are visible to the neighborhood.”*

There are no existing land forms to preserve.

10. Relation of Buildings to Environment: *The Applicant must ensure that “buildings are: 1) located harmoniously with the land form, vegetation and other natural features of the site; 2) compatible in scale, design*



and use with those buildings and designs which are visually related to the development site; 3) effectively located for solar and wind orientation for energy conservation; and 4) advantageously located for views from the building while minimizing the intrusion on views from other buildings.”

The design is compatible in scale, design and use with the abutting building.

11. **Stormwater Drainage:** *The Applicant must demonstrate that “special attention has been given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Storm water shall be removed from all roofs, canopies, and paved area, and routed through a well-engineered system designed with appropriate storm water management techniques. Skimming devices, oil, and grease traps, and similar facilities at the collection or discharge points for paved surface runoff should be used, to retain oils, greases, and particles. Surface water on all paved areas shall be collected and/or routed so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create puddles in the paved area. In larger developments, where practical, the routing of runoff through sheet flow, swales or other means increasing filtration and percolation is strongly encouraged, as is use of retention or detention ponds. In instances of below grade parking (such as garages) or low lying areas prone to flooding, installation of pumps or other devices to prevent backflow through drains or catch basins may be required.”*

The grade, drain and utility plan has been submitted for the site. The City Engineer will ensure that the site meets the City’s stormwater management policy.

12. **Historic or Architectural Significance:** *The project must be designed “with respect to Somerville’s heritage, any action detrimental to historic structures and their architectural elements shall be discouraged insofar as is practicable, whether those structures exist on the development parcel or on adjacent properties. If there is any removal, substantial alteration or other action detrimental to buildings of historic or architectural significance, these should be minimized and new uses or the erection of new buildings should be compatible with the buildings or places of historic or architectural significance on the development parcel or on adjacent properties.”*

The building design respects the historic details on the abutting building and the form and character of Teele Square.

13. **Enhancement of Appearance:** *The Applicant must demonstrate that “the natural character and appearance of the City is enhanced. Awareness of the existence of a development, particularly a non residential development or a higher density residential development, should be minimized by screening views of the development from nearby streets, residential neighborhoods of City property by the effective use of existing land forms, or alteration thereto, such as berms, and by existing vegetation or supplemental planting.”*

The proposal includes a plaza area that will be landscaped including a mature tree that will provide a sense of enclosure for the plaza and a significant landscape element.

14. **Lighting:** *With respect to lighting, the Applicant must ensure that “all exterior spaces and interior public and semi-public spaces shall be adequately lit and designed as much as possible to allow for surveillance by neighbors and passersby.”*

The storefronts on the ground floor are lit when the businesses are open. The only additional lighting will be residential in nature and be by the front door.

15. **Emergency Access:** *The Applicant must ensure that “there is easy access to buildings, and the grounds adjoining them, for operations by fire, police, medical and other emergency personnel and equipment.”*

Emergency access is possible from Broadway or Clarendon Avenue.

16. **Location of Access:** *The Applicant must ensure that “the location of intersections of access drives with the City arterial or collector streets minimizes traffic congestion.”*



The driveway location in the back of the lot off of Clarendon Avenue minimizes traffic congestion. A proposal is being made to allow two-way traffic from the site driveway to Broadway. This would allow direct access from the site to Broadway without looping down Clarendon Street and Weston Avenue to get back to Broadway. This would allow small delivery trucks to turn into the site driveway and utilize the loading zone currently signed on Clarendon Street and return to Broadway.

17. Utility Service: *The Applicant must ensure that “electric, telephone, cable TV and other such lines and equipment are placed underground from the source or connection, or are effectively screened from public view.”*

The utility service plans needs to be submitted to Lights and Lines prior to construction. The electric, telephone, cable TV and other such lines and equipment shall be placed underground from the source or connection.

18. Prevention of Adverse Impacts: *The Applicant must demonstrate that “provisions have been made to prevent or minimize any detrimental effect on adjoining premises, and the general neighborhood, including, (1) minimizing any adverse impact from new hard surface ground cover, or machinery which emits heat, vapor, light or fumes; and (2) preventing adverse impacts to light, air and noise, wind and temperature levels in the immediate vicinity of the proposed development.”*

There will not be an increase in hard surface ground cover on the site and there will not be negative externalities from machinery emissions. The utilities will be on the middle of the roof away from the residential abutters.

19. Signage: *The Applicant must ensure that “the size, location, design, color, texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall reflect the scale and character of the proposed buildings.”*

Signage will be located on the sign band above the entrances. Planning Staff will review the final signage design since it is not yet developed without a tenant.

20. Screening of Service Facilities: *The Applicant must ensure that “exposed transformers and other machinery, storage, service and truck loading areas, dumpsters, utility buildings, and similar structures shall be effectively screened by plantings or other screening methods so that they are not directly visible from either the proposed development or the surrounding properties.”*

Mechanical equipment will be on the roof and must comply with the setback requirements. The utility information must be supplied to the City and must be screened.

21. Screening of Parking:

The parking will be located under the building and will not be visible from the street.

7. Housing Impact: *Will not create adverse impacts on the stock of existing affordable housing.*

See Section II, number 5, above.

8. SomerVision Plan: *Complies with the applicable goals, policies and actions of the SomerVision plan, including the following, as appropriate: Preserve and enhance the character of Somerville’s neighborhoods, transform key opportunity areas, preserve and expand an integrated, balanced mix of safe, affordable and environmentally sound rental and homeownership units for households of all sizes and types from diverse social and economic groups; and, make Somerville a regional employment center with a mix of diverse and high-quality jobs. The areas in the SomerVision map that are designated as enhance and transform should most significantly contribute towards the SomerVision goals that are outlined in the table below. The areas marked as conserve are not expected to greatly increase the figures in the table since these areas are not intended for large scale change.*



See Section II, number 6, above.

FINDINGS FOR VARIANCE (SZO §5.5 & §9.5) for PARKING:

The dimensional and parking requirements can be found in Section II, number 2, above.

A Variance is sought to reduce the parking requirement by approximately 11 spaces (§9.5). In order to grant a variance the Board must make certain findings and determinations as outlined in §5.5.3 of the SZO.

1. *There are “special circumstances relating to soil conditions, shape or topography of land or structures which especially affect such land or structures but not affecting generally the zoning district in which it is located, causing substantial hardship, financial or otherwise.”*

The subject property is on a corner lot in the heart of Teele Square. Underground parking is being provided to the maximum extent possible within the shape of the lot. It is a hardship to build a smaller building than that which is allowed by special permit in the district at a site where substantial activity is desired.

2. *“The variance requested is the minimum variance that will grant reasonable relief to the owner, and is necessary for a reasonable use of the building or land.”*

The parking variance will allow for the reasonable use of the land for a mixed use building that is intended in the zoning for Teele Square. It is typical in the City’s vibrant, walkable Squares that off-street parking is not provided or is provided at a reduced number than other parts of the City. The parking study including the standard trip generation figures, the mode choice showing a high-portion of non-vehicular travel to and from work, the proximity to public transportation and the availability of on-street parking spaces are all data points that support reducing the number of parking spaces than the ordinance requires. One parking space per unit will be available and 10 will be available for the commercial space. This is a reasonable number of spaces if not more than is required for the proposed uses. The retail patrons will likely use the on-street spaces. If there are excess spaces the management of the lot could be such that the parking is shared between the commercial and residential uses; however, residents seeking to live here should not be encouraged to bring more cars to the site by offering and oversupplying parking.

3. *“The granting of the variance would be in harmony with the general purpose and intent of this Ordinance and would not be injurious to the neighborhood or otherwise detrimental to the public welfare.”*

Providing 21 parking spaces onsite will not be injurious to the neighborhood. In fact, providing one space per residential unit instead of 2 or more will reduce the number of vehicles that come to the Square, reducing traffic associated with the development. The parking study submitted with this application also states that the proposal will not be injurious to neighborhood due to proximity to transit, ride to work data, trip generation and existing availability of on-street parking.



DECISION:

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Danielle Evans and Elaine Severino with Josh Safdie absent. Upon making the above findings, Susan Fontano made a motion to approve the request for a Special Permit, Special Permit with Site Plan Review and a Variance. Richard Rossetti seconded the motion. Wherefore the Zoning Board of Appeals voted **5-0** to **APPROVE** the request. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes								
1	Approval is for the construction of a mixed use building with 11 residential units and 6,300 sf of retail space with 21 parking spaces, 7 of which are compact. This approval is based upon the following application materials and the plans submitted by the Applicant:	CO / BP	ISD/Png.									
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>July 16, 2014</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>Aug 20, 2014</td> <td>Modified plans submitted to OSPCD (Z1-Z3 zoning compliance, A1.0 rendered site plan, A1.1-1.6 floor plans, A2.1-2.4 elevations, A0.1-A0.6 rendered elevations)</td> </tr> <tr> <td>Feb 27, 2014</td> <td>Modified plans submitted to OSPCD (existing conditions)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	July 16, 2014	Initial application submitted to the City Clerk's Office	Aug 20, 2014	Modified plans submitted to OSPCD (Z1-Z3 zoning compliance, A1.0 rendered site plan, A1.1-1.6 floor plans, A2.1-2.4 elevations, A0.1-A0.6 rendered elevations)	Feb 27, 2014	Modified plans submitted to OSPCD (existing conditions)
	Date (Stamp Date)				Submission							
	July 16, 2014				Initial application submitted to the City Clerk's Office							
Aug 20, 2014	Modified plans submitted to OSPCD (Z1-Z3 zoning compliance, A1.0 rendered site plan, A1.1-1.6 floor plans, A2.1-2.4 elevations, A0.1-A0.6 rendered elevations)											
Feb 27, 2014	Modified plans submitted to OSPCD (existing conditions)											
Any changes to the approved site plan, elevations or use that are not <i>de minimis</i> must receive SPGA approval.												
Affordable Housing												
2	Affordable Housing Implementation Plan (AHIP) should be approved by the OSPCD Housing Division and executed prior to issuance of Building Permit. One affordable unit shall be provided on-site.	BP	Housing									
3	Written certification of the creation of affordable housing units, any fractional payment required, or alternative methods of compliance, must be obtained from the OSPCD Housing Division before the issuance of a Certificate of Occupancy (C.O.). No C.O. shall be issued until the OSPCD Housing Division has confirmed that the Affordable Housing Restriction has been approved and recorded and the developer has provided the promised affordable units on-site.	CO	Housing									



4	No Certificate of Occupancy shall be issued until the OSPCD Housing Division has confirmed that: (for Condominium Projects) the Condominium Documents have been approved and the Developer has agreed to a form of Deed Rider for the Affordable Unit(s), or (for Rental Projects) the Developer has agreed to and executed a Memorandum of Understanding for Monitoring of the Affordable Unit(s).	CO	Housing	
Pre-Construction				
5	The Applicant must contact the Engineering Department to obtain a street address prior to a building permit being issued.	BP	Eng	
6	The Applicant will be required to demonstrate that the updated project plans meet the current City of Somerville stormwater policy. Utility, grading, and drainage plans must be submitted to the Engineering Department for review and approval.	BP	Eng.	
7	The Applicant shall submit a proposed grading and drainage plan, stamped by a registered PE in Massachusetts that demonstrates compliance with the City's stormwater policy.	BP	Eng.	
8	The Applicant shall submit a proposed drainage report, stamped by a registered PE in Massachusetts that demonstrates compliance with the City's stormwater policy.	BP	Eng.	
9	The Applicant must contact the Engineering Department to coordinate the timeline for cutting or opening the street and/or sidewalk for utility connections or other construction. There is a moratorium on opening streets from November 1st to April 1 st .	BP	Eng.	
Construction Impacts				
10	The Applicant shall at his expense replace any existing equipment (including, but not limited to street sign poles, signs, traffic signal poles, traffic signal equipment, wheel chair ramps, granite curbing, etc) and the entire sidewalk immediately abutting the subject property if damaged as a result of construction activity. All new sidewalks and driveways must be constructed to DPW standard.	CO	DPW	
11	All construction materials and equipment must be stored onsite. If occupancy of the street layout is required, such occupancy must be in conformance with the requirements of the Manual on Uniform Traffic Control Devices and the prior approval of the Traffic and Parking Department must be obtained.	During Construction	T&P	
Design				
12	Applicant shall provide the final design and material samples for the kiosk and any changes to the materials marked on the plans to the Design Review Committee for review and comment and to Planning Staff for review and approval prior to construction.	BP	Plng.	
13	An exterior light and electrical receptacle is required for the first (or all) level of the porch and an electrical receptacle is required for the second level (if there is no access to the ground).	Final sign off	Wiring Inspector	



Site				
14	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD	
15	The electric, telephone, cable TV and other such lines and equipment shall be placed underground from the source or connection. The utilities plan shall be supplied to the Wiring Inspector before installation.	Installation of Utilities	Wiring Inspector	
16	Applicant will supply 4 bicycle parking spaces, which can be satisfied with 2-U type bicycle racks.	CO	Plng.	
Miscellaneous				
17	The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the building and all on-site amenities, including landscaping, fencing, lighting, parking areas and storm water systems, ensuring they are clean, well kept and in good and safe working order.	Cont.	ISD	
Public Safety				
18	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
19	To the extent possible, all exterior lighting must be confined to the subject property, cast light downward and must not intrude, interfere or spill onto neighboring properties.	CO	Plng.	
20	Because of the history of the site and the intended use, the Applicant shall, prior to issuance of any foundation permit and/or any building permit for the project, provide to the Planning Department and the Inspectional Services Division: a) a copy of the Response Action Outcome (RAO) Statement, signed by a Licensed Site Professional (LSP) and filed with DEP, verifying that a level of no significant risk for the proposed residential use has been achieved at the site; or b) if remediation has not reached the RAO stage, a statement signed by an LSP describing (i) the management of oil and hazardous materials/waste at the site, including release abatement measures intended to achieve a level of no significant risk for residential use at the site, treatment and storage on site, transportation off-site, and disposal at authorized facilities, (ii) a plan for protecting the health and safety of workers at the site, and (iii) a plan for monitoring air quality in the immediate neighborhood.	Foundation Permit	Plng/ISD	
21	The Applicant will move the trash room to the Clarendon Avenue side of the building near the garbage ramp.	BP	Plng.	
22	A minimum of 6 parking spaces will be deeded (if this is a condo building) or dedicated (if it is a rental building) for the commercial or retail uses.	CO	Plng.	
Signage				



23	Signage will be limited in size and location to the sign band above the entrances to the building. The signage design shall be submitted to Planning Staff for review and approval.	CO/Cont.	Plng.	
Final Sign-Off				
24	The Applicant shall contact Planning Staff at least five working days in advance of a request for a final inspection by Inspectional Services to ensure the proposal was constructed in accordance with the plans and information submitted and the conditions attached to this approval.	Final sign off	Plng.	
25	The Applicant will submit revised landscape plan including planter design and updated plantings for review and approval by Planning Staff.	Installation of patio and landscaping	Plng.	



Attest, by the Zoning Board of Appeals:

Herbert Foster, *Chairman*
Orsola Susan Fontano, *Clerk*
Richard Rossetti
Danielle Evans
Elaine Severino

Attest, by the Administrative Assistant:

Dawn M. Pereira

Copies of this decision are filed in the Somerville City Clerk's office.
Copies of all plans referred to in this decision and a detailed record of the
SPGA proceedings are filed in the Somerville Planning Dept.

CLERK'S CERTIFICATE

Any appeal of this decision must be filed within twenty days after the date this notice is filed in the Office of the City Clerk, and must be filed in accordance with M.G.L. c. 40A, sec. 17 and SZO sec. 3.2.10.

In accordance with M.G.L. c. 40 A, sec. 11, no variance shall take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title.

Also in accordance with M.G.L. c. 40 A, sec. 11, a special permit shall not take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and either that no appeal has been filed or the appeal has been filed within such time, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The person exercising rights under a duly appealed Special Permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone.

The owner or applicant shall pay the fee for recording or registering. Furthermore, a permit from the Division of Inspectional Services shall be required in order to proceed with any project favorably decided upon by this decision, and upon request, the Applicant shall present evidence to the Building Official that this decision is properly recorded.

This is a true and correct copy of the decision filed on _____ in the Office of the City Clerk, and twenty days have elapsed, and

FOR VARIANCE(S) WITHIN

_____ there have been no appeals filed in the Office of the City Clerk, or
_____ any appeals that were filed have been finally dismissed or denied.

FOR SPECIAL PERMIT(S) WITHIN

_____ there have been no appeals filed in the Office of the City Clerk, or
_____ there has been an appeal filed.

Signed _____ City Clerk Date _____

