



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2014-69
Site: 620 Broadway
Date of Decision: August 5, 2015
Decision: Petition Approved with Conditions
Date Filed with City Clerk: August 18, 2015

ZBA DECISION

Applicant Name:	620 Broadway, LLC
Applicant Address:	741 Broadway, Somerville, MA 02144
Property Owner Name:	Somerville Citgo, Inc., c/o Ibrahim Galal
Property Owner Address:	239 Pleasant Street, Arlington, MA 02474
Agent Name:	Sean T. O'Donovan, Esq.
Agent Address:	741 Broadway, Somerville, MA 02144

<u>Legal Notice:</u>	Applicant, 620 Broadway LLC and Owner, Somerville Citgo Inc., seek a Special Permit with Site Review to establish an 11 unit building, a Special Permit to alter a nonconforming structure per SZO 4.4.1, a Special Permit per SZO §9.13 for relief from parking dimensional standards, shared parking, and reduction of required parking for a specific use.
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<u>Zoning District/Ward:</u>	NB zone/Ward 5
<u>Zoning Approval Sought:</u>	§4.4.1 & §9.13
<u>Date of Application:</u>	July 17, 2015
<u>Date(s) of Public Hearing:</u>	5/20, 6/10, 6/24, 7/15 & 8/5/15
<u>Date of Decision:</u>	August 5, 2015
<u>Vote:</u>	5-0

Appeal #ZBA 2014-69 was opened before the Zoning Board of Appeals at Somerville City Hall originally on May 20, 2015 and re-advertised for August 5, 2015. 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 two hearings of deliberation, the Zoning Board of Appeals took a vote.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
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DESCRIPTION:

The proposal is to build mixed use development with a retail first floor and 11 units above. The first floor will be two tenant spaces, one at 2,300 square feet and the other at 675 square feet. There’s a patio for the tenant of the larger commercial space. There will also be a residential lobby. The far left of the site will be the driveway into a parking area. There are 18 parking spaces underneath the building. The applicant is using car lifts to maximize space and meet the parking requirement. The second floor will be 4 units, the third floor is another 4 units, and there will be 3 units on the fourth floor. In total, there are 7 – 3 bedrooms and 4 – 2 bedrooms. The units average 1,440 square feet. One unit will be an inclusionary unit. There are green roofs on top of the 3rd floor as well as a commonly accessible deck.

FINDINGS FOR SPECIAL PERMIT:

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."*

The SPGA may grant a special permit modifying certain parking/loading standards when consistent with the purposes set forth in Section 9.1: increase in traffic volumes, increased traffic congestion or queuing of vehicles, change in the type of traffic, change in traffic patterns and access to the site, reduction in on-street parking, unsafe conflict of motor vehicle and pedestrian traffic. The application requires a special permit to modify the parking/area design standards, a special permit for 5 shared parking spaces between the commercial and residential spaces, and a 20% reduction of required parking for a specific use. The parking calculation for the development is below.

Residential		
3 bedroom (2 spaces required)	=7 x 2	14 spaces
2 bedroom (1.5 spaces required)	=4 x 1.5	6 spaces
Visitor’s Parking (1 per 8 units)	=11/6	1.83 spaces
Residential Parking Requirement		21.83 spaces
Commercial Parking Requirement	=2975/500	5.9 spaces
Total without Relief		27.73 or 28 spaces
Specific Use Relief	-20% Proximity to Transit	-5.5 spaces
Shared Parking		-5.5 spaces
Total with Relief		17 spaces

Eighteen parking spaces are provided onsite. With shared parking and a reduction for proximity to transit the parking requirement drops to 17 spaces. Of the 18 parking spaces provided 2 spaces are independent. The remaining spaces are using [car lifts](#) and can be independently operated. They’re better than tandem spaces because with the push of a button (instead of an ignition switch) the car needed is accessible without idling vehicles.

Under the proposed zoning code there is a parking maximum for the site. The applicant can provide up to 1 per unit. There is no parking required for retail spaces under 5,000 square feet.

The change in use from a gas station to a mixed use vehicle will reduce the traffic to the site because of the inherent automotive heavy use of the gas station. The retail spaces will be neighborhood serving, most patrons will walk,



bike, or take public transportation. Generally, since the site is so close to transit the tenants are self-selecting and will choose to live there for an easy commute. However, developments with parking attract people with cars.

In considering a special permit of the SZO, Board finds that the parking layout would not be detrimental to the neighborhood.

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 promoting the health, safety, and welfare of the inhabitants of the City of Somerville and to encourage the most appropriate use of land throughout the City.

The proposal is consistent with the purpose of the district, which is, "To 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."

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 surrounding neighborhood is a mix of residential and commercial uses. The site is in Ball Square where it begins to transition back to a residential corridor. A mixed use building is most appropriate for the site.

5. Vehicular and pedestrian circulation: *The circulation patterns for motor vehicles and pedestrians which would result from the use or structure will not result in conditions that create traffic congestion or the potential for traffic accidents on the site or in the surrounding area.*

The parking layout makes efficient use of the space without sacrificing the experience at the street.

FINDINGS FOR SPECIAL PERMIT WITH SITE PLAN REVIEW:

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."*

To establish a use of greater than 7 units requires a Special Permit with Site Review. The proposal is for 11 units.

In considering a special permit under §7.11 of the SZO, the Board finds that the use proposed would not be substantially more detrimental to the neighborhood than the existing use. Planning Staff has encouraged the development team to propose more units because of the proximity to transit but the lot area per dwelling unit only allows 12 units.



All developments within the NB district that require a special permit with site plan review should comply with the following guidelines to the highest degree practicable.

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 has a step back on the 4th floor. A condition of this report is that the architectural bays on the street and right façade terminate at the top of the third floor. This is similar to the concept image for the neighborhood plan and further reinforces the guidelines of the NB district. Since this site is so visible, it's important that the sides also have a 5' step back, this is also a condition of this report.

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.

The parking plan is described above.

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".*

The proposal is consistent with the purpose of the district, which is, "To 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." However, to develop this property without the appropriate density near the transit station is a lost opportunity.

In the proposed code, the purpose of the 4MU district which is the district proposed for this site is as follows:

1. To permit the development of mixed-use and commercial building types.
2. To promote diversity in housing, including unit types, size, bedroom count, and affordability.
3. To promote housing for smaller households on the upper floors of residential mixed-use buildings.
4. To promote quality commercial space for neighborhood serving commercial uses.
5. To provide the community with a predictable outcome from development and redevelopment.

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".*

The proposal is compatible with the surrounding neighborhood. The main street buildings in their area are primarily brick and wood with intricate design details on the cornices and sign bands. A condition of this report is that the building materials including cast stone, brick, composite siding be submitted to Planning Staff for review and approval. No precast shall be used on the building.

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

The project will meet the functional design criteria.

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 project will not create an impact on public services.



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.”*

An environmental report was submitted as part of the application. The site, if necessary, will be cleaned by the owner prior to the sale to the applicant.

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.”*

The proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to promoting the health, safety, and welfare of the inhabitants of the City of Somerville; to provide for and maintain the uniquely integrated structure of uses in the City; to encourage the most appropriate use of land throughout the City; to encourage housing for persons of all income levels; and to preserve and increase the amenities of the municipality.

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 natural features on the site. A condition of approval is that landscape plan including the plaza design is submitted by a licensed landscape architect so the landscape is enhanced.

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 buildings are located harmoniously with the land form.

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 proposal will comply with the City stormwater 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 existing building most likely is less than 50 years old and will not be reviewed by the HPC. The building, if redesigned to fit in with the context of the surrounding area will respect the architectural precedence in Somerville.

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.”*

This is an appropriate location for higher density because of the railroad tracks behind the property. The only abutter is the DAV. The character of the site will be enhanced due to the current use of the site.

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 building will comply with the lighting standard.

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.”*

The building complies with emergency access requirements.

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 access to the building is consolidated into one curbcut and will limit conflicts on the street.

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.”*

All utilities shall be placed underground.

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 are no adverse impacts associated with the proposal.

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.”*

All signage shall be reviewed by Planning Staff when a tenant is secured.



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.”*

Based on feedback from the electrical inspector, the transformer location will need to be approved by Eversource. If the current location is not approved, the transformer shall be vaulted on site.

21. Screening of Parking:

The parking will be screened by the parking. The bicycle parking is located on the driveway side of the building. A condition of this report is that the bike storage comply with the SZO and be covered and secure.

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

The project will not impact the existing stock of affordable housing.

22. 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.*

<u>SomerVision Summary</u>	<i>Existing</i>	<i>Proposed</i>
<i>Dwelling Units:</i>	0	11
<i>Affordable Units:</i>	0	1
<i>Commercial Sq. Ft.:</i>	Approx. 1,500	2,750
<i>Estimated Employment:</i>	Unknown	unknown
<i>Parking Spaces:</i>	Unquantified	18+2 street spaces
<i>Publicly Accessible Open Space:</i>	0	0

The site is a key opportunity area that the Board wants to see investment. The project will add commercial space and residential units to the Ball Square area.



DECISION:

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Elaine Severino, Josh Safdie and Anne Brockeleman with Danielle Evans absent. Upon making the above findings, Richard Rossetti made a motion to approve the request for a Special Permit. Elaine Severino 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 a mixed use building with first floor retail, parking with 11 residential units above. This approval is based upon the following application materials and the plans submitted by the Applicant:	CO / BP	ISD/PIng.							
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>July 17, 2014</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>July 15, 2015</td> <td>Modified plans submitted to OSPCD (Cover, Plot Plan, Z1 Zoning Compliance Plan, A.01 3D Views, A1.1 First FP, A1.2 Second FP, A1.3 Third FP, A1.4 Fourth FP, A1.5 Roof Plan, A2.1 North and South Elev, A2.2 East and West Elev)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	July 17, 2014	Initial application submitted to the City Clerk's Office	July 15, 2015	Modified plans submitted to OSPCD (Cover, Plot Plan, Z1 Zoning Compliance Plan, A.01 3D Views, A1.1 First FP, A1.2 Second FP, A1.3 Third FP, A1.4 Fourth FP, A1.5 Roof Plan, A2.1 North and South Elev, A2.2 East and West Elev)
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Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.										
Affordable Housing/Linkage										
2	Affordable Housing Implementation Plan (AHIP) should be approved by the OSPCD Housing Division and executed prior to issuance of Building Permit. Affordable units 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 will be required to demonstrate that the updated project plans meet the current City of Somerville stormwater policy. Utility, grading, and drainage plans/reports must be submitted to the Engineering Department for review and approval.	BP	Eng.	
6	New sanitary connection flows over 2,000 GPD require a 4:1 removal of infiltration and/or inflow by the Applicant. This will be achieved by submitting a mitigation payment to the City based on the cost per gallon of I/I to be removed from the sewer system. The Applicant shall work with Engineering to meet this condition before a certificate of occupancy is issued.	CO	Eng.	
7	The Applicant shall develop a demolition plan in consultation with the City of Somerville Inspectional Services Division. Full compliance with proper demolition procedures shall be required, including timely advance notification to abutters of demolition date and timing, good rodent control measures (i.e. rodent baiting), minimization of dust, noise, odor, and debris outfall, and sensitivity to existing landscaping on adjacent sites.	Demolition Permitting	ISD	
8	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 1st and there is a list of streets that have additional opening restrictions.	BP	Eng	
Construction Impacts				
9	The applicant shall post the name and phone number of the general contractor at the site entrance where it is visible to people passing by.	During Construction	Plng.	
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	The architectural bays on the front and west facades shall terminate at the top of the third floor. Plans shall be submitted to Planning Staff for review and approval.	BP	Plng	
13	The 5' step back on the fourth floor shall be on the front and side elevations with the exception of the stairwell. A revised plan shall be submitted to Planning Staff for review and approval.	BP	Plng	



14	The building materials shall be cast stone, brick, composite siding, and dark windows. No precast or vinyl shall be used on the building. Materials shall be submitted to Planning Staff for review and approval.	BP	Plng	
15	The AC Units shall be screened.	BP	Plng	
16	On the east elevation, the brick shall transition to composite siding in alignment with the stairwell on the 4 th floor. The brick tower over the stairwell discharge shall be omitted.	BP	Plng	
17	The garage openings on the east elevation shall have a knee wall and be screened with a metal mesh or similar unless this interferes with building code requirements for an open garage.	BP	Plng	
18	There shall be a garage door and man door on the east elevation	BP	Plng.	
19	The precast base shall be substituted with an approximately 4" granite course. The first floor shall be brick or cast stone.	BP	Plng.	
Site				
20	A landscape plan shall be submitted by a licensed landscape architect for Planning Staff review and approval that includes the patio. There shall be a minimum of one tree for each 1,000 sf of required landscaped area under SZO §10.3.	CO	Plng	
21	The Applicant shall provide sheltered and secured bike parking for a minimum of 2 racks that can accommodate 4 bikes on site.	CO	Plng	
22	The applicant shall install two u-shaped bicycle racks along the Broadway frontage. Applicant shall work with Planning Staff to determine the proper locations.	CO	Plng	
23	The Applicant shall protect the two existing street trees during construction. If the tree is damaged during construction it shall be replaced with a tree similar in caliper.	BP	Plng	
24	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD	
25	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	
26	The Applicant shall close the unneeded curb cut to City of Somerville standards.	CO	Plng	
27	The Applicant shall reduce the size of the existing curbcut if larger than the proposed driveway. Specifically, all driveway aprons shall be concrete and comply with the proposed zoning code diagram 8.5 Driveway and Alley Crossings.	CO	Plng	
28	The Applicant shall install one street tree.	CO	Plng	
29	The Applicant shall replace the sidewalk along the frontage of the project site. All new sidewalks will be installed by the Applicant in accordance with the specifications of the Highway Superintendent.	CO	Plng.	
30	Applicant will screen the dumpster with fencing that blocks any view of the dumpster itself.	CO	Plng.	



Traffic & Parking				
31	Applicant shall use Phantom Park car lifts, or similar, that do not require relocation of one car to access the other car on the lift. Specification will be submitted to staff for review and approval prior to order.	BP	PIng	
Miscellaneous				
32	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	
33	For developments with 7 or more residential units or commercial development, the Owner/Applicant is required to hire a private company to remove trash and recycling on a regular basis.	Perp	DPW	
Public Safety				
34	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
35	If the transformer cannot be installed where it is currently shown on the plans it must be vaulted on site.	Electrical permits & CO	PIng	
36	Notification must be made, within the time period required under applicable regulations, to the Massachusetts Department of Environmental Protection (DEP) if there is any release of oil, hazardous materials, or regulated hazardous substances at the site. The City's OSE office, Fire Department and the Board of Health shall also be notified.	CO	OSE/FP/B OH	
37	The suspected underground fuel tanks on this site must be removed under the supervision of the Fire Prevention Bureau. Permits will be required for these removals.	CO	FP	
38	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	PIng.	

39	<p>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:</p> <p>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</p> <p>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.</p>	Foundation Permit	Plng/ISD	
Signage				
40	Signage will be limited in size and location to that shown in the elevation diagrams and lighting after 10p.m. facing residential property will be turned down or off. Signage shall be submitted to Planning Staff for review and approval when a tenant(s) is secured.	CO/Cont.	Plng.	
Final Sign-Off				
41	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.	



Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chairman*
Richard Rossetti, *Clerk*
Elaine Severino
Josh Safdie
Anne Brockelman, (Alt)

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 _____

