



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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MAYOR

PLANNING DIVISION

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Case #: ZBA # 2012-05
Site: 181 Cedar Street
Date of Decision: May 2, 2012
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: May 9, 2012

ZBA DECISION

Applicant Name:	181 Cedar Street, LLC
Applicant Address:	661 Main Street, Unit #11, Malden, MA 02148
Property Owner Name:	181 Cedar Street, LLC
Property Owner Address:	661 Main Street, Unit #11, Malden, MA 02148
Agent Name:	Richard G. DiGirolamo, Esq.
Agent Address:	424 Broadway, Somerville, MA 02145

Legal Notice: Applicant and Owner 181 Cedar Street, LLC, seeks a Special Permit with Site Plan Review under SZO §7.3 to construct six dwelling units and a Variance under SZO §5.5 from the parking requirements of SZO §9.5 for relief from four required off-street parking spaces.

<u>Zoning District/Ward:</u>	RB zone/Ward 5
<u>Zoning Approval Sought:</u>	§7.3, §5.5 & §9.56
<u>Date of Application:</u>	January 4, 2012
<u>Date(s) of Public Hearing:</u>	4/4, 4/18 & 5/2/12
<u>Date of Decision:</u>	May 2, 2012
<u>Vote:</u>	5-0 (SPSR) & 5-0 (Variance)

Appeal #ZBA 2012-05 was opened before the Zoning Board of Appeals at Somerville City Hall on April 4, 2012. 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.



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DESCRIPTION:

The proposal is to entirely demolish the old commercial structure and build a six unit residential structure with parking in the rear. The structure will be three stories and 39 feet high with two gable roof peaks. The building would be divided into two sections by a stairwell that would provide access to all three floors of the building as well as the basement. Each half of the building would contain three units, one on top of the other, and each unit layout would mirror the one across the hallway from it. Each unit would contain a kitchen and dining area, a living room, two full bathrooms, and private outdoor deck space. The basement would contain space for general storage for the building and space for mechanical equipment, as well mechanical and private storage spaces for Units #1 and #2 on the first floor. One of the units in the building would be an affordable unit as defined in Somerville Zoning Ordinance (SZO) Article 13.

The main entrance to the building would be accessed from stairs directly off of Cedar Street or via an accessible ramp that would stretch all the way to the corner of Cedar and Warwick Streets. The once open site which contained no curb cuts at all would be entirely enclosed with curbing except for one twelve foot wide opening for the driveway off of Warwick Street, which would provide access to the six parking spaces at the rear of the site. A rear door to the building would provide access into the stairwell on the first floor. A trash enclosure would be located in the back left corner of the site, surrounded with a six foot high fence. There will be landscaping in the front, rear, and side yards of the site, but the details of the plantings are not yet determined.

FINDINGS FOR SPECIAL PERMIT WITH SITE PLAN REVIEW (SZO §5.2 & §7.3):

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.”

In considering a Special Permit with Site Plan Review under §7.3 of the SZO, the Board finds that the use proposed would not be substantially more detrimental to the neighborhood than the existing use. The Applicant is meeting all dimensional requirements of Article 8. An affordable unit will be provided onsite through an AHIP. The project complies with lot area per dwelling unit requirements for six units.

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 fairly consistent with the purpose of the district (6.1.2. RB - Residence Districts), which is, “To establish and preserve medium density neighborhoods of one-, two- and three-family homes, free from other uses except those which are both compatible with and convenient to the residents of such districts.” While the existing structure is technically a six unit building because the two, three-unit portions of the building are connected, the density of the project mimics that of the other surrounding residential properties in the neighborhood. If the two lots that make up the site were permitted to be subdivided under the SZO (which they are not), they would still meet the lot area per dwelling unit requirements for two lots containing three-family structures.

4. Site and Area Compatibility: The Applicant has to ensure that the project “is 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 buildings are compatible with those prevalent in the surrounding area.”



The proposed six unit residential use would be compatible with the surrounding residential uses of the neighborhood. The property is located at the edge of an RB zoning district that abuts a BB and RA district. There are a few commercial uses in the area but the neighborhood is primarily residential consisting predominantly of single-, two-, and three-family dwellings, with some multi-family dwellings mixed in. For the most part, all of the structures in the area are between 2½ and 3 stories. While this particular project contains more dwelling units than most of the properties in the area with six, the size, massing, and roof lines are fairly comparable to the physical context of the existing neighborhood. Additionally, by pulling the building right up against Cedar Street and locating the parking at the rear of the lot, the project helps to establish the streetwall along Cedar Street and create a more friendly pedestrian environment. Furthermore, the location of the property half a block from the Community Path and the fact that it is only a short walk to Broadway and Highland Avenue make it a quality location to allow residents to take advantage of the multiple modes of public transportation available in the city.

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

The site meets the accepted standards for a functional design. The new structure will sit right up against Cedar Street establishing the streetwall in the area and promoting a more pedestrian friendly streetscape than the existing commercial building which separates itself from the streetscape with a large swath of parking. The project will close an extremely long curb cut that spans Cedar and Warwick streets and turn six on-street parking spaces back over to the neighborhood. Vehicular access to and from the property will occur through the Warwick Street curb cut, which will be consistent with the existing traffic pattern in the neighborhood. All vehicles entering the project site will have to come off of Cedar Street and travel down Warwick Street, which is one way. This also means that all vehicles leaving the site will have to make a left onto Warwick Street and travel around to Clyde Street to get back out onto Cedar Street. Allowing the only vehicular access to the site via Warwick Street will keep traffic patterns in the neighborhood simple and safe. The parking area at the rear of the site has sufficient space for vehicles to maneuver and exit the site in a forward direction. The Applicant will need to confirm with the City Engineer that the drainage system is acceptable, as conditioned.

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 approval of the Special Permit with Site Plan Review shall be contingent upon the City Engineer’s determination that no adverse impacts on public systems will result from the development. The last previous use at the site was a laundromat and dry cleaning business that was heavily car dependent and the change in use will improve the site’s impact on the street system and sidewalks. The sidewalk along the entire project site will become safer and more pedestrian friendly with the closure of the lengthy curb cut. Additionally, the new curb cut on Warwick Street is in a location that City Staff does not find to be detrimental. Its size and location will limit the traffic access points for the project to the one location on Warwick Street.

7. Environmental Impacts: The Applicant has to ensure that the project “will not create adverse environmental impacts, including those that may occur off the site, or such potential adverse impacts will be mitigated in connection with the proposed development, so that the development will be compatible with the surrounding area.”

Due to the residential nature of the proposed structure no environmental impacts are foreseen as a direct result of this development. In fact, the change from a commercial laundromat and dry cleaning business to a six unit residential building with less parking will improve the environmental impact situation in the area.

8. Consistency with Purposes: The Applicant has to ensure that the project "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.”



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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 lessen congestion in the streets; to prevent the overcrowding of land; to avoid undue concentration of population; to conserve the value of land and buildings; to encourage the most appropriate use of land throughout the City; and to encourage housing for persons of all income levels.”

The proposal is also fairly consistent with the purpose of the district (6.1.2. RB - Residence Districts), which is, “To establish and preserve medium density neighborhoods of one-, two- and three-family homes, free from other uses except those which are both compatible with and convenient to the residents of such districts.” While the existing structure is technically a six unit building because the two, three-unit portions of the building are connected, the density of the project mimics that of the other surrounding properties in the neighborhood.

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.”

At this site there is not much of an existing land form to speak of as much of the existing property is paved or covered by the existing commercial structure. The new building will not be disrupting the grading or existing land forms of the site. The new building’s massing will be pushed closer to Cedar Street to allow for parking access at the rear of the property. This is beneficial to the neighborhood as it helps to establish the streetwall along Cedar Street. The building has been designed so that most of the landscaped areas will be located between the building and the sidewalk where the landscaping will be visible to the neighborhood. The overall landscaping at the site will be increased from approximately 5% to over 40%, which will help to enhance the Cedar Street neighborhood. Most of the landscaped areas at the site are laid out in a manner that those passing by on the public right-of-way will be able to experience the project’s landscaping.

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 building will mimic the form of the other residential buildings in the neighborhood with its gable roofs and entrance and front steps right up against the Cedar Street streetscape. Many other buildings on Cedar Street are even closer to the street than this building is, as proposed. However, to move the proposed structure any closer to the street would require a dimensional Variance from the front yard setback requirements of the SZO. The building would be slightly taller than the surrounding properties but would still meet the dimensional height limit of 40 feet.

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 powered 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.”



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While additional review is required of drainage plans, any approval of the Special Permit with Site Plan Review should be conditional upon the City Engineer's approval of such plans and determination that no adverse impact will result to the drainage system from the project's design. The Board has therefore included a condition that the Applicant be required to demonstrate that the project meets the current City of Somerville stormwater policy and that utility, grading, and drainage plans must be submitted to the Engineering Department for review and approval.

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 commercial structure at the site is not significant and it would not be detrimental to demolish it. Historic Preservation indicated the following in a memorandum to Planning Staff dated March 28, 2012:

Historical and Architectural Significance

The existing buildings on the site are less than 50 years old and are therefore exempt from Commission review of their significance.

Proposed Work and Recommendations

5.4.6.7 of the Zoning Ordinance clearly states that building and landscape design shall be in harmony with the prevailing character and scale of buildings in the neighborhood. The proposed 6-unit building does not match the other residential buildings on this side of Cedar Street. It is taller than the nearby 2 ½ story houses on either Cedar or Warwick Streets.

The building's orientation to the street is unclear in its geometry. The main façade should be the most formal and mannered in its approach, the face of the building that is shown to the world. As one moves around the building the purpose of the rooms should become more private with the rear being the least public and most private area. In this building, the form, the massing and the fenestration patterns reverses the traditional order.

While the fenestration may be symmetrical across the front of the building, it does not relate to the traditional window pattern usually found on the front of gable-end buildings. The windows do not have a strong relationship to each other with the smallest least important windows located centrally. The change in materials in the front gables is more appropriate than the previous iteration but still does not have a clear relationship to the eaves, the windows or a change in the floors.

The rear of the building with its matching gables and its pairs of large double-hung windows have a more formal function than the front with the change of materials in the rear gables clearly related to the window sash divisions. As noted on the front, this would traditionally be related to the base of the windows, the edge of the eaves or a change in the floors.

While the sides of buildings show the transition from public to private uses on the inside, the Warwick Street elevation seems too informal. The side view is more in-keeping with the rear of a building with its stacked porches located asymmetrically around the side bays.

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."



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The overall appearance of the new building and the reorientation of the site layout will greatly enhance the neighborhood from the existing commercial building at the property. Changing the site from a commercial property to residential units will help the property to better fit into the context of the surrounding neighborhood. The building will help to reestablish the streetwall in this location along Cedar Street to mimic the setting in the rest of the neighborhood. Landscaping will be added to the site in highly visible locations at the front and on the sides of the building. There will be vegetation between the building and the sidewalk and at the corner of Cedar and Warwick streets.

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 lighting will be residential in nature and conditioned to not interfere with neighboring properties. The Board has included a condition that 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.

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 vehicles will have access to the building directly off of Cedar Street through the front entrance and into the lobby area. Emergency vehicles and personnel will also be able to reach the back of the structure via the 12 foot wide curb cut on Alpine Street that provides access to the rear parking area for the building.

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 elimination of the curb cut on Cedar Street will improve the pedestrian environment, increase safety, and eliminate traffic conflicts that exist with a curb cut being so close to an intersection. The existing site has one large curb cut that allows access to the property from either Cedar Street or Warwick Street. The entire curb cut on Cedar Street and much of the curb cut on Warwick Street will be eliminated which will create six new on-street parking spaces for the neighborhood. These spaces would more than offset the difference between the proposed and required number of parking spaces for the project. A small curb cut on Warwick Street will be retained to provide driveway access to the on-site parking spaces in the rear. This small curb cut will help to minimize traffic congestion as it will direct all traffic from the project onto Warwick Street, which is consistent with the existing traffic pattern of the neighborhood off of Cedar Street. Warwick Street is much less heavily traveled than Cedar Street and it is a one way street heading away from Cedar 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.”

The Applicant is proposing to tie into the existing City services for electric, telephone, and cable. Any new lines would be placed underground from the source or connection in accordance with the SZO and the policies of the Superintendent of Lights and Lines.

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.”

Minimal negative impacts are anticipated as a result of the proposed residential use. To help prevent potential adverse impacts from affecting abutters to the project, the development was pulled up towards the Cedar Street streetscape as much as possible. This helps to move all of the activity, services, and mechanical



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equipment associated with six residential units as far away from the other residential properties in the area as possible. This will be an improvement over the location of the commercial building which was set back from Cedar Street as far as possible. Additionally, the Applicant will be installing a six foot high trash enclosure around the on-site dumpster to help to minimize the impacts of this waste holding area on abutters. Furthermore, much of the mechanical equipment for the building will be enclosed in the basement, with the exception of the air conditioner condensers which will be located on either side of the building at grade.

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.”

Due to the residential nature of the building, signage is not anticipated at the site. The only signage being proposed at this time is a small address label above the main entrance. Any signage in the future would have to conform to the sign standards for residential districts.

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.”

In the back left corner of the site there will be trash enclosure with a six foot high fence surrounding it. The Board has also included a condition that if trash and recycling bins are kept outside they shall be screened by fencing or vegetation that blocks any view of them. Much of the mechanical equipment for the building will be situated in the basement. The air conditioner compressors for each unit will be tucked on the left and right sides of the building at grade and will be somewhat screened by the decks and vegetation along the foundation. A transformer is not being proposed for this project as a three phase service will be used.

21. Screening of Parking: The Applicant must ensure that “the parking areas should be screened or partitioned off from the street by permanent structures except in the cases where the entrance to the parking area is directly off the street.”

All six of the proposed parking spaces will be located behind the proposed structure which will block their view entirely from Cedar Street. The six spaces will also be setback approximately 18 feet from Warwick Street and screened with low lying landscaping and trees, which will limit their visibility as one moves down Warwick Street.

FINDINGS FOR VARIANCE (SZO §5.5 & §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 Applicant indicated the following response to this question in their application: The lot size would not permit additional parking as it has been the suggestion of the City to create more landscaping/open space on this site. By having more open space and landscaping this project takes on the feel of its own small community. Further, at the City’s suggestion, the Applicant will be putting in a curb, which will create six (6) on-street parking spaces that were not there previously. These additional spaces would give the neighborhood six (6) parking spaces it did not have before, and even if a resident used an on-street parking space from time to time, it would not be used continuously and therefore give the neighborhood additional on-street parking.



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The proposed project's building footprint takes up approximately 30% of the site and the proposed six space parking area and driveway occupies approximately another 30%. While the percentage of landscaped area for the project more than exceeds the 25% required for the district, accommodating for an additional four on-site parking spaces would be greatly detrimental to the project's design and quality. Providing for four additional spaces would greatly diminish the amount of landscaping at the site and possibly necessitate the removal of a dwelling unit or two from the project. A redevelopment plan with fewer units and compliant parking requirements is not financially viable and would not meet the expectations of quality design set out by the required findings for development in the SZO. The Board finds that there are special circumstances affecting the property that are causing a substantial hardship.

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 Applicant indicated the following response to this question in their application: A two or three space parking Variance would not be the minimum relief necessary; as discussed previously the landscaping and open space does not permit the space for additional parking spaces. Also, the City has requested that the dumpster location be changes so that it is outside as well which takes up additional space as well. As to the close proximity to the bike path, this would offset the need for additional parking spaces on the site, based on nearly 15% of Somerville residents walk or use a bike to get to work. The bike path is used as means of travel by walkers and bicyclists and not just for recreational purposes.

Six residential units is a reasonable use for this site where the lot area per dwelling unit requirement will be met and an affordable housing unit will be located on the site. Each unit will have one dedicated parking space which is a reasonable number of parking spaces for this type of development in this area of the City. Section 9.5 of the SZO requires that one and two bedroom dwelling units provide 1.5 on-site parking spaces per unit. Since there are six units proposed for this project, this would require nine parking spaces. However, Section 9.5 of the SZO also calls for one additional, or visitor, parking space for every six units in a project. For the proposal to be in compliance with Section 9.5 of the SZO, the project should be providing ten parking spaces on site. Therefore, the Board finds that the request for four parking spaces of relief is the minimum amount required to make reasonable use of the property.

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."

The Applicant indicated the following response to this question in their application: The requested Variance would be in harmony with the Somerville Zoning Ordinance and the surrounding neighborhood, as the proposal does allow for six (6) off street parking spaces along with beautiful landscaping and open space which will give the neighborhood a true look of being a residential neighborhood in an urban city. If the Variance is granted it is highly unlikely that the residents of the project will need to park on the street, thus taking up additional on street parking spaces in the neighborhood. As a basis for this conclusion, almost 60% of the owner occupied homes/condos in Somerville have only one vehicle or less available to them. Such findings can be based on the excellent access to public transportation that Somerville provides, particularly a neighborhood so close to a rapid transit station, as is the case with this proposal. Also, as discussed, many residents will use the bike path as their means of transportation. This proposal being so close to the bike path will attract residents that will want to utilize the path.

The proposal is in harmony with the intent of the Ordinance and it would not be injurious to the neighborhood. The proposal provides one parking space per unit, which will likely be sufficient for the residents. The Applicant submitted a parking assessment which discusses how the proposed project will be closing the curb cut along Cedar Street and Warwick Street which will in turn give back six on-street parking spaces to the neighborhood. The proposed parking on the site is hidden from view and the nicely landscaped areas will be visible in the front and side yards, improving the site from its current state. Furthermore, the proximity of the project to the Community Path, Highland Avenue, and



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Site: 181 Cedar Street

Broadway for bus service will also help to reduce potential traffic impacts that the project may create. The proposed residential development plan provides a net improvement to the traffic and parking condition for the area when compared to the former commercial use at the site. Therefore, the Board finds that approving the Variance will facilitate a redevelopment that meets or exceeds the expectations of the SZO and that this requested Variance would not be injurious to the neighborhood or detrimental to the public welfare.



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DECISION:

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Danielle Evans and Scott Darling. Upon making the above findings, Susan Fontano made a motion to approve the request for a Special Permit with Site Plan Review. Scott Darling seconded the motion. Wherefore the Zoning Board of Appeals voted **5-0** to **APPROVE** the request. Susan Fontano made a motion to approve the request for a Variance. Scott Darling 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 to construct six dwelling units under SZO §7.3 and for relief from four required off-street parking spaces in the parking requirements of SZO §9.5. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/PIng.		
	Date (Stamp Date)				Submission
	(January 4, 2012)				Initial application submitted to the City Clerk's Office
	March 26, 2012 (March 29, 2012)				Cover Sheet
	March 26, 2012 (March 29, 2012)				3D Massing Proposed Street View (2)
	March 26, 2012 (March 26, 2012)				Zoning Compliance Sheets (Z-1 and Z-2)
	May 2, 2012				Site Plan with Rear HC Access & Parking (S-1)
	March 26, 2012 (March 28, 2012)				First Floor Plan (A-1)
	March 26, 2012 (March 26, 2012)				Basement, Second, and Third Floor Plans (A-0, A-2, and A-3)
	March 26, 2012 (March 26, 2012)				Front, Right, Rear, and Left Side Elevations (A-4 – A-7)
Any changes to the approved plans or elevations that are not <i>de minimis</i> must receive SPGA approval.					



2	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	
3	The Applicant will be required to demonstrate that the project meets 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.	
4	Applicant shall provide final material samples for siding, trim, windows, corner boards, and doors to the Design Review Committee for review and comment and to Planning Staff for review and approval prior to construction. Material samples shall be presented prior to procurement to allow the Design Review Committee's and Planning Staff's input to be incorporated without the burden of the input being cost prohibitive.	BP	Plng.	
5	The color of the siding on all four sides of the structure shall be the same as the color below the expression line of the vertical paneling at the third story. The projections on the right and left sides of the structure that are surrounded by the decks shall be the same color as the siding below the third story expression line.	BP	Plng.	
6	The font size of the address shall be small and similar to comparables within the neighborhood.	BP	Plng.	
7	Lattice shall not be used as a screening mechanism underneath the decks or where other façade elements meet the ground.	BP	Plng.	
8	No dormer shall not be implemented in the roofline above the main entrance between the two gable end roofs.	BP	Plng.	
9	The rectangular windows on the center of the front façade shall be divided into two (2) square windows.	BP	Plng.	
10	Below the rectangular windows on the center of the front façade, a paneling detail shall be implemented that is the same size as these rectangular windows.	BP	Plng.	
11	The Applicant shall supply a landscape plan to Planning Staff for review and approval. There shall be a minimum of one tree for each 1,000 sf of required landscaped area under SZO §10.3.	BP	Plng.	
12	The Applicant/Owner shall work with the Housing Division to develop an Affordable Housing Implementation Plan (AHIP).	BP	Housing	



13	All construction materials and equipment must be stored on-site. 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	
14	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	
15	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
16	Written certification of the creation of affordable housing units, any fractional payment required, or alternative methods of compliance, must be obtained from the Housing Department before the issuance of a Certificate of Occupancy.	CO	Housing	
17	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	
18	A large shade tree shall be planted at the corner of Cedar Street and Warwick Street, close to the front of the site, to help screen the decks on the right side of the structure.	CO	Plng.	
19	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.	Perpetual	ISD	
20	Vehicles exiting this property must exit in a forward direction.	Perpetual	T&P	
21	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards.	Perpetual	Plng. / ISD	
22	If trash and recycling bins are kept outside they shall be screened by fencing or vegetation that blocks any view of them.	Perpetual	Plng.	
23	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.	Perpetual	Plng.	
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 shall purchase and deliver to the City six (6) Pedestrian Impact Recovery Systems for the City to install at nearby intersections in the surrounding neighborhood to promote a safe transportation network.	CO	T&P	
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Attest, by the Zoning Board of Appeals:

Herbert Foster, *Chairman*
Orsola Susan Fontano, *Clerk*
Richard Rossetti
T.F. Scott Darling, III, Esq.
Danielle Evans

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 _____



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