



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2014-88
Site: 240 Elm Street
Date of Decision: November 5, 2014
Decision: Petition Approved with Conditions
Date Filed with City Clerk: November 13, 2014

ZBA DECISION

Applicant Name:	Roche Bros. Supermarket Co.
Applicant Address:	70 Hastings Street, Wellesley, MA 02481
Property Owner Name:	Davis Square Realty Ventures Nominee Trust, c/o Charles River Realty Group
Property Owner Address:	1461 VFW Parkway, West Roxbury, MA 02132
Agent Name:	Richard G. DiGiroloma, Esq.
Agent Address:	424 Broadway, Somerville, MA 02145

Legal Notice: Applicant, Roche Bros. Supermarket Co., c/o Roche Bros, Inc., Trustee, and Owner, Davis Square Realty Ventures Nominee Trust, seek a Special Permit with Site Plan Review, to establish a supermarket under SZO §7.11.9, that is greater than 10,000 sf. The proposal also includes the alteration to a nonconforming structure under §4.4.1 to alter the façade and floor area ratio, and a Special Permit or Variance under SZO §9.5 or 9.13.a to modify parking space requirements*.

<u>Zoning District/Ward:</u>	CBD zone/Ward 6
<u>Zoning Approval Sought:</u>	§7.11.9, §4.4.1, §9.5 & §9.13.a
<u>Date of Application:</u>	August 21, 2014
<u>Date(s) of Public Hearing:</u>	10/1, 10/15 & 11/5/14
<u>Date of Decision:</u>	November 5, 2014
<u>Vote:</u>	5-0



Appeal #ZBA 2014-88 was opened before the Zoning Board of Appeals at Somerville City Hall on October 1, 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 two hearings of deliberation, the Zoning Board of Appeals took a vote.

DESCRIPTION:

The proposal is to convert the first floor from office space to a supermarket, Roche Brothers, and relocate the fast food restaurant, Dunkin’ Donuts, within the space to be farther south along Elm Street. The storage and service areas for these uses will be located in the basement along with space for existing or future tenants. As part of a separate application the second floor will be occupied by a gym and the third floor will be expanded to accommodate the existing office space and gym space.

For the restaurant use there will be approximately 25 employees per shift for a total of 75 employees. The hours of operation are 7 am to 10 or 11 pm. The retail area will be approximately 12,000 square feet and the storage, prep area, break rooms and restrooms will make up 6,000 square feet.

The façade of the building is being restored. The parapet started to deteriorate and is being rebuilt as part of the tenants’ fit-out inside of the building. There will be new storefronts along Elm Street. The entrance to the grocery store will be mid-block on Elm Street and the entrances to Dunkin Donuts, the upper level lobby and Crunch Fitness will be to the left of the grocery store entrance. The second floor windows will be enlarged and the copper bay will be restored. On the Chester Street side, façade improvements will continue on the two-story portion of the building. The three-story portion will have new windows, an improved entrance and a new exit door.

FINDINGS FOR SPECIAL PERMIT (SZO §5.1, §4.4.1 & §9.13.b) TO ALTER THE NONCONFORMING STRUCTURE AND LOADING REQUIREMENTS:

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 proposal includes the alteration to a nonconforming structure under §4.4.1 to alter the façade and floor area ratio, and a Special Permit under SZO § 9.13.b to modify the number of loading spaces. In considering a special permit under §4.4 of the SZO, the Board finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure.

Dimensions / Use

The dimensions of the building are in the table below. A Special Permit is being applied for to alter the nonconforming dimensions.

Requirements	CBD	Existing	Proposed	Permit Required
Min Lot Size	NA	15,860 sf	15,860 sf	-
Use of whole building		40,405 sf of office	11,169 sf of office	SPSR – see



		1,444 sf of restaurant	1,063 sf of restaurant 12,218 sf of grocery store 16,767 sf of health club	findings in section III and separate application for health club (ZBA 2014-06).
Min Lot Area/Dwelling Unit	875 sf for <10 units / 1000 sf for 10 or more units	-	-	-
Max Ground Coverage	80%	100%	No change	-
Min Landscaped Area % of lot	10%	0%	No change	-
Floor Area Ratio (based on nsf)	2.0	2.6	2.75	SP –§4.4.1
Max Height	4 stories / 50 ft –	3 stories and 27’ 11” at Elm St 29’6” at Chester near Elm 36’11” at Chester (including new construction) 40’3” Elevator PH along Chester	No change – addition is at 3 stories / 36’11”	-
Max Height within 30 feet of abutting residential district	3 stories / 40 ft	50’ 5” at stair/freight elevator PH along rear alleyway 36’9” at rear alley 35’6” at rear parking lot	No change– addition is at 3 stories / 36’11”	SP –§4.4.1
Min Front Yard	NA	0	No change	-
Min Side Yard	NA	0	No change	-
Min Rear Yard	1/3 height but not less than 15 feet = 15 feet	12’	No change	-
Min Frontage	NA	93.27’ along Elm 207’ along Chester	No change	-
Pervious Area	NA	0	No change	-

Parking - Vehicular

The parking requirements for the first and basement uses are in the table below. The change in use of the second and third floors are part of a separate application.

Parking Requirement for basement and 1st floor				
	SF	Requirement	# spaces required	20% reduction based on proximity to transit
Existing uses in basement				
Office	8,815 sf	1/575 sf	15.3	12.2
Restaurant Storage	1,497 sf	1/110 gsf	13.6	10.9
Existing uses on 1st floor				



Office	11,673 sf	1/575 sf	20.3	16.2
Restaurant	1,444 sf	1/110 gsf	1.3	1.0
Requirement for existing uses				40.3
Proposed uses in basement				
Office	4770 sf	1/575 sf	8.3	6.6
Supermarket Storage	6,220 sf	-	0	0
Restaurant Storage	607 sf	1/110 gsf	5.5	4.4
Proposed uses on 1st floor				
Supermarket	12,218 sf	1/500 sf	24.4	19.52
Restaurant	1,063 sf	1/110 gsf	9.7	7.7
Health Club (as part of separate application)	54 gsf	-	0	0
Requirement for proposed uses				38.22
Total parking requirement				38.22-40.3 = -2.08

The parking requirements for nonconforming lots in terms of parking with changes in use and no change in floor area is the difference between the old and new requirement per SZO §9.4.1. The property does not have any on-site parking spaces and is therefore nonconforming. Since the requirement for the proposed uses is less than the requirement for the existing uses, no parking relief is necessary.

Parking – Bicycle

The requirement is one bicycle space for every ten vehicular spaces required; therefore, the requirement is for 4 spaces. A condition of approval will be for the applicant to purchase racks for the City to install on the street to satisfy the requirement. The Applicant should make best efforts to provide bicycle parking in the basement for employees.

Loading

The loading requirement is one for the office space and one for the grocery store. There are no existing loading docks on-site. There is a loading area on Chester Street abutting the property. The proposal includes adding signage to the three parking spaces on Chester Street that are adjacent to the existing loading area to allow for loading. There is a door on this side of the building for loading. Smaller trucks will use the alley at the back of the property and the paved area on the adjacent lot for loading. Trucks should travel out of the area via Chester Street to Massachusetts Avenue to avoid traveling through the heart of the Square again and avoid making tight turns in 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 I, 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 also consistent with the purpose of the Central Business District (CBD) in preserving and enhancing the central business areas for retail, business services, and office uses and to promote a strong pedestrian character and scale in those areas. A primary goal for the districts is to provide environments that are safe for and conducive to a high volume of pedestrian traffic, with a strong connection to retail and pedestrian accessible street level uses. The design of the building will improve the pedestrian experience. There will be entrances to the different uses in the building directly off of the main street, Elm Street, and the new storefront systems and the increase in the number of windows will make the building more transparent for pedestrians to look through and observe.

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 loading area being on the street is a typical condition in an urban environment and in Davis Square in particular. Having on-site loading would require removing a portion of the building and reducing the scale and activity that is desired in the CBD. Trucks should travel out of the area via Chester Street to Massachusetts Avenue to avoid traveling through the heart of the Square again and avoid making tight turns in the neighborhood.

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 proposed storefront system, awnings and signage on Elm Street will update the appearance of the building, while retaining and restoring the historic details of the building. The Chester Street side of the building will be greatly improved with the addition of windows, a redesigned side entrance and manufactured stone cladding along this façade. The additional floor area in the building will not make the building taller than that allowed in the district and will add to the vibrancy of uses in the Square.

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 loading area will function on the street as proposed and conditioned. Trucks should travel out of the area via Chester Street to Massachusetts Avenue to avoid traveling through the heart of the Square again and avoid making tight turns in the neighborhood. Pedestrian patterns will not change greatly as they will still be utilizing the sidewalks on Elm Street and Chester Street.

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

The proposal will not adversely impact the stock of affordable housing. No housing units will be removed or added as a result of the application.

7. 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.

Davis Square is marked as a Urban Mixed Use area on the Future Land Context Map and as an area to Enhance in the SomerVision Map. The proposal will improve the appearance of the building and add to the range of services provided in the Square.

<i>SomerVision Summary</i>	<i>Existing</i>	<i>Proposed</i>
<i>Commercial Sq. Ft.:</i>	41,849	41,217
<i>Estimated Employment</i>	?	75

FINDINGS FOR SPECIAL PERMIT with SITE PLAN REVIEW (SZO §5.2.5 & 7.11.9) FOR THE 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 Somerville Zoning Ordinance requires a Special Permit with Site Plan Review to establish a supermarket under SZO §7.11.9, that is greater than 10,000 square feet.

All developments within the CBD district that require a special permit with site plan review should comply with the following guidelines to the highest degree practicable, §6.1.5.

The proposal meets the specific district standards and guidelines for the CBD district.

1. The building is along the primary street edge and completes the streetwall.
2. At the street level, there are continuous storefronts which shall house either retail occupancies, or service occupancies suitably designed for present or future retail use.
3. Massing of the building includes articulation which will blend the building in with the surrounding district. The historic façade of the being is being restored.
4. There is no parking onsite and loading will be on the street and therefore no parking abuts the street edge.
5. The alley access is in the rear and is off of the side street.

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 CBD district, which is, “[t]o preserve and enhance central business areas for retail, business services, housing, and office uses and to promote a strong pedestrian character and scale in those areas. A primary goal for the districts is to provide environments that are safe for and conducive to a high volume of pedestrian traffic, with a strong connection to retail and pedestrian accessible street level uses.



In addition to the above criteria, the proposed development shall take into account, insofar as is practicable, any existing or proposed plans for the neighborhood which have been or may be adopted by the City of Somerville. The Somerville by Design neighborhood plan for Davis Square is underway. There were visioning sessions in July of 2013. During those meetings an overwhelming message was that residents would like a grocery store in the Square. This proposal will accomplish this goal.

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 Special Findings, item 4.

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

The proposal has a functional design and must undergo construction in a way that meets the City’s requirements on occupancy of the road and sidewalk.

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 have adverse impacts on the public services and facilities serving the development. The civil plans for the proposal will be conditioned to be submitted to the Engineering Department and must comply with City standards. Pedestrian traffic to the site will be on the existing sidewalks and the front entrance to the grocery store will be on Elm Street, the major street.

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 proposed grocery store will not have adverse impacts beyond a typical commercial use. All activities will occur in the building and the loading will be on the street within close proximity to the loading door.

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 Special Findings, item 3.

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.”*

The site has been built out as an urban block and therefore no landscaping is onsite. This condition is not changing as a result of this application.



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 is harmonious in scale and design to the other buildings in the Square. The increase in floor space on the third floor will be internal to the building and will improve the appearance of the structure without negatively impacting views or intrusion from other buildings.

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.”*

A condition of approval is that the civil plans for the proposal are submitted to the Engineering Department and the plans must comply with City’s stormwater management and removal of infiltration and/or inflow policies.

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 historic design of the structure will be retained and restored as a result of this proposal.

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 site has been built out as an urban block and therefore no landscaping is onsite. This condition is not changing as a result of this application.

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 of the site is by the City’s streetlights and indirectly from the lit grocery store and restaurant.

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.”*



There is access to the site from Elm Street, Chester Street and the back 12 foot wide alley.

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 alley access is off of the minor street and does not create traffic congestion.

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.”*

A condition of approval is that the utility plan is submitted to DPW for review and approval.

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.”*

The proposed activity will occur inside of the building.

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.”*

The signage design and location are shown on the submitted renderings – sheet A201. A proposed condition is that any change from this proposal must meet the SZO standards and will require Planning Staff review and approval.

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.”*

Boxes and compost will be stored internally and disposed of at designated pickup times. There will be an enclosed trash compacter/container in the paved area behind the building which is on a separate lot.

21. Screening of Parking:

There is no parking onsite.

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

See Special Findings, item 6. The renovated space is below the 30,000 square foot threshold of when project mitigation payments to the Affordable Housing Trust Fund are applicable.

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.*



See Special Findings, item 6.

DECISION:

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Danielle Evans and Elaine Severino. Upon making the above findings, Susan Fontano made a motion to approve the request for a Special Permit. 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 establishment of a supermarket under SZO §7.11.9, that is greater than 10,000 sf, alteration to a nonconforming structure under §4.4.1 to alter the façade and floor area ratio, and to not provide loading docks. 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>August 21, 2014</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>6/4/10</td> <td>Modified plans submitted to OSPCD (plot plan)</td> </tr> <tr> <td>7/21/14</td> <td>Modified plans submitted to OSPCD (Existing Floor Plans X100-X103, Building Area Diagram A001, Proposed Floor Plan A100-A101, Existing Elevations X200-X201)</td> </tr> <tr> <td>10/7/14</td> <td>Modified plans submitted to OSPCD (Basement Fixture Plan FP.2, Fixture Plan FP.1)</td> </tr> <tr> <td>10/15/14</td> <td>Modified plans submitted to OSPCD (Proposed Elevations A200, Rendering A201-202, Zoning Data A300)</td> </tr> <tr> <td>10/15/14</td> <td>Modified plans submitted to OSPCD (A100 Chester & Elm St Elevations with signage)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	August 21, 2014	Initial application submitted to the City Clerk’s Office	6/4/10	Modified plans submitted to OSPCD (plot plan)	7/21/14	Modified plans submitted to OSPCD (Existing Floor Plans X100-X103, Building Area Diagram A001, Proposed Floor Plan A100-A101, Existing Elevations X200-X201)	10/7/14	Modified plans submitted to OSPCD (Basement Fixture Plan FP.2, Fixture Plan FP.1)	10/15/14	Modified plans submitted to OSPCD (Proposed Elevations A200, Rendering A201-202, Zoning Data A300)	10/15/14	Modified plans submitted to OSPCD (A100 Chester & Elm St Elevations with signage)
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Any changes to the approved site plan, elevations or use that are not <i>de minimis</i> must receive SPGA approval.																		
Pre-Construction																		
2	The Applicant will be required to demonstrate that the updated project plans meet the current City of Somerville stormwater policy. Civil plans must be submitted to the Engineering Department for review and approval that meet the site plan review checklist.	BP	Eng.															



3	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.	
4	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	
5	The Applicant shall submit Utility plans to the Electrical Inspector for review and approval.	BP	Electrical Inspector	
Construction Impacts				
6	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	
7	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	
Traffic & Parking				
8	Applicant will supply 4 bicycle parking spaces, which can be satisfied by purchasing 2 bicycle racks to City Standards to be delivered to DPW for the City to install in the vicinity of the property.	CO	Plng.	
9	The Applicant shall make best efforts to locate bike parking inside of the building for employees.	CO	Plng.	
10	The Applicant shall work with the Traffic Commission to request designation of 3 or more parking spaces on Chester Street to be for loading between 7am and 3pm unless otherwise allowed by the Somerville Traffic Commission.	CO	T&P	
11	Trucks shall travel out of the area via Chester Street to Massachusetts Avenue.			
Miscellaneous				
12	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	
13	The Owner/Applicant is required to hire a private company to remove trash and recycling on a regular basis.	Cont.	ISD	
Public Safety				
14	The Applicant or Owner shall update and fire alarm and sprinkler system.	CO	FP	



2009

15	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.	
16	The Applicant shall provide notice of intent to strictly comply with applicable State and Federal regulations regarding air quality including without limitation continuous dust control during demolition and construction.	CO	Plng/OSE	
Signage				
17	Signage shall be limited to that shown on the renderings. Alterations to signage must comply with SZO standards and be submitted to Planning Staff for review and approval.	CO/Cont.	Plng.	
Final Sign-Off				
18	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:

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 _____

