



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

PLANNING DIVISION

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**Case #: ZBA # 2011-31**  
**Site: 39-43 Elmwood Street/40 Cameron Avenue**  
**Date of Decision: July 11, 2012**  
**Decision: *Petition Approved with Conditions***  
**Date Filed with City Clerk: July 13, 2012**

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**ZBA DECISION**

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<b>Applicant Name:</b>	GFC Development, Inc.
<b>Applicant Address:</b>	P.O. Box 261, Weston, MA 02493
<b>Property Owner Name:</b>	Sadler Realty Trust
<b>Property Owner Address:</b>	1648 Massachusetts Avenue, Cambridge, MA 02138
<b>Agent Name:</b>	Richard G. DiGirolamo, Esq.
<b>Agent Address:</b>	424 Broadway, Somerville, MA 02145

Legal Notice: Applicant GFC Development Inc. and Owner Sadler Realty Trust, seek Special Permits with Site Plan Review under SZO §7.2 and §7.3 and Special Permits under SZO §4.4.1 and §9.13.b to alter a nonconforming structure and modify parking design standards to construct three buildings with nine total dwelling units and associated parking.

<u>Zoning District/Ward:</u>	RB zone/Ward 7
<u>Zoning Approval Sought:</u>	§7.2, §7.3, §4.4.1 & §9.13.b
<u>Date of Application:</u>	March 24, 2011
<u>Date(s) of Public Hearing:</u>	11/30/11, 1/18, 2/15, 2/29, 3/14, 6/6, 6/20 & 7/11/12
<u>Date of Decision:</u>	July 11, 2012
<u>Vote:</u>	5-0

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Appeal #ZBA 2011-31 was opened before the Zoning Board of Appeals at Somerville City Hall on November 30, 2011. 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 eight hearings of deliberation, the Zoning Board of Appeals took a vote.



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**DESCRIPTION:**

The Applicant is proposing to demolish the existing single-family structure and substantially alter the existing single-story cement block building to create eight total dwelling units with 13 off-street parking spaces at the site. The alterations to the existing single-story cement block building would allow for the creation of three dwelling units on east side of the property on Elmwood Street (Building 3), three dwelling units on west side of the property on Elmwood Street (Building 2), and two new units in the building on Cameron Avenue (Building 1). There would be an interior courtyard parking area for 10 parking spaces that would have access off of Elmwood Street. Eight of these spaces would be in garages or covered parking. The three open air parking spaces in the courtyard are proposed to be compact parking spaces. One set of tandem parking spaces would be provided as well off of Cameron Avenue. There would also be single driveway parking space off of Elmwood Street. The existing curb cut on Elmwood Street that would provide access to the interior parking area would be widened to 18 feet to accommodate for emergency vehicle access and two-way traffic. This would necessitate the removal of one street tree on Elmwood Street that is currently severely lifting the sidewalk in front of the site. The existing curb cut in front of the garage door (which will be removed) to the cement block building on Elmwood Street would be closed and this would add one on-street parking space to the neighborhood. The curb cut on Cameron Avenue would be narrowed from approximately 20 feet to 10 feet to allow for the construction of the two unit building, while still providing a driveway for two tandem parking spaces.

The setbacks of the existing cement block building would be maintained to accommodate for the new dwelling units and construction would go up an additional two stories, but no higher than 37 feet in any place. The only exception to this would be along Elmwood Street where the new construction would be recessed slightly to accommodate for some additional vegetation and to improve sight lines along the street. Two new structures would be built on the Elmwood Street side of the property, each containing three dwelling units. The first floor of each of these units would have a one car garage and a great room. The kitchen, dining area, living room, and a half bathroom would all be located on the second floor. The third floor of each unit would contain two bedrooms (including the master bedroom) and two full bathrooms. The fourth floor of each unit would contain a flex room and access to a private roof deck, each of approximately 200 square feet in size. Each of these units would also have basements. The net square footage of the larger units in Buildings 2 and 3 would be 4,184 square feet and 2,031 square feet for smaller units. The streetscape would be livened along Elmwood Street through the addition of first, second, and third floor windows and doorways that open right out onto the sidewalk.

In Building 1 off of Cameron Avenue, the units would be intertwined with one another. Each unit would be two stories but the back unit would have no living space on the first floor and the front unit would have no living space on the third floor. The front unit would have a small semi-private patio space along Cameron Avenue along with a kitchen, living room, den, bedroom with a full bathroom, and an additional half bathroom all on the first floor. The second floor would contain the master bedroom with a full bathroom and the third floor would provide access to private roof deck space. The front unit would contain 1,410 square feet of living space. The back unit could be accessed off of Cameron Avenue or from the rear through the interior parking area. The first floor of living space for the back unit would contain a kitchen, dining area, living room, the master bedroom with a full bathroom, and an additional half bathroom. The second floor of living space for the rear unit would contain a second bedroom, a full bathroom, a flex room, and access to private roof deck space. The back unit would have 1,568 square feet of usable space. Again, window openings and the third floor roof deck space would help to create a more interactive streetscape along Cameron Avenue.

The exterior of the buildings would consist of exposure clapboard (both 4 inch and 8 inch), stained wood siding, painted metal siding, and painted panel siding on the façade. Openings in the block wall would be created to provide for a more inviting feeling around the property and in many places wood lattice would be mounted to the exterior of the wall. Planter boxes would also be implemented for all roof deck spaces to increase landscaping at the site, which, overall, would be increasing greatly to 26% from the nonconforming 2% that currently exists at the site.



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**FINDINGS FOR SPECIAL PERMIT WITH SITE PLAN REVIEW (SZO §5.2, §7.2 & §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 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. The extensive alterations to the existing cement block structure would still maintain the existing setbacks at the property, with the exception of the façades along Elmwood Street which will be slightly recessed, and only minimal dimensional changes are being proposed in the area where the existing single-family dwelling is located. The proposed changes to the cement block structure along Cameron Avenue and Elmwood Street will help to create a more interactive streetscape through the addition of new buildings, window openings, and balconies. The size and massing of the proposed new structures matches those in the surrounding neighborhood and the proposed location of the roof decks respects the privacy of the immediate abutters to the project. The new construction at the property will bring the buildings up to 3 stories in height, 37 feet at its tallest point, which is consistent with the structures in the surrounding neighborhood. Therefore, there are no anticipated negative impacts from the dimensional aspects of the proposal.

Section §7.2 of the SZO states that to allow more than one principal structure on a lot in an RB district Special Permit with Site Plan Review approval is required. The same is true under §7.3 to allow more than three dwellings on a lot in an RB district. Additionally, more than three dwelling units on a lot is only permitted when 12.5% but no less than one affordable unit is provided for on-site as defined by §2.2.4 and §13. In all cases minimum lot size, minimum lot area per dwelling unit and other dimensional and parking requirements of Article 8 and Article 9 shall be met. For this project, one affordable unit will be provided on-site through an Affordable Housing Implementation Plan (AHIP) and the Applicant will also be paying into the Affordable Housing Trust Fund for the remaining fractional affordable unit as part of meeting the 12.5% requirement. The project complies with the lot area and lot area per dwelling unit requirements for the eight total units and is not increasing the existing nonconforming dimensional aspects at the property.

With regard to parking, in considering a Special Permit under §9.13 of the SZO, the Board finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing parking situation. All requirements of §9 of the SZO are met with the exceptions of the tandem and compact parking spaces. In regard to the Applicant’s proposal to have two tandem parking spaces accessed off of Cameron Avenue, while this would be a change to the existing situation at the site, tandem parking spaces are a common occurrence at many of the other residences along Cameron Avenue, as well as Elmwood Street. Concerns related to this proposed situation, such as having cars back out onto Cameron Avenue, are actually in line with what is already occurring at other residences on Cameron Avenue, as well as those on Elmwood Street, and in the surrounding neighborhood. Additionally, the Traffic Memorandum submitted by the Applicant indicates that the tandem parking spaces proposed as part of the project would not have a negative impact on traffic operations in the neighborhood. Furthermore, the proposed two compact spaces in the interior parking area would also not appear to be substantially more detrimental to the neighborhood than the existing situation. These on-site parking spaces will make it extremely easy for residents of the project to park close to their homes and assist in getting additional cars off of Elmwood Street, which is a benefit to the entire neighborhood. The Traffic Memorandum submitted by the Applicant also indicates that these compact spaces would not create any negative impacts for the surrounding neighborhood or be inappropriate for the proposal.

3. Purpose of District: The project must be “consistent with the intent of the specific zoning district as specified in Article 6.”



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The proposal is 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.” All of the structures for this particular proposal will be two- or three-family residential structures, which is compatible with the other existing structures in the surrounding neighborhood.

4. Site and Area Compatibility: The project must be “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 project was designed to be compatible with the characteristics of the built environment and the existing land uses of the area. The form, massing, and height of the proposed buildings is very similar to those structures in the surrounding area. Most of the structures in the neighborhood are between 2½ and 3 stories in height and the proposed project is no more than 3 stories in height (37 feet) at the highest point. The extensive alterations to the existing cement block structure would still maintain the existing setbacks at the property, with the exception of the façade along Elmwood Street which will be slightly recessed, and only minimal dimensional changes are being proposed in the area where the existing single-family dwelling is located. The proposed changes to the cement block structure along Cameron Avenue and Elmwood Street will help to create a more interactive streetscape through the addition of new buildings, window openings, and balconies. Furthermore, the location of the roof decks respects the privacy of the immediate abutters to the project.

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 construction at the site will maintain the existing setbacks of the cement block building, with the exception of the façades along Elmwood Street which will be slightly recessed. The Applicant is not proposing to create any new curb cuts for the project and would continue to use the existing ones at the site, with a few exceptions. The curb cut off of Elmwood Street which provides access to the interior parking area will be expanded to accommodate Fire Prevention’s request to have the driveway be 18 feet wide for emergency vehicle access and Traffic & Parking’s request for two-way traffic out of this driveway. There is also an existing curb cut in front of the old garage door (which will be removed) on Elmwood Street, but this curb cut would be closed as part of the proposal adding one on-street parking space to the neighborhood. Furthermore, the curb cut on Cameron Avenue would be narrowed from approximately 20 feet to 10 feet to allow for the construction of the two unit building, while still providing a driveway for two tandem parking spaces. The internal parking area for the project provides for eight full-size and two compact parking spaces, from all of which a user could turn around their vehicle and exit the project site in a forward direction. The Applicant is also proposing a set of tandem parking spaces for the two unit building accessed from Cameron Avenue. The Applicant will also need to confirm with the City Engineer that the grading and 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 SPSR shall be contingent upon the City Engineer’s determination that no adverse impacts on public systems will result from the proposed renovation. A similar amount of impact on the City’s public systems can most likely be anticipated from the proposed use. The Board has included conditions which require the submittal of utility, grading, and drainage plans to the City Engineering Department for review and approval before the project can begin construction. Curb cuts at the site would remain mostly the same and therefore this should not greatly impact the street system for vehicular traffic. As part of the project the Applicant will be widening one of the curb cuts on Elmwood Street to provide the required access into and out of the interior parking area. Additionally, the existing curb cut in front of the garage door (which will be removed) on Elmwood Street will be closed, adding another on-street parking space to the neighborhood. The curb cut on Cameron Avenue will also be narrowed from approximately 20 feet to 10 feet to allow for the construction of the two unit building, while still



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providing a driveway for two tandem parking spaces. While this would be a change to the existing situation at the site, tandem parking spaces are a common practice at many of the other residences along Cameron Avenue. Concerns related to this proposed situation, such as having cars back out onto Cameron Avenue, are actually in line with what is already occurring at other residences on Cameron Avenue, as well as those on Elmwood Street, and in the surrounding neighborhood. Additionally, the Traffic Memorandum submitted by the Applicant indicates that the tandem spaces proposed as part of the project, on Cameron Avenue, would not have a negative impact on traffic operations in the neighborhood.

7. Environmental Impacts: The proposed use, structure or activity “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.”

No adverse environmental impacts are anticipated from this project. No new noise, glare, smoke, vibration, nor emissions of noxious materials, nor pollution of water ways or ground water, nor transmission of signals that interfere with radio or television reception are anticipated as part of the proposal. The structures will be two- and three-family dwellings between 2½ and 3 stories and will be used for residential purposes.

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

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 existing nonconforming setbacks of the cement block building at the site will remain the same, with the exception of the façades along Elmwood Street which will be slightly recessed, There will be minimal disruption to the grading at the site as only one of the buildings will require excavation for its basements. The existing basement in the existing single-family structure will be reused for the basements in Building 3 and Building 1 will not have a basement. The existing concrete block walls at the perimeter of the project site will be retained and enhance by having window openings created in them and having wooden lattice mounted to their exterior in certain locations. Landscaping at the site will also be greatly enhanced and increased from the existing nonconforming 2% to a conforming 26%. The project will require that one existing street tree be removed to create the required driveway width for the interior parking area, but the Board has included a condition to help alleviate the removal of this tree which would require the Applicant to provide two street trees back to the city.

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.”



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The size and massing of the proposed new structures matches those in the surrounding neighborhood and the proposed locations of the roof decks respects the privacy of the immediate abutters to the project. The new construction at the property will bring the buildings up to 3 stories in height, 37 feet at its tallest point, which is consistent with the structures in the surrounding neighborhood. There will be minimal disruption to the grading at the site as only one of the buildings will require excavation for its basements. The existing basement in the existing single-family structure will be reused for the basements in Building 3 and Building 1 will not have a basement. Landscaping at the site will also be greatly enhanced and increased from the existing nonconforming 2% to a conforming 26%. The project will require that one existing street tree be removed to create the required driveway width for the interior parking area, but the Board has included a condition to help alleviate the removal of this tree which would require the Applicant to provide two street trees back to the city.

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.”

While additional review is required of a grading and drainage plan and a drainage report, approval of the SPSR is 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 conditions attached to this Special Permit reflect this.

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.”

Please see the attached documents from the Historic Preservation Commission. The commission determined that the single-family structure at 39 Elmwood Street be preferably preserved, however, the demolition delay period for this structure has now expired and a memorandum of agreement has not been reached. This means that the Applicant can now demolish the existing single-family structure on the site as-of-right.

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 proposed project will greatly improve the appearance of the structures which currently exist at the site. The Applicant’s proposal will take a currently abandoned single-story garage structure and substantially alter it to create eight new units of housing. The proposed use for the site is much more compatible with the surrounding neighborhood than the last previous use of the building as a business making and distributing educational materials (a light industrial use). The proposal takes an unfriendly light industrial/garage building and turns it back over to the neighborhood as a residentially designed project that interacts with the streetscape. Landscaping at the site will be increased from 2% to a conforming 26% and the proposed dwelling units will help to create a more interactive streetscape along both Cameron Avenue and Elmwood Street. Much of the off-street parking at the



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site will be well screened from the pedestrian right-of-way which in turn will improve the streetscape along both Elmwood Street and Cameron Avenue.

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 is conditioned to not interfere with 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 would have access to the buildings directly off of Elmwood Street and Cameron Avenue, as well as via the driveway off of Elmwood Street which has been designed wide enough to accommodate for emergency vehicles.

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 Applicant is not proposing to create any new curb cuts for the project and would continue to use the existing ones for the proposal, with a few exceptions. The curb cut off of Elmwood Street which provides access to the interior parking area would have to be expanded to accommodate for Fire Prevention’s request to have the driveway be 18 feet wide for emergency vehicle access. There is also an existing curb cut in front of the old garage door (which will be removed) on Elmwood Street and this curb cut would be closed as part of the proposed project. Furthermore, the curb cut on Cameron Avenue would be narrowed from approximately 20 feet to 10 feet to allow for the construction of the Building 1 while still providing a driveway for two tandem parking spaces. The internal parking area for the project provides for eight full-size and two compact parking spaces, from all of which a user could turn around their vehicle and exit the project site in a forward direction. The Applicant is proposing a set of tandem parking spaces for the two unit building accessed from Cameron Avenue. The Traffic Memorandum the Applicant submitted as part of their application indicates that these tandem spaces, in which someone would have to back into or out of from the street, would not have any noticeable effect on traffic operations along Elmwood Street or Cameron Avenue.

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 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.”

The proposed use for the site is much more compatible with the surrounding neighborhood than the last previous use of the building as a business making and distributing educational materials (a light industrial use). Landscaping at the site will be increased from 2% to a conforming 26% and the proposed dwelling units will help to create a more interactive streetscape along both Cameron Avenue and Elmwood Street. The proposed project takes an unfriendly light industrial/garage building and turns it back over to the neighborhood as a residentially designed project that interacts with the streetscape. The size and massing of the proposed new structures matches those in the surrounding neighborhood and the proposed location of the roof decks respects the privacy of the immediate



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abutters to the project. Minimal, if any, negative impacts are anticipated from the proposed project with regard to light, air, noise, or the emission of heat, vapor, or fumes.

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 on the site. 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.”

The Applicant is indicating that trash bins will be located in the covered parking areas in the interior parking area or in the garages for the project. The Board has included a condition which requires that outdoor trash and recycling bins be stored in a location where they are screened from view by buildings, fencing, or vegetation. The same is true if transformers are to be located on the site. A condition has been included which requires that transformers be fully screened and located as to not impact the landscaped areas.

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.”

The parking at the site will be well screened or be very similar to the existing conditions in the surrounding neighborhood. Ten off-street parking spaces for the project will be located in an interior parking area which is well screened from the public right-of-way. All of the spaces would be tucked underneath buildings or in garages on the site. Two of the spaces would be visible directly from the end of the driveway looking into the interior parking area, but none of the other cars in this area would be visible from the streetscape. Two of the remaining three off-street parking spaces for the project would be located in a tandem driveway space off of Cameron Avenue. Many of the dwellings in the surrounding neighborhood have a similar off-street parking set up. These parking spaces will be screened by the dwellings on either side of them which will greatly help to reduce their visibility from an approaching view in either direction and should not greatly impact the streetscape.

#### **FINDINGS FOR SPECIAL PERMIT (SZO §5.1, §4.4.1 & §9.13 ):**

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."

Please see item 2 in Section II for the compliance with standards finding which is the same for the Special Permit and the Special Permit with Site Plan Review.

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.”



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Please see items 3 and 8 in Section II for the consistency with purposes finding which meet the finding for this item in the Special Permit.

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."

Please see item 4 in Section II for the site and area compatibility finding which is the same for the Special Permit and the Special Permit with Site Plan Review.

5. Adverse 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.

No adverse environmental impacts are anticipated from this project. No new noise, glare, smoke, vibration, nor emissions of noxious materials, nor pollution of water ways or ground water, nor transmission of signals that interfere with radio or television reception are anticipated as part of the proposal. The structures will be two- and three-family dwellings between 2½ and 3 stories and will be used for residential purposes.

6. 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 traffic and parking situation resulting from the proposed use would most likely not negatively impact the surrounding area. Ten off-street parking spaces for the project will be located in an interior parking area which is well screened from the public right-of-way. All of the spaces would be tucked underneath buildings or in garages. Two of the remaining three off-street parking spaces for the project would be located in a tandem driveway space off of Cameron Avenue. Many of the properties in the surrounding neighborhood have a similar off-street parking set up. Additionally, the Traffic Memorandum the Applicant submitted as part of their application indicates that the proposed tandem spaces, in which someone would have to back into or out of from the street, would not have any noticeable effect on traffic operations along Elmwood Street or Cameron Avenue. Furthermore, the proposed two compact spaces in the interior parking area would also not appear to be substantially more detrimental to the neighborhood than the existing situation. These on-site parking spaces will make it extremely easy for residents of the project to park close to their homes and assist in getting additional cars off of Elmwood Street, which is a benefit to the entire neighborhood. The Traffic Memorandum submitted by the Applicant also indicates that these compact spaces would not create any negative impacts for the surrounding neighborhood or be inappropriate for the proposal.



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**DECISION:**

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Scott Darling and Josh Safdie with Danielle Evans and Elaine Severino absent. Upon making the above findings, Susan Fontano made a motion to approve the request for a Special Permit and Special Permit with Site Plan Review. 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 alter a nonconforming structure and modify parking design standards under SZO §4.4.1, §7.2, §7.3, and §9.13.b to construct eight total dwelling units in the buildings and associated parking. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/Png.															
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>(March 24, 2011)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>May 30, 2012 (May 31, 2012)</td> <td>Existing Site Plan (S-1)</td> </tr> <tr> <td>May 30, 2012 (May 31, 2012)</td> <td>Site Plan (S-2)</td> </tr> <tr> <td>November 14, 2011 (May 31, 2012)</td> <td>Site Plan for GFC Development at 40 Cameron Ave. (S-3)</td> </tr> <tr> <td>May 30, 2012 (May 31, 2012)</td> <td>Existing and Proposed Elevations (0-1 and 0-2)</td> </tr> <tr> <td>May 30, 2012 (May 31, 2012)</td> <td>Proposed Floor Plans and Elevations (1-1 – 1-3 and 2-1 – 2-5)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	(March 24, 2011)	Initial application submitted to the City Clerk's Office	May 30, 2012 (May 31, 2012)	Existing Site Plan (S-1)	May 30, 2012 (May 31, 2012)	Site Plan (S-2)	November 14, 2011 (May 31, 2012)	Site Plan for GFC Development at 40 Cameron Ave. (S-3)	May 30, 2012 (May 31, 2012)	Existing and Proposed Elevations (0-1 and 0-2)	May 30, 2012 (May 31, 2012)	Proposed Floor Plans and Elevations (1-1 – 1-3 and 2-1 – 2-5)
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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	<u>ISD</u>	
3	The Applicant shall submit a proposed grading and drainage plan, stamped by a registered PE in Massachusetts that demonstrates compliance with the City's stormwater policy.	BP	Eng.	
4	The Applicant shall submit a proposed drainage report, stamped by a registered PE in Massachusetts that demonstrates compliance with the City's stormwater policy.	BP	Eng.	
5	The Applicant shall submit a utility plan to the Engineering Department for review and approval.	BP	Eng.	
6	The Applicant shall present type and color building material samples to the Design Review Committee for comment and review, and to Planning Staff for final approval.	BP	Plng.	
7	The Applicant shall secure all required approvals under applicable state and local laws for the removal of the street tree on Elmwood Street.	BP	DPW/Plng.	
8	The Applicant shall agree to and sign an Affordable Housing Implementation Plan (AHIP) prior to the issuance of a Building Permit for the project.	BP	Housing	
9	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	
10	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
11	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	
12	There shall be a minimum of one tree for each 1,000 square feet of required landscaped area under SZO §10.3. In this case, four (4) trees shall be provided for on site in accordance with SZO §10.6.2. If all four (4) trees cannot be located on the project site, the additional trees shall be provided in the form of street trees.	CO	Plng.	



13	In coordination with the Superintendent of Highways / Lights & Lines the Applicant shall furnish to and install for the City two (2) new street trees in the neighborhood of the project to offset the street tree that will be removed on Elmwood Street.	CO	DPW	
14	Any transformers should be located as not to impact the landscaped area and shall be fully screened.	CO	Plng.	
15	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	
16	The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the buildings 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	
17	Trash and recycling bins that are kept outside shall be screened by buildings, fencing, or vegetation that blocks any view of them.	Perpetual	ISD	
18	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	ISD	
19	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards.	Perpetual	Plng./ISD	
20	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.	
21	Should it be deemed appropriate by the City Engineer, a raised crosswalk and/or speed table shall be installed on Cameron Avenue. The Applicant shall provide \$12,500 towards the cost of construction and installation by the Department of Public Works.	CO	Eng./Plng.	
22	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	
23	The Applicant shall ensure that the project complies with the Fair Housing Act. If the need to provide an accessible unit and parking arises, the Applicant shall ensure that any design changes necessary will not impact the site and building design intent. Such changes shall require review and approval by the Planning Staff.	CO	Plng.	



Attest, by the Zoning Board of Appeals:

Herbert Foster, *Chairman*  
Orsola Susan Fontano, *Clerk*  
Richard Rossetti  
T.F. Scott Darling, III, Esq.  
Josh Safdie (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 \_\_\_\_\_



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