



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

PLANNING DIVISION

**ZONING BOARD OF APPEALS MEMBERS**

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DANIELLE EVANS  
ELAINE SEVERINO (ALT.)  
JOSH SAFDIE (ALT.)

**Case #: ZBA # 2011-70**  
**Site: 16 Linden Avenue**  
**Date of Decision: June 20, 2012**  
**Decision: *Petition Approved with Conditions***  
**Date Filed with City Clerk: June 27, 2012**

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**ZBA DECISION**

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<b>Applicant Name:</b>	16 Linden Avenue, LLC
<b>Applicant Address:</b>	65 Park Street, Arlington, MA 02474
<b>Property Owner Name:</b>	16 Linden Avenue, LLC
<b>Property Owner Address:</b>	65 Park Street, Arlington, MA 02474
<b>Agent Name:</b>	Richard G. DiGirolamo, Esq.
<b>Agent Address:</b>	424 Broadway, Somerville, MA 02145

Legal Notice: Applicant & Owner 16 Linden Avenue, LLC seeks Special Permit with Site Plan Review (SPSR, SZO §5.2) approval under §7.2 to construct a principal structure for 5 dwelling units on a lot with an existing principal structure with 3 dwelling units. The Applicant seeks SPSR approval under §7.3 to have 8 residential units on the lot, one of which would be an affordable unit as defined in §13. The Applicant seeks a variance to provide 10 of the 13 required parking spaces (§5.5 & 9.5). Additionally, the Applicant seeks a Special Permit to alter the existing nonconforming 3 family structure under §4.4.1 to alter window openings, construct a 2-story deck in the rear yard and alter the front entrance canopy.

<u>Zoning District/Ward:</u>	RB zone/Ward 5
<u>Zoning Approval Sought:</u>	§5.2, §7.2, §7.3, §13, §5.5, §9.5 & §4.4.1
<u>Date of Application:</u>	August 19, 2011
<u>Date(s) of Public Hearing:</u>	10/19, 11/2, 11/16, 12/7, 1/4, 1/18, 2/1, 2/15, 2/29, 6/14, 4/4/, 4/18, 5/2, 5/16, 6/6 & 6/20/12
<u>Date of Decision:</u>	June 20, 2012
<u>Vote:</u>	5-0



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Appeal #ZBA 2011-70 was opened before the Zoning Board of Appeals at Somerville City Hall on October 19, 2011 and re-advertised and re-opened at the Visiting Nurse Association on December 7, 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 four hearings of deliberation, the Zoning Board of Appeals took a vote.

**DESCRIPTION:**

The proposal is to tear down the existing three-family building and to construct one, eight unit residential building on the site. The structure will be 3 stories (36.5 feet) in height with a gable roof and dormers. The units in the building will all access a central corridor on each floor that will lead to the main entrance on the first floor which will open out onto the Linden Avenue streetscape. All of the required parking for the site, 14 spaces, will be located underground in a parking garage that will also provide space for the building's trash containers and some of the mechanical equipment.

The conceptual floor plan for each of the new units includes a living room, dining room, kitchen, and at least two full bathrooms. Some of the units have additional amenities such as an office or an extra half bathroom. Each unit will also have private outdoor deck space as well as the ability to enjoy the substantial amount of private greenspace that will be situated at the back of the property. One of the units on-site will be affordable as defined by Somerville Zoning Ordinance (SZO) §2.2.4 and §13.

The 14 parking spaces located in the underground parking garage beneath the building will be accessed via a ramp that leads downward directly off of Linden Avenue. Each of the parking spaces in the garage will have a bike rack at the front of it to allow for interior bicycle parking or storage. In one corner of the garage one of the parking spaces has the ability to be converted to a van accessible space and the floor plan has left space for a future lift to be installed that would transport someone from the garage to the street level.

**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. SZO §7.3 states that in RB districts, where developments include a minimum of 12.5% affordable housing units on-site, the maximum dwelling units per lot can be waived through SPSR application. 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. The project complies with the lot area and lot area per dwelling unit requirements for eight units and therefore the Applicant is meeting all dimensional requirements of Article 8 and Article 9 with this proposal. An affordable unit will be provided on-site through an Affordable Housing Implementation Plan (AHIP).

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."

While the proposal is not entirely consistent with the purpose of the RB District (6.1.2. RB - Residence Districts), which is "To establish and preserve medium density neighborhoods of one-, two- and three-family



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homes, free from other uses except those which are both compatible with and convenient to the residents of such districts,” it is complying with the lot area per dwelling unit requirement for the district, as well as all other dimensional and parking requirements. Additionally, the proposed use of the site is compatible with the surrounding neighborhood and the residents of the district. The proposed project would also be maintaining the existing streetscape experience along Linden Avenue.

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.”

For the most part, the proposed structure mimics the streetscape pattern of other buildings in the area. The structure fills a gap in the fabric of the neighborhood that is currently occupied by a small parking lot. The current zoning regulations would not allow the site to be subdivided into two lots to build a conforming three-family with no on-site parking on a newly created parcel, which is the typical building form in the surrounding area. The proposed building has a contemporary design but it incorporates elements of traditional buildings in the area. The building has a main front porch entrance area that opens directly out to the sidewalk and there are also upper level porches on the front façade of the building. This front entrance style and the substantial amount of proposed glazing can be found on structures in the surrounding neighborhood. Furthermore, since the zoning ordinance requires that parking be on-site, by placing all of the required parking underground in the garage a substantial amount of landscaping was able to be preserved at the site. In fact, much of the existing pavement at the front of the property was removed and used in part of the building footprint or turned into landscaping. The property would consist of 58.5% landscaping which is more than double the required 25% minimum in an RB district.

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 Linden Avenue maintaining the existing streetwall fabric in the area and promoting a pedestrian friendly streetscape. Curbing will be installed in areas where it does not currently exist in front of the parking area and as a result, an additional on-street parking space will be created. A fire hydrant that is currently precariously located in the middle of the parking area will be relocated to a safer place. The initial review of the curb cut proposal is acceptable to the Traffic & Parking Department and the Engineering Department. The Department of Public Works will need to conduct the final sign off on the curb cut but has given the initial approval. The 18 foot wide driveway apron as proposed is acceptable for emergency vehicle access. The parking garage has sufficient area for vehicles to maneuver and exit the site in a forward direction. The proposed bike racks at the front of each parking space in the garage allow for indoor bike parking and help to maximize space efficiency.

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 Engineering Department has reviewed the utility, grading, and drainage plans for the original proposal and did not have concerns. However, the Board included a condition that the Applicant must show to the City Engineer that the currently proposed design is in compliance with the City’s stormwater management policy. Reducing the substantial curb cut along the street will improve the sidewalk experience for pedestrians. There will be less of a distance where pedestrians will have to be aware of vehicles crossing the sidewalk and vehicles will be entering and exiting the driveway in the forward direction making for a safer pedestrian path. The installation of a curb will also create an additional on-street parking space. There will be a slight increase in the utilization of the street and sidewalk system in the area due to the increase in the number of residential units.



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.”

The proposed residential use will not adversely impact the environment. 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.

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.”

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 secure safety from fire, panic and other dangers; to provide adequate light and air; 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; to encourage housing for persons of all income levels; and to preserve and increase the amenities of the municipality.”

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

With the proposed design a substantial portion of the existing landscaping on-site would be maintained, including the mature trees along the property lines. Extensive landscaping will be retained at the rear of the property but quality tracts of landscaping will also be located on each side of the structure. At the front of the proposed structure there would also be small, but accentual, landscaping which will reach right out to the sidewalk and be highly visible from the public right-of-way.

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 proposed use of the building will be a multi-family residential structure, which is a compatible use with the surrounding residential neighborhood. The building has a contemporary design but does incorporate elements of traditional buildings in the existing neighborhood. The structure’s style is fairly consistent with the nature of the surrounding area with a gable roof, porches and bay windows in the front, substantial fenestration on the front façade, and a front entryway that opens directly out to the streetscape. The building is located as close to the street as is allowed by zoning, which is also consistent with the other structures on the street. The main entrance area to the building would be oriented towards Linden Avenue which is consistent with most of the structures that currently exist on the street.

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.



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Skimming devices, oil, and grease traps, and similar facilities at the collection or discharge points for paved surface runoff should be used, to retain oils, greases, and particles. Surface water on all paved areas shall be collected and/or routed so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create puddles in the paved area. In larger developments, where practical, the routing of runoff through sheet flow, swales or other means increasing filtration and percolation is strongly encouraged, as is use of retention or detention ponds. In instances of below grade parking (such as garages) or low lying areas prone to flooding, installation of pumps or other devices to prevent backflow through drains or catch basins may be required.”

The proposed project includes a substantial amount of landscaping (over 58%) at the property which will help to absorb any stormwater runoff on the site. The Applicant submitted grading and drainage, utility, and erosion and sediment control plans as well as soil information for the original design of the project, which were reviewed by the City Engineer. The Board has included a condition that the Applicant must show to the City Engineer that the currently proposed design is in compliance with the City’s stormwater management policy.

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

The proposal does not include historically designated properties. The existing structure on the site contributes to the architectural form of the neighborhood, however this building will be removed as part of the proposal. 11 Linden Avenue is a Local Historic District that is located diagonally across the street from the subject property. This historic property contains a 2½ story structure with a gable roof and a front porch. The proposed new building will have a more contemporary design but will be a three story structure with a gable roof and will also have a front porch at the main entry.

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 overall appearance of the new building and the reorientation of the site layout will enhance the neighborhood from the existing situation at the property. The proposed structure will replace the existing three-family dwelling and the small parking area that currently exists along the street and will fit in with the rhythm of the other houses on Linden Avenue. The existing trees at the edge of the site will function as a screening in the months when the trees have leaves. The proposed building will also help to further establish the streetwall in this location along Linden Avenue and will mimic the setting in the rest of the neighborhood.

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 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 Linden Avenue through the main entrance and into the common corridor. Additionally, the project's driveway will be 18 feet wide at its mouth which provides sufficient access for emergency vehicles to park in the ramp that leads down to the underground parking garage if necessary. The Board has also included a condition that the Applicant or Owner work with the Fire Prevention Bureau to ensure there is adequate access down the left side of the structure in case emergency extraction is needed from the bedrooms that are located on that side of 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 project will make use of the existing curb cut at the site and will actually close much of the existing curb cut down to a driveway apron width of 18 feet. This narrowing of the curb cut and channeling of all traffic entering an existing the site through a single access point will reduce the chance of conflict with the traffic on Linden Avenue from the current situation. All vehicles will be entering and exiting the street in a forward direction. The curb cut passed the initial review by the Department of Public Works.

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."

Minimal negative impacts are anticipated as a result of the proposed residential use. The zoning ordinance requires that parking be on-site and by placing all of the required parking underground in the garage, a substantial amount of landscaping was able to be preserved at the site. In fact, much of the existing pavement at the front of the property would be removed and used in part of the building footprint or turned over to greenspace. The property would consist of 58.5% landscaping which is more than double the minimum required 25% in an RB district. The redesigned site plan increases the amount of usable open space on the site, especially at the rear of the property, and reduces the negative impact that a parking lot would have in the backyard. Furthermore, there will not be machinery that emits heat, vapor, light or fumes beyond those of a typical residential use.

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 as specified in SZO §12.

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 trash and recycling barrels will be stored in a small inlet at the back of the underground parking garage. HVAC compressors for each unit will be located on the right side and left rear side of the structure in rows next to the building. The location of the compressors is not anticipated to negatively impact the site. Gas meters



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are proposed to be located on the right front side of the structure. If transformers are to be located on the site a condition has been proposed 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 for the project will be located underneath the building in a garage and therefore will not be visible from the streetscape or to abutters. The garage door is approximately 8.5 feet tall but it will be situated approximately 4.5 feet below grade which will help to block its visibility from the street level, along with its recessed nature in the design of the building. The front entrance steps and the landscaping along the front lot line of the property will also help to screen the garage door from the public view.



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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. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes																
1	Approval is to construct eight (8) dwelling units under SZO §7.3 including one (1) affordable unit. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/PIng.																	
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>(August 19, 2011)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>May 29, 2012 (May 29, 2012)</td> <td>Cover Sheet</td> </tr> <tr> <td>May 29, 2012 (May 29, 2012)</td> <td>Zoning Compliance Sheets (Z-1 and Z-2)</td> </tr> <tr> <td>May 29, 2012 (May 29, 2012)</td> <td>Views (A0.1)</td> </tr> <tr> <td>May 29, 2012 (May 29, 2012)</td> <td>Site Plan (A1.0)</td> </tr> <tr> <td>May 29, 2012 (May 29, 2012)</td> <td>Floor Plans (A1.1 – A1.4)</td> </tr> <tr> <td>May 29, 2012 (May 29, 2012)</td> <td>Elevations (A2.0)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	(August 19, 2011)	Initial application submitted to the City Clerk's Office	May 29, 2012 (May 29, 2012)	Cover Sheet	May 29, 2012 (May 29, 2012)	Zoning Compliance Sheets (Z-1 and Z-2)	May 29, 2012 (May 29, 2012)	Views (A0.1)	May 29, 2012 (May 29, 2012)	Site Plan (A1.0)	May 29, 2012 (May 29, 2012)	Floor Plans (A1.1 – A1.4)	May 29, 2012 (May 29, 2012)	Elevations (A2.0)
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Any changes to the approved site 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 updated project plans meet the current City of Somerville stormwater policy. Utility, grading, and drainage plans must be submitted to the Engineering Department for review and approval.	BP	Eng.	
4	Applicant shall provide final material samples for siding, trim, windows, and doors to the Design Review Committee for review and comment and to Planning Staff for review and approval prior to construction.	BP	Plng.	
5	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 square feet of required landscaped area under SZO §10.3.	BP	Plng.	
6	The Applicant/Owner shall work with the Housing Division to develop an Affordable Housing Implementation Plan (AHIP).	BP	Housing	
7	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	
8	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	
9	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
10	The Applicant or Owner shall work with the Fire Prevention Bureau to provide adequate access along the left side of the building while still maintaining landscaping requirements in this area as specified under SZO §2.2.81.	CO	FP and Plng.	
11	A paver walkway shall be installed connecting the rear egress from the building to the sidewalk along Linden Avenue at the front of the building.	CO	Plng.	
12	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	
13	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	
14	Any transformers, HVAC, or condenser units should be located as not to impact the landscaped area, shall not be located in the front yard (or within 16 feet of the front lot line), and shall be fully screened.	CO	Plng.	



15	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	
16	Vehicles exiting this property must exit in a forward direction.	Perpetual	T&P	
17	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards.	Perpetual	Plng./ISD	
18	Trash and recycling bins shall be stored in the basement as shown on Sheet A1.1.	Perpetual	ISD/Plng.	
19	To the extent possible, all exterior lighting must be confined to the subject property, cast light downward and must not intrude, interfere or spill onto neighboring properties.	Perpetual	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	Prior to the issuance of a Building Permit, the Applicant shall develop in consultation with the Planning Staff and the Ward Alderman, a Construction Management Agreement, which shall include but not be limited to on-site air quality monitoring, modified hours of work, designation of a point contact person, and the parking associated with this project on Linden Avenue.	BP	Plng.	



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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