



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

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**Case #: ZBA 2015-67**  
**Site: 38-40 Medford Street**  
**Date of Decision: November 4, 2015**  
**Decision: Petition Approved with Conditions**  
**Date Filed with City Clerk: November 13, 2015**

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**ZBA DECISION**

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|                                |   |
|--------------------------------|---|
| <b>Applicant Name:</b>         | Kenneth Lanzilli, 38-42 Medford Street, LLC |
| <b>Applicant Address:</b>      | 16 Benham Street, Medford , MA 02155        |
| <b>Property Owner Name:</b>    | 38-42 Medford Street, LLC                   |
| <b>Property Owner Address:</b> | 16 Benham Street, Medford , MA 02155        |
| <b>Agent Name:</b>             | Sean T. O'Donovan, Esq.                     |
| <b>Agent Address:</b>          | 741 Broadway, Somerville, MA 02144          |

Legal Notice: The Applicant, Kenneth Lanzilli and owner 38-42 Medford Street, LLC seeks a special permit with site plan review to demolish an existing single story garage, and construct a seven unit residential project with ground floor retail; they also require a Variance for parking relief.

|                                   |                  |
|-----------------------------------|------------------|
| <u>Zoning District/Ward:</u>      | BA zone/Ward 2   |
| <u>Date of Application:</u>       | August 6, 2016   |
| <u>Date(s) of Public Hearing:</u> | 10/21 & 11/4/15  |
| <u>Date of Decision:</u>          | November 4, 2015 |
| <u>Vote:</u>                      | 5-0              |

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Appeal #ZBA 2015-67 was opened before the Zoning Board of Appeals at Somerville City Hall on October 21, 2015. Notice of the Public Hearing was given to persons affected and was published and posted, all as required by M.G.L. c. 40A, sec. 11 and the Somerville Zoning Ordinance. After one hearing of deliberation, the Zoning Board of Appeals took a vote.



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**DESCRIPTION:**

The applicant proposes to demolish the existing garage, and construct a four-story building with seven residential units on floors two-four, and retail on the ground floor. The proposal provides 11 off-street parking spaces in the rear of the lot, accessed by a driveway on the south of the site.

**FINDINGS FOR SPECIAL PERMIT WITH SITE PLAN REVIEW:**

In order to grant a special permit with site plan review, the SPGA must make certain findings and determinations as outlined in §5.2.5 of the SZO. This section of the report goes through §5.2.5 in detail.

1. Information Supplied:

The Board finds that the information provided by the Applicant conforms to the requirements of §5.2.3 of the SZO and allows for a comprehensive analysis of the project.

2. Compliance with Standards: *The Applicant must comply “with such criteria or standards as may be set forth in this Ordinance which refer to the granting of the requested special permit with site plan review.”*

The existing structure is currently nonconforming with respect to the following use: sales, installation and/or maintenance of automotive parts (SZO §7.11); the lot is nonconforming with respect to the following dimensional requirements (SZO §8.5): minimum landscaped area.

The proposal will remove the existing nonconforming use, and increase the landscaped area from 0% to 10%, which is the requirement in BA Zones. However, the proposal requires a special permit per SZO §4.5.1 *Change of Nonconforming Use*. The proposal also requires site plan review per SZO §7.11, as it has 7 residential units.

Section 5.2.1 states that “*Certain activities, due to their size or nature, are likely to have significant impacts on the City and are therefore designated as requiring special permit with site plan review (SPSR). These include those activities and uses designated as requiring special permit with site plan review in [Article 7](#), Table of Permitted Uses, or in any other section of this Ordinance where SPSR is referred to as applicable. The SPSR process is intended to enable thorough review of said uses and activities by the SPGA. The SPGA may grant a special permit with site plan review upon making positive findings and determinations under the provisions herein. The SPGA shall not grant a SPSR when it makes negative findings and determinations under the provisions herein, unless such findings and determinations concern negative impacts that may be adequately mitigated by the imposition of conditions attaching to the permit, in which case the SPGA may, in its discretion, grant a conditional special permit with site plan review. Special permit with site plan review is also intended to allow the SPGA to administer this Ordinance with reasonable, flexible methods consistent with the public interest in accordance with the criteria and standards stated herein.*”

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 BA district, which is, “To establish and preserve business areas bordering main thoroughfares that are attractive to a wide range of uses, including retail business and services, housing, government, professional and medical offices, and places of amusement. While it is anticipated that most users will arrive by motor vehicle, it is intended that the area should be safe for and conducive to pedestrian traffic.”

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 the buildings are compatible with those prevalent in the surrounding area”.*



The proposed project is across the street from a 70,000sf three-story historic brick building with a mix of uses. The parcel immediately to the north of the site has a three story vinyl-clad residential brick building, which is typical of structures along the west side of Medford Street to the north of the proposed project. The parcel immediately to the south has a single story auto body shop, which is typical of the parcels to the south, up to the boundary with Cambridge. To the west of the site, there is a mid-block parking lot that serves various uses on said block. Uses on the block include Somerville Brewing Company, La Hacienda Restaurant, and the Trinity Church of God.

The proposal will add a new type of housing to the neighborhood, as well as a retail space, which is in keeping with the mixed-use nature of the area. The physical design of the proposal keeps parking screened and in the rear of the lot, provides ground floor retail, and a massing and character on the upper levels that is compatible with existing residential structures in the area.

Design Guidelines for Business Zones. *The following guidelines are intended to promote certain urban design principles and physical building characteristics within business districts. These guidelines are not intended to discourage innovative architectural design solutions. Rather, they provide general standards for the massing, siting and articulation of buildings for developers and architects to work from. They also provide parameters for dialogue between the Applicant and SPGA on design issues. The guidelines are particularly applicable to smaller and infill sites within a streetscape, while for larger buildings on highly visible sites (especially those directly facing on major squares) they are intended as a beginning basis upon which the SPGA will judge proposals.*

1. *Maintain a strong building presence along the primary street edge, continuing the established streetwall across the front of the site so as to retain the streetscape continuity; however, yards and setbacks as required by Article 8 shall be maintained.*

The project proposes a 49.6' height with a 2' setback along Medford Street.

2. *Differentiate building entrances from the rest of the primary street elevation, preferably by recessing the entry from the plane of the streetwall or by some other articulation of the elevation at the entrance.*

The retail entry is recessed 3' from the façade, and the residential entry is made distinct by placing it in a separate architectural bay.

3. *Make use of the typical bay widths, rhythms and dimensions prevalent in buildings adjacent to the site, especially in new construction or substantial redevelopment.*

The building is divided into two primary bays which match the general width of smaller adjacent residential structures. The façade is divided horizontally so that the cornice line below the mansard roof roughly aligns with existing parapets and roof lines of adjacent structures.

4. *Clearly define these bay widths, rhythms and dimensions, making them understandable through material patterns, articulations and modulations of the facades, mullion design and treatment, etc.*

The two primary bays are clearly defined and bilaterally symmetrical with separate entries for retail and residential embedded in the storefront façade on the ground floor. The second and third levels are clad in clapboards and have distinct window patterns and balconies establishing a rhythm across the length of the façade. The fourth level is recessed 2' above the cornice and clad in standing seam metal roofing, which helps it recede as a separate volume, with dormers that project forward to establish a rhythm.

5. *Provide roof types and slopes similar to those of existing buildings in the area.*

The roof is flat, similar to those in the area.



6. *Use materials and colors consistent with those dominant in the area or, in the case of a rehabilitation or addition, consistent with the architectural style and period of the existing building. Use of brick masonry is encouraged, but not considered mandatory.*

Quality and long-lasting materials, such as hardboard, will be used to compose this building.

7. *When parking lots are provided between buildings, abutting the primary street and breaking the streetwall, provide a strong design element to continue the streetwall definition across the site, such as a low brick wall, iron works or railing, trees, etc.*

The parking lot is provided at the rear of the site, but is accessible from Medford Street.

8. *Locate transformers, heating and cooling systems, antennae, and the like, so they are not visible from the street; this may be accomplished, for example, by placing them behind the building, within enclosures, behind screening, etc.*

Mechanical equipment is proposed to be located on the roof.

9. *Sites and buildings should comply with any guidelines set forth in Article 6 of this Ordinance for the specific base or overlay zoning district(s) the site is located within.*

The proposal is consistent with the purpose of the Business A district, §6.1.6, which is, “To establish and preserve business areas bordering main thoroughfares that are attractive to a wide range of uses, including retail business and services, housing, government, professional and medical offices, and places of amusement. While it is anticipated that most users will arrive by motor vehicle, it is intended that the area should be safe for and conducive to pedestrian traffic.”

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

The site plan and general architectural layout functions to provide a mix of housing and retail use, as well as off-street parking.

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.”*

It is not anticipated that the change in use from a garage to 7-unit mixed-use project would adversely impact the City sanitary sewer system, street system or pedestrian traffic. Planning Staff has proposed a condition that requires the Applicant to demonstrate that the project is in compliance with the City stormwater policy and the Applicant has submitted a stormwater management plan.

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.”*

It is anticipated that the proposed mixed-use structure will have minimal negative environmental impacts by way of noise, illumination, glare, dust, smoke, or vibration, and likely less than the current use. Hazardous materials and substances are not part of the proposed use and Staff has conditioned that the appropriate entities be notified to dispose of these materials or substances if unearthed upon demolition or construction. The landscaped and pervious



areas would increase, and the storm water management system of the lot would be modernized, thereby reducing the potential impact for pollution of water ways or ground water as compared to the existing conditions on site.

8. Consistency with Purposes: *“Is consistent with: 1) the purposes of this Ordinance, particularly those set forth in Article 1 and Article 5; and 2) the purposes, provisions, and specific objectives applicable to the requested special permit with site plan review which may be set forth elsewhere in this Ordinance, such as, but not limited to, those at the beginning of the various sections.”*

The proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to encouraging the most appropriate use of land throughout the City; to encourage housing for persons of all income levels; and to preserve and increase the amenities of the municipality.

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

There are no significant existing landforms to preserve, and the site will not require significant grading. Landscaped areas along the sides of the building will be visible from the sidewalk, and help screen the parking at the rear of the site. There will also be a raised flowerbed in front of the retail area along the sidewalk.

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 building is in keeping with the existing urban environment in terms of use, scale and design (see *site area and compatibility*). The flat roof can accommodate future solar panels. Visual intrusions on other buildings do not seem to be an issue.

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 drainage plans, any approval of the Special Permit with Site Plan Review should be conditional upon approval by the City Engineer of such plans and determination that no adverse impact would result to the drainage system from the design of the project. Planning Staff therefore proposes a condition for the Applicant to demonstrate that the project meets the current City stormwater policy and that utility and drainage plans be submitted to the Engineering Department for review and approval.

12. Historic or Architectural Significance: *The project must be designed “with respect to Somerville’s heritage, any action detrimental to historic structures and their architectural elements shall be discouraged insofar as is practicable, whether those structures exist on the development parcel or on adjacent properties. If there is any*



*removal, substantial alteration or other action detrimental to buildings of historic or architectural significance, these should be minimized and new uses or the erection of new buildings should be compatible with the buildings or places of historic or architectural significance on the development parcel or on adjacent properties.”*

The project design is compatible with existing architecture already present along Medford Street and throughout the City. The use of recessed and projecting balconies, dormers, cornices, divided light windows, and recessed storefront entries helps create compatibility between the new and historic structures. The existing garage that will be demolished was reviewed under a demolition permit and was not declared historically significant.

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 project enhances the natural character and appearance of the City due to the form and massing, architectural detail and continuation of a street wall along Medford Street. The pedestrian quality of the streetscape will be bettered due to the ground floor retail. Privacy fencing will be located along the north and west property lines, and a 5’ wide strip of landscaping will be located between the rear fence and the proposed parking.

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 appropriate to the proposed retail and residential uses, conform to dimensions specified in the SZO, and is conditioned not to interfere with neighboring properties. Lights will be located at each entry. Planning Staff proposes a condition that all exterior lighting, to the extent possible, must be confined to the subject project, cast 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.”*

The 18’ drive aisle that extends to the rear of the project site provides emergency access on three sides of each 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.”*

Vehicles entering and exiting the site would do so in a forward manner onto and off of Somerville Avenue. The proposed curb cut is 18’, enabling circulation into and from the parking lot simultaneously. Other curb cuts will be removed.

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 shall tie into existing City services for electric, telephone and cable. These utility lines shall be placed underground. No transformer will be required.

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 project and residential use. Open spaces will be designed and planted to enhance the site and the streetscape as well as mitigate views of the parking lot. The landscape areas would increase to approximately 10% of the site. The two existing street trees at either end of the project site along Medford Street would remain. The front portion of the driveway will be constructed from permeable pavers which will help to reduce stormwater runoff and reduce heat radiating from the driveway in the summer, and also slow traffic entering and exiting the property which will slightly increase pedestrian safety.

Due to the predominantly residential nature of the proposed structure, as well as small retail, minimal adverse impacts with regard to ground cover or machinery as well as from light, air, noise, wind, or temperature are foreseen as a direct result of this development. Noise, smoke and vibration would be reduced as a result of the residential use. While there would be appropriate lighting for a business district and a residential use of the upper stories, this lighting would be confined as much as possible to the site. Hazardous materials and substances are not part of the proposed use and Staff has conditioned that the appropriate entities be notified to dispose of these materials or substances if unearthed upon demolition or construction.

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 plans indicate that the trash and recycle area would be located inside the rear of the building, adjacent to and accessible from the parking lot. A/C condensers and other mechanicals will be located on the roof and will not be directly visible or obtrusive to surrounding properties.

21. Screening of Parking:

The parking will be located behind the proposed building with an 18’ access aisle located between both proposed buildings. There will be 6’ fencing around the perimeter of the site as well as landscaping and two trees to mitigate views of the parking, specifically at the rear of the site.

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

The proposal does not supply or contribute toward affordable housing.

22. SomerVision Plan: *Complies with the applicable goals, policies and actions of the SomerVision plan, including the following, as appropriate: Preserve and enhance the character of Somerville’s neighborhoods, transform key opportunity areas, preserve and expand an integrated, balanced mix of safe, affordable and environmentally sound rental and homeownership units for households of all sizes and types from diverse social and economic groups; and, make Somerville a regional employment center with a mix of diverse and high-quality jobs. The areas in the SomerVision map that are designated as enhance and transform should most significantly contribute towards the SomerVision goals that are outlined in the table below. The areas marked as conserve are not expected to greatly increase the figures in the table since these areas are not intended for large scale change.*

| <u>SomerVision Summary</u> | <i>Existing</i> | <i>Proposed</i> |
|----------------------------|-----------------|-----------------|
| <i>Dwelling Units:</i>     | 0               | 7               |
| <i>Affordable Units:</i>   | 0               | 0               |
| <i>Commercial Sq. Ft.:</i> | 0               | 1450 sf         |



|                              |         |                 |
|------------------------------|---------|-----------------|
| <i>Estimated Employment:</i> | Unknown | Potentially 1-3 |
| <i>Parking Spaces:</i>       | 9       | 11              |

The proposal complies with the SomerVision plan through the addition of dwelling units and retail space near transit and along this mixed-use corridor. The parcel will increase the number of trees on site, and the overall pedestrian quality of this urban corridor by replacing the existing curb cut with a new sidewalk, and installing raised flower beds along the front facade. The proposal will decrease the impervious nature of the existing lot and provide a better use for the site and the area. The proposal will continue the streetscape, enhance the area, and increase the amenities of this portion of the corridor.

### **FINDINGS FOR VARIANCE:**

SZO §9.13 allows for sites with nonconforming parking to apply for a Special Permit to modify parking requirements if the total number of spaces is less than six. Since the parking requirement for this project is 17 per SZO §9.5, and only 11 are provided, the applicant needs a variance for parking relief of six spaces.

1. Explain any special circumstances affecting the land or structure (related to soil conditions, shape or topography) that are unusual and do not affect other properties and any hardship that results from these special circumstances.

Special circumstances affecting this site that are unusual and do not affect other properties are that the existing automotive use is compliant with regard to parking, which is determined by the number of garage bays. Any viable mixed- or single-use development that is a more appropriate use for this area than the existing use will likely require a Variance due to the parking requirements for residential and retail uses. Solutions to create additional on-site parking compromise other components of this project. The SomerVision Comprehensive Plan, which asserts that this is a community to live, work, play and raise a family, does not fully align with the existing zoning ordinance which requires a total of 17 parking spaces. Therefore, in providing one space per each residential and retail unit and an additional 3 spaces (for a total of 11), the project is able to provide on-site parking without compromise to the quality or feasibility of the project.

Additionally, the removal of the existing curb cut (which is the entire site frontage), will add two new street parking spaces that could be used by retail customers, guests, or residents of the area with parking permits.

Applicant response: The proposed building is serviced by transit in close proximity. The applicant believes that full compliance with the parking requirements would inhibit adequate commercial use that would benefit the area. Furthermore, efficient use can be made for the parking provided to accommodate a share parking program. Additionally the commercial tenants can apply for permits pursuant to the City of Somerville Business Parking Program.

2. Explain if and how the Variance is the minimum approval necessary to grant reasonable relief to the owner and results in a reasonable use of the land or structure.

The Applicant devised a building design and combined site plan that reduces the number of on-site parking stalls, while still maintaining enough parking so as to accommodate the needs of the project. Due to accessible public transportation as well as proximity to transit stations, the request for six spaces of parking relief is all that is necessary for a reasonable use of this parcel.

Applicant response: Proposed design provides as many parking spaces as practical on-grade while providing adequate space for a residential lobby, vertical circulation, and commercial use with maximum frontage. The applicant met with the abutters who endorsed the commercial space thereby creating the preserving walkability



and sense of neighborhood. To ensure the commercial space is vibrant, the applicant's design provides 11 parking spaces.

3. Explain if and how the granting of the Variance will be in harmony with the SZO and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Granting the Variance would be in harmony with the SZO and not injurious to the surrounding neighborhood, nor otherwise harmful to the public welfare. This project meets all dimensional requirements and is in accordance with the SZO as well as the SomverVision Comprehensive Plan as this project provides appropriate uses for this portion of Somerville Avenue, creates a walkable and pedestrian friendly streetscape and commercial corridor, and contributes to the diversity, location and type of residential units offered within the City.

Applicant response: The proposed design improves the pedestrian experience, improves the safety of pedestrians by reducing the existing curb cut, improves the landscaping condition, brings a commercial presence appropriate to pedestrians and is similar to nearby development that have ground floor commercial. The proposed design conforms to all zoning requirements except number of parking spaces and the landscape area, which as proposed improves up on the existing amount.



**DECISION:**

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Danielle Evans , Elaine Severino and Josh Safdie. Upon making the above findings, Richard Rossetti made a motion to approve the request for a Special Permit with Site Plan Review. Elaine Severino seconded the motion. Wherefore the Zoning Board of Appeals voted **5-0** to **APPROVE** the request. Upon making the above findings, Richard Rossetti made a motion to approve the request for a Variance. Elaine Severino seconded the motion. Wherefore the Zoning Board of Appeals voted **5-0** to **APPROVE** the request. In addition the following conditions were attached:

| #                       | Condition   | Timeframe for Compliance | Verified (initial) | Notes          |  |                  |  |         |           |  |
|-------------------------|---|--------------------------|--------------------|----------------|--|------------------|--|---------|-----------|--|
|                         | Approval is for the proposed special permit with site plan review and variance. This approval is based upon the following application materials and the plans submitted by the Applicant: <table border="1" style="margin: 10px auto; width: 80%;"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>August 6, 2015</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>October 28, 2015</td> <td>Modified plans submitted to OSPCD (1-15)</td> </tr> </tbody> </table> Any changes to the approved (site plan or elevations/use) that are not <i>de minimis</i> must receive SPGA approval. | Date (Stamp Date)        | Submission         | August 6, 2015 | Initial application submitted to the City Clerk's Office | October 28, 2015 | Modified plans submitted to OSPCD (1-15) | CO / BP | ISD/PIng. |  |
| Date (Stamp Date)       | Submission  |                          |                    |                |  |                  |  |         |           |  |
| August 6, 2015          | Initial application submitted to the City Clerk's Office  |                          |                    |                |  |                  |  |         |           |  |
| October 28, 2015        | Modified plans submitted to OSPCD (1-15)  |                          |                    |                |  |                  |  |         |           |  |
| <b>Pre-Construction</b> |   |                          |                    |                |  |                  |  |         |           |  |
| 1                       | 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.               |                |  |                  |  |         |           |  |
| 2                       | New sanitary connection flows over 2,000 GPD require a removal of infiltration and/or inflow by the Applicant. This will be achieved by submitting a mitigation payment, established by the City Engineers Office, to the City based on the cost per gallon of I/I to be removed from the sewer system and a removal ratio of 4:1. If a different ratio of removal or mitigation payment amount is adopted by the Board of Aldermen prior to the Applicant receiving a Certificate of Occupancy, payment will be adjusted to the BOA rate. The Applicant shall work with Engineering and meet this condition before a certificate of occupancy is issued.                 | CO                       | Eng.               |                |  |                  |  |         |           |  |
| 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 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              |  |
| 6                           | 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              |  |
| <b>Construction Impacts</b> |   |                       |                  |  |
| 7                           | The applicant shall post the name and phone number of the general contractor at the site entrance where it is visible to people passing by.   | During Construction   | Plng.            |  |
| 8                           | Approval is subject to the Applicant's and/or successor's right, title and interest in the property.  | Cont.                 | Plng.            | Deed submitted & application formed signed |
| 9                           | 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              |  |
| 10                          | 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              |  |
| <b>Design</b>               |   |                       |                  |  |
| 11                          | Applicant shall provide final material samples for siding, trim, windows, and doors to Planning Staff for review and approval prior to construction.  | BP                    | Plng.            |  |
| 12                          | An exterior light and electrical receptacle is required for the first (or all) level of the porch and an electrical receptacle is required for the second level (if there is no access to the ground).  | Final sign off        | Wiring Inspector |  |
| 13                          | The design will incorporate a continuous planter box along the front façade of the building. This box will be constructed the level of the retail glazing, from materials that are compatible with the overall project design, and will occupy the 2' setback between the façade and property line, and will be maintained with flowers.  | BP/Cont.              | Plng., ISD       |  |



|                              |   |                              |                           |  |
|------------------------------|---|------------------------------|---------------------------|--|
| 14                           | Parking space 11 will be made Handicapped Accessible  | CO                           | Plng.                     |  |
| <b>Site</b>                  |   |                              |                           |  |
| 15                           | Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards;  | Perpetual                    | Plng. /<br>ISD            |  |
| 16                           | 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<br>of Utilities | Wiring<br>Inspector       |  |
| 17                           | All new sidewalks will be installed by the Applicant in accordance with the specifications of the Highway Superintendent. Specifically, all driveway aprons shall be concrete;  | CO                           | Plng.                     |  |
| <b>Traffic &amp; Parking</b> |   |                              |                           |  |
| 18                           | The Applicant will work with Traffic and Parking to determine the best location in the immediate vicinity of the project for the installation of a Pedestrian Impact Recovery System. The Applicant will fund the installation of said system.  | Final sign<br>off            | Traffic<br>and<br>Parking |  |
| <b>Miscellaneous</b>         |   |                              |                           |  |
| 19                           | The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the building and all on-site amenities, including landscaping, fencing, lighting, parking areas and storm water systems, ensuring they are clean, well kept and in good and safe working order.  | Cont.                        | ISD                       |  |
| 20                           | For developments with 7 or more residential units or commercial development, the Owner/Applicant is required to hire a private company to remove trash and recycling on a regular basis.  | Cont.                        | ISD                       |  |
| <b>Public Safety</b>         |   |                              |                           |  |
| 21                           | The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.  | CO                           | FP                        |  |
| 22                           | Any transformers should be located as not to impact the historic building or landscaped area, and shall be fully screened.  | Electrical<br>permits<br>&CO |                           |  |
| 23                           | Notification must be made, within the time period required under applicable regulations, to the Massachusetts Department of Environmental Protection (DEP) if there is any release of oil, hazardous materials, or regulated hazardous substances at the site. The City's OSE office, Fire Department and the Board of Health shall also be notified. | CO                           | OSE/FP/B<br>OH            |  |
| 24                           | 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.                     |  |
| 25                           | 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                  |  |



|                       |  |                   |          |  |
|-----------------------|--|-------------------|----------|--|
| 26                    | <p>Because of the history of the site and the intended use, the Applicant shall, prior to issuance of any foundation permit and/or any building permit for the project, provide to the Planning Department and the Inspectional Services Division:</p> <p>a) a copy of the Response Action Outcome (RAO) Statement, signed by a Licensed Site Professional (LSP) and filed with DEP, verifying that a level of no significant risk for the proposed residential use has been achieved at the site; or</p> <p>b) if remediation has not reached the RAO stage, a statement signed by an LSP describing (i) the management of oil and hazardous materials/waste at the site, including release abatement measures intended to achieve a level of no significant risk for residential use at the site, treatment and storage on site, transportation off-site, and disposal at authorized facilities, (ii) a plan for protecting the health and safety of workers at the site, and (iii) a plan for monitoring air quality in the immediate neighborhood.</p> | Foundation Permit | Plng/ISD |  |
| <b>Signage</b>        |  |                   |          |  |
| 27                    | Signage will be limited in size and location to that shown in the elevation diagrams and lighting after 10p.m. facing residential property will be turned down or off.   | CO/Cont.          | Plng.    |  |
| 28                    | Any proposed signage will be reviewed by the planning department   | CO/Cont.          | Plng.    |  |
| <b>Final Sign-Off</b> |  |                   |          |  |
| 29                    | The Applicant shall contact Planning Staff at least five working days in advance of a request for a final inspection by Inspectional Services to ensure the proposal was constructed in accordance with the plans and information submitted and the conditions attached to this approval.  | Final sign off    | Plng.    |  |



Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chairman*  
Richard Rossetti, *Clerk*  
Danielle Evans  
Elaine Severino  
Josh Safdie

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 \_\_\_\_\_

