



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

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Case #: PB 2013-17
Site: 9 & 39 Medford Street
Date of Decision: November 21, 2013
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: November 27, 2013

PLANNING BOARD DECISION

Applicant Name:	Berkeley Investments, Inc.
Applicant Address:	121 High Street, Boston, MA 02110
Property Owner Name:	Medford Freezer Realty, Inc.
Property Owner Address:	42 Grove Street, Winchester, MA 01890
Agent Name:	Adam Dash, Esq.
Agent Address:	48 Grove Street, Suite 304, Somerville, MA 02144

Legal Notice: Applicant, Berkeley Investments, and Owner, Medford Freezer Realty, Inc., seek a Special Permit with Site Plan Review under SZO §6.5.D.5 to alter an existing façade including signage & 7.13.E to establish 100 residential units including artist live/work space. The applicant seeks approval under SZO §9.17.2.B for modification of the parking/loading standards. Article 13 Inclusionary Housing will apply.

<u>Zoning District/Ward:</u>	TOD 100 zone/Ward 2
<u>Zoning Approval Sought:</u>	§6.5.D.5, §7.13.E & §9.17.2.B
<u>Date of Application:</u>	October 8, 2013
<u>Date(s) of Public Hearing:</u>	11/7 & 11/21/13
<u>Date of Decision:</u>	November 21, 2013
<u>Vote:</u>	4-1



Appeal #PB 2013-17 was opened before the Planning Board at Somerville City Hall on November 7, 2013. Notice of the Public Hearing was given to persons affected and was published and posted, all as required by M.G.L. c. 40A, sec. 11 and the Somerville Zoning Ordinance. After two hearings of deliberation, the Planning Board took a vote.

DESCRIPTION:

The proposal is to renovate the existing building to allow for 100 residential units including 5 artist live-work spaces, a gallery, fitness center, roof deck, green roof, and one level of garage parking. The existing 1-story loading dock additions will be demolished. There will be a 1-story addition added to the top of the building to make the building 8 stories. The building will have a new metal panel façade with an aluminum window system.

After renovations, the buildings will be 108,382 gross square feet. There will be 13 studios, 63 one-bedrooms, and 24 two-bedroom units including 5 artist live/work spaces. The first floor will have a lobby, lounge, fitness center, and gallery as well as the artist live/work spaces. Floors 2-7 have 14 residential units each. The eighth floor will have 11 penthouse units, 8 of which have balconies. The roof deck will be accessible to the entire building.

The building can accommodate 16 parking spaces underneath the building. There will be 65 surface spaces at 9 Medford Street and the remaining 19 spaces at 39 Medford Street. The parking spaces at 39 Medford Street will be redefined with landscaped parking islands.

There will be a privately owned outdoor space that will be accessible to the public from the sidewalk at 9 Medford Street. The site plan defines access from the sidewalk to the entrance of the building while giving residents and the public an area to sit and relax. The park includes seating and planting areas, a hedge to block views of Twin City Plaza, and a pergola to draw people into the park.

The site will comply with the pervious and landscaped area required. The usable green space will be in the public park. The parking areas have islands of trees and groundcover. There is also a green roof on the top of the building that residents will be able to see from the roof deck.

The building and park will have new signage. There will be a sign stating the building's name on the front canopy of the building. The park signage will be on both sides of the angled concrete entrance wall.

FINDINGS FOR SPECIAL PERMIT (SZO §6.5.D.5, §7.13.E & §9.17.2.B):

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 development standards for the TOD (SZO §6.5.G) are met.

6.5.G TOD. All new developments shall meet the following standards:

1. **Transportation Analysis.** A traffic impact and access study was submitted as part of the development application. The applicant is seeking no parking relief. The proposed development will add 46 vehicle trips during the weekday morning peak hour and 56 vehicle trips during the weekday afternoon peak. This is using a 10% reduction for access to transit. If compared to the previous use's



peak operations including primarily truck traffic, the new vehicle trips numbers could be reduced by 60-70%.

The project is located near public transportation which includes Lechmere Station and 4 bus lines (80, 87, 88, and 69).

The Transportation Demand Management plan states that residents and visitors will use public transportation because of its convenience. The Applicant is currently working with Zipcar on securing 2 car spaces on site. The building's 3 employees - a concierge, property manager, and building technician - will be provided MBTA passes. These are conditions of the report.

2. Incentives for Green Building. The maximum height in TOD-100 districts is 85' unless the building is certified by the U.S. Green Building Council (USGBC) as LEED Gold or higher. The LEED checklist has been supplied with the application showing that the building will be LEED Gold which allows for the additional 15' in height. A condition of this report is that the project must be registered with USGBC prior to a building permit. Another condition of this report is that if the project is not LEED certified one year past the Certificate of Occupancy, the Certificate of Occupancy will be revoked.

3. Credit for Provision of Land for Public Infrastructure. There is no credit for provision of land for public infrastructure associated with this application.

4. Credit and Height Bonus for Provision of Dedicated Parkland. There is no credit and height bonus for provision of dedicated parkland associated with this application.

5. Transition to Abutting Residential District. The property does not abut any residential districts. The BA and BB zones across Medford Street do have residential properties but are Business Districts.

6. Upper Level Open Space. The balconies on the southwest side of the building and the roof deck provided are within setbacks and do not count toward the Floor Area Ratio.

7. Wind and Shadow Effects. Buildings shall be designed to minimize shadow and wind impacts to open space and residential areas especially between 10:00 a.m. and 2:00 p.m. in the winter.

The building's shadow will change very little from the existing condition. The building shadow will slightly increase on the warehouses to the north in the winter months.

8. Landscaping and Usable Open Space Requirements. The landscaping requirement is in compliance with the SZO at 19.9% for both parcels. In TOD-100 districts, 10% of the lot must be usable open space. The park is roughly 3,000 or 5% of the lot. The Applicant will seek relief for this variance from the zoning board.

9. Payment in Lieu of Open Space. There is no payment in lieu of open space associated with this application. The Applicant will seek relief from the Zoning Board of Appeals which could include a payment in lieu.

10. Pedestrian Connections. The development will create a pedestrian oriented environment by providing sidewalks where there currently are none. The more defined curb cuts will give vehicles a clear right of way versus the existing condition. Since the frontage is so narrow, a condition of the report is the Applicant provides sidewalks on the west side of Medford Street from the Somerville line to Warren Street including the depth of the first parcel on Warren Street.



There will be an increase in pedestrians in the area because of the change in use. As mitigation, the traffic engineer recommended that new pedestrian warning signs be installed to current Manual on Uniform Traffic Control Device standards. The signs will be placed on the existing flashing beacon as well as in advance of the pedestrian crossing at the intersection of South and Medford Street. This is a recommended condition of approval.

11. Pedestrian Oriented Requirements. The building has one main entrance because of the residential use. Since this project reuses an existing building it does have the typical streetfront of other approved TOD projects. The publically accessible park will activate the streetfront more than the current use.

12. Parking Design. Since the building is being reused, only 16 parking spaces are under ground. The Applicant has screened parking on the 9 Medford Street lot with the decorative entrance wall, landscaping, and the park. The parking at 39 Medford Street will be easily accessible to 9 Medford Street.

13. Parking Optimization Plan. Applications shall include a Parking Optimization Plan illustrating how management and pricing strategies will encourage shared use and reasonable turnover of parking spaces, and discourage structures' use as "Park and Ride" facilities.

The parking will be associated with the uses in the building and will not be used for "Park and Ride" patrons.

14. Service Areas and Loading Spaces. A transformer is located on the northeast corner of the site and screened by landscaping. There is a large trash area in the garage. There is no loading space required by the SZO. However, there is a space provided for artists to load large works on the south of the building.

15. Lighting. The lighting proposed is appropriate for the area. The lighting will improve the perceived safety of the area. At this time, the Applicant may apply for the 'Reduced Light Pollution' credit for LEED NC.

16. Properties Adjoining Railroad Rights-of-Way. The Applicant is working with the owner of the abutting Grand Junction line including restoring the meadow on the south side of the track similar to the meadow that exists on the other side of Medford Street. Their cooperation is a condition of this report; if successful it will increase the pervious area of the neighborhood.

17. Penthouses and Mechanical Equipment. The elevator penthouse and mechanical areas comply with the 45 degree setback requirement. All mechanical equipment is setback from the roof edge and screened with a metal wall. The roof deck is setback from the roof edge and also meets this requirement.

18. Reduction of Minimum Lot Area. There is no reduction of minimum lot area associated with this application.

All new development must undergo design review under Section 5.6 of this Ordinance, with findings giving consideration to the Design Guidelines of Section 6.5.H

1. The building will improve the streetwall on Medford Street. The Applicant made efforts to improve the edge of the property along the sidewalk; however, until there is a building near the sidewalk in the future, the guideline will not fully be met.
2. Since this is an existing building, the massing and height will not greatly change due to this proposal. This renovation is more similar to the proposals expected in TOD 100 districts than the existing neighborhood.



3. The building does not establish a transition in height because it does not adjoin any low-rise residential or historic districts.
4. The project will not have any commercial space. The residential lobby will have transparency and design features to create interest. The Lounge and Gallery will occasionally be activated for openings and art shows.
5. The exterior building materials will be insulated metal panel, aluminum windows, and a storefront system for the lobby. A condition of this report is that a mockup of materials be available on site for review and approval by Planning Staff.
6. The building uses the same, high quality, materials on all elevations.
7. The building will have an area for signage on the canopy above the residential entrance, this is currently shown on the elevation. There is also a signage area designated on the concrete wall along Medford Street for the park. Review and approval of the specifications of the lighting scheme and materials of the signage will be a condition of approval and if additional signage locations are desired, a new special permit will be required.
8. The residential entrance is located off of Medford Street with a clear access for pedestrians along the edge of the park.
9. The buildings have a clear base, middle, and top. The metal panel and glazing system create the middle and the top is completed with a different metal panel. The DRC requested a top that glows to differentiate the massing of the building. This was addressed in a sketch submitted on October 31, 2013. Any DRC comments will be submitted to the Board prior to the first public hearing on November 7, 2013.
10. The façade below the Tapering Height should exhibit human scale through design elements such as changes in plane, and variety or contrast in form, color, and materials. Architectural elements and setbacks should be used to break up long façades and avoid large areas of undifferentiated or blank building façades.

Since this is an existing building the Tapering Height design guideline has not been used. To provide contrast in form and variety of units, the a condition of the report is that the Applicant provide balconies on the South Elevation for Floors 2, 4, and 6.

11. Building elements located above the Tapering Height should be designed to limit impacts from visual massing, obstruction of views, and creation of shadows on public open space, residential districts or public ways. Where practicable, the width and depth of these elements should be limited to one hundred twenty (120) feet and where more than one element exists a minimum separation of fifty (50) feet is encouraged, although other means may be more appropriate on odd-shaped lots or lots adjoining highways or railroad rights-of-way.

Since this is an existing building the Tapering Height design guideline has not been used.

12. All roof-top materials are setback from the building edge including the roof deck. All mechanical equipment has been screened.

13. Individual Artist Live/Work Spaces should be designed as closely as possible in accordance with the "Design Guidelines for Artist Housing" produced by the Somerville Arts Council.

The Applicant has met with the Somerville Arts Council to determine the needs of the artist community. The Arts Council has requested that the artists units be five of the 15 required affordable units. The Housing Department is studying the feasibility and will make a final determination at a later date.

14. A sidewalk depth of roughly 15' from the street curb to building is strongly encouraged for developments fronting major streets.



Eight foot sidewalks are proposed.

15. The parking is accessible from Medford Street and provides for 2 way traffic.

16. Above ground structured parking should be lined with active uses (shops, cafes, etc.) along major public streets. Upper levels and facades along smaller public streets shall be screened and include architectural design elements such as windows, bays, etc. such that the space's use for parking is not immediately apparent. Large horizontal openings are strongly discouraged. Direct pedestrian access to the street and/or to a public area should be provided by all garages serving non-residential uses.

There is no above ground structured parking as part of this application. The surface parking is screened with the entrance walls, landscaping, and park.

17. Usable Open Space should be located to support public gathering. To the extent possible, usable open space should be designed to appear as an extension of existing public space, through consistency in design and materials. The provision of an interconnected series of open space to support pedestrian movement is encouraged.

The usable open space is designed to welcome the public but also allow residents to gather and relax.

18. Installation of public art is encouraged in order to add visual interest and distinguishing features to landscaped or other public areas.

There will be space for a public art area in the park at the front of the property. The exact location is to be determined.

19. Properties abutting the MBTA right-of-way are strongly encouraged to place pedestrian unfriendly uses such as parking, loading, and trash collection along the right-of-way. However, given that the MBTA right-of-way represents a gateway into the City, these facilities shall be screened and the architectural design of façades facing the right-of-way shall be of equal or better quality to façades elsewhere in the building.

This property abuts MassDOT/MBTA right-of-way. The parking is located along the right of way and screened.

20. Utilities and wiring shall be placed below ground. The transformer is screened at the back of the site.

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 TOD district, which is to, "encourage mixed-use transit-oriented development with well-designed pedestrian access near transit connections and commercial squares. TODs have been created featuring various heights, densities, and compatible use mixes. In order to be aesthetically, economically, environmentally and socially beneficial, projects in the districts shall promote a mix of uses both within buildings and across the districts." The TOD-100 district focuses more on commercial development, "...shall provide a taller, more commercial core, with opportunities for signature building tops as well as street-level facades that relate to nearby mid-rise development." The project will be an environmentally friendly building that will at minimum reach LEED Gold certification. The residential development will provide different housing opportunities in this transformational area that should include a mix of uses and places to live near work. Attracting people and investment to the area will spur future commercial development that is desired in Boynton Yards. The SomerVision Plan calls this to be a transformative area and the development will meet several goals of the Plan.

4. Site and Area Compatibility: The Applicant has to ensure that the project "(i)s designed in a manner that is compatible with the existing natural features of the site and is compatible with the characteristics of the surrounding area, and that the scale, massing and detailing of the buildings are compatible with those prevalent in the surrounding area".



The building form is appropriate for the site because it improves upon an existing building and terminates a storage use that did not contribute to the vibrancy of the area or provide a significant job center. This building will be a new landmark for the area, visible from McGrath Highway. The new sidewalk will enhance the area and make it more suitable for pedestrians including Somerville and Cambridge residents.

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

The buildings will function well as a residential building including artist live/work units. The project is near vital transit connections including bus and rail connections.

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.”

As conditioned, the Applicant will work with City Engineering Staff to comply with all regulatory requirements.

7. Environmental Impacts: “The proposed use, structure or activity will not constitute an adverse impact on the surrounding area resulting from: 1) excessive noise, level of illumination, glare, dust, smoke, or vibration which are higher than levels now experienced from uses permitted in the surrounding area; 2) emission of noxious or hazardous materials or substances; 3) pollution of water ways or ground water; or 4) transmission of signals that interfere with radio or television reception.”

The residential building will not result in any environmental impacts beyond activities that are typically associated with residential units.

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 promoting the health, safety, and welfare of the inhabitants of the City of Somerville; to preserve the historical and architectural resources of the City; and to encourage housing for persons of all income levels. The project provides 5 units of artist housing, provides 15 affordable housing units, and is in close proximity to transit options.

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 natural features remaining on the site. The landscaped area will increase from 0% to 19.9% of the sites. The Applicant is working with the owner of the abutting Grand Junction line to restore the meadow on the south side of the track similar to the meadow that exists on the other side of Medford Street, this is a condition of the report.

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.”

There are no natural features on the site. The building will be a similar scale to what exists today. There will not be any new obstruction of views. The building will increase shadows to the north because of the additional level.

11. Stormwater Drainage: The Applicant must demonstrate that “special attention has been given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Storm water shall be removed from all roofs, canopies, and paved area, and routed through a well-engineered system designed with appropriate storm water management techniques. Skimming devices, oil, and grease traps, and similar facilities at the collection or discharge points for paved surface runoff should be used, to retain oils, greases, and particles. Surface water on all paved areas shall be collected and/or routed so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create puddles in the paved area. In larger developments, where practical, the routing of runoff through sheet flow, swales or other means increasing filtration and percolation is strongly encouraged, as is use of retention or detention ponds. In instances of below grade parking (such as garages) or low lying areas prone to flooding, installation of pumps or other devices to prevent backflow through drains or catch basins may be required.”

As conditioned, the Applicant will work with City Engineering Staff to comply with all regulatory requirements.

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 proposed will be an innovative reuse of an outdate use of Somerville’s past.

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 buildings will improve the appearance of the City and begin to create a gateway into Somerville.

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.”

All site lighting will be directed downward without spilling onto adjacent properties and the night sky. This is a requirement of the SZO and LEED.

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 buildings will be accessible via Medford Street but will have access from all sides.

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 vehicular access will be on Medford Street. The Traffic Impacts and Access Study states that all Levels of Service in the study area will be maintained. This will generate significantly less, if any, truck traffic than the previous use.

17. Utility Service: The Applicant must ensure that “electric, telephone, cable TV and other such lines and equipment are placed underground from the source or connection, or are effectively screened from public view.”

A condition of this report is that all utilities will be located underground.

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 proposal increases the amount of landscaping on the site. The proposed residential building will not result in any adverse impacts beyond activities that are typically associated with residential units. The trash area will be in the garage.

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.”

There is a signage on the top of the front vestibule saying “Millbrook.” Additional signage for the park is located on the concrete wall on Medford Street. Review and approval of the specifications of the lighting scheme, design, and materials of the signage will be a condition of approval. If additional signage locations are desired, a new special permit will be required.

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 service facilities that are located on site will be screened.

21. Screening of Parking:

The parking spaces will be screened from Medford Street by the concrete wall, landscaping, and park. The Design Review Committee requested that the guardrail separating the main parking lot from the railroad tracks have more design consideration. They would prefer a design that fulfills the purpose of a guardrail but doesn't look as utilitarian. A revised design was submitted on October 31, 2013. Any DRC comments will be submitted to the Board prior to the first public hearing on November 7, 2013.

DECISION:

Present and sitting were Members Kevin Prior, Elizabeth Moroney, Joseph Favaloro, James Kirylo and Michael Capuano. Upon making the above findings, Kevin Prior made a motion to approve the request for a Special Permit. James Kirylo seconded the motion. Wherefore the Planning Board voted **4-1** to **APPROVE** the request with Joseph Favaloro voting in opposition. In addition the following conditions were attached:



#	Condition	Timeframe for Compliance	Verified (initial)	Notes	
1	Approval is for a Special Permit with Site Plan Review under SZO §6.5.D.5 to alter an existing façade including signage & 7.13.E to establish 100 residential units including artist live/work space. The applicant seeks approval under SZO §9.17.2.B for modification of the parking/loading standards. Article 13 Inclusionary Housing will apply. This approval is based upon the following application materials and the plans submitted by the Applicant:	CO / BP	ISD/PIng.		
	Date (Stamp Date)				Submission
	October 8, 2013				Initial application submitted to the City Clerk's Office
	October 8, 2013				Modified plans submitted to OSPCD (Cover Sheet, 2- Existing Condition, 3-Demo & Erosion Control Plan, 4- 7- Details 1, 8-Details 2, 11- 13-Landscape Details, 14- Photometric Plan, 15-Existing Conditions/Demo, 16- Basement FP, 17-First FP, 18-Secon FP, 19-Third to Seventh FP, 21-Roof Plan, 25-Shadow Analysis, 26 & 27-Renderings)
	October 31, 2013				Modified plans submitted to OSPCD (14A-Landscape Site Details, 20-Penthouse FP, 22- East Elev, 23-Northwest & West Elev, 24-North & South Elev, 26a-Rendering, 28- Rendering)
	November 19, 2013				Modified plans submitted to OSPCD (4-Construction/ Layout Plan, 5-Grading & Drainage Plan, & 6-Utility Plan)
	November 18, 2013	Modified plans submitted to OSPCD (9-Landscape Plan & 10-Detail Landscape Layout Plan)			
Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.					
Affordable Housing/Linkage					
2	An Affordable Housing Implementation Plan (AHIP) should be approved by the OSPCD Housing Division and executed prior to issuance of Building Permit. Affordable units shall be provided on-site.	BP	ISD/ Housing		



3	Written certification of the creation of affordable housing units, any fractional payment required, or alternative methods of compliance, must be obtained from the OSPCD Housing Division before the issuance of a Certificate of Occupancy (C.O.). No C.O. shall be issued until the OSPCD Housing Division has confirmed that the Affordable Housing Restriction has been approved and recorded and the developer has provided the promised affordable units on-site.	CO	ISD/ Housing	
4	No Certificate of Occupancy shall be issued until the OSPCD Housing Division has confirmed that the Developer has agreed to and executed a Memorandum of Understanding for Monitoring of the Affordable Unit(s).	CO	Housing	
5	The five first-floor units shall be designated as affordable units (in addition to 10 other units scattered through the building, to reach 15% as required by zoning). The first-floor units shall be permitted to be live-work uses. The applicant and the Housing Division shall develop a selection and marketing process to designate and provide these units for tenants certified as artists, and their families. When any of these units becomes vacant, there shall be a designated time period for which these units would only be available to designated artists and the applicant shall not lease these units to any other tenants until such time period has elapsed. The Housing Division shall establish this time period and leasing process in the Affordable Housing Restriction.	CO	Housing	
Pre-Construction				
6	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/report must be submitted to the Engineering Department for review and approval.	BP	Eng.	
7	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	
8	The LEED Gold application must be submitted to USGBC within 90 days of the Certificate of Occupancy.	90 Days Post C of O	<u>Plng</u>	
9	The project shall be certified to a minimum of LEED Gold within a year of the Certificate of Occupancy. Failure to comply with this condition subjects the Owner to enforcement under SZO §3.1.8.	Post Construction	Plng / ISD	
Construction Impacts				
10	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.	



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	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	
Design				
13	The Applicant shall provide an on-site mock up of exterior materials prior to the installation of any exterior materials for DRC review and Planning Staff review and approval.	During Construction	Plng.	
14	Applicant shall provide final material samples for siding, trim, windows, and doors to Planning Staff for review and approval prior to construction.	BP	Plng.	
15	An electrical receptacle is required for each deck (if there is no access to the ground).	Final sign off	Wiring Inspector	
Site				
16	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards in perpetuity.	Perpetual	Plng. / ISD	
17	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	
18	The pergola will be landscaped with a climbing species. Landscape plan will be submitted to Planning Staff for review and approval.	CO	Plng.	
19	The Applicant will install a new sidewalk as shown on the plans as well as on the west side of Medford Street from the Somerville line to Warren Street including the depth of the first parcel on Warren Street (MBL 114-B-4). The sidewalks shall be completed immediately following the City's scheduled road work in 2014. In the alternative, the Applicant can pay the City based upon a construction cost estimate provided to the applicant by the City Engineer.	After Medford Street Repaving	Plng.	
20	Applicant will supply 100 bicycle parking spaces in the garage. The exterior guest spaces can be satisfied with a u-shaped type bicycle rack.	CO	Plng.	
21	The Applicant will work with MassDOT on meadow implementation on the south (9 Medford) side of the railroad tracks. If agreeable to MassDOT, the Applicant will pursue best practices to implement the meadow seed mix proposal in order to minimize weed growth (e.g., proper site preparation and timing of installation). This condition is subject to the approval of MassDOT and/or the MBTA.	CO	Plng.	



22	The Applicant will work with MassDOT to create a curbed sidewalk extension within the public right-of-way for both sidewalks on Medford Street. This condition is subject to the approval of MassDOT and/or the MBTA and the City of Somerville.	CO	Plng.	
23	Applicant will work with the City to develop the long term maintenance agreement and/or covenant for the Useable Open Space as required in Article 17 of the SZO. The agreement shall specify the requirements for public access and private maintenance of useable open space in the plan, as required by the SZO. The applicant shall build out and maintain all of the open space and allow public access to all of the useable open space in the plan as required by the SZO. The applicant will submit 100% construction plans for open space to the City for review and approval.	CO	Plng	
Traffic & Parking				
24	The Applicant will provide a Monthly MBTA LinkPass (subway and local bus) to any employee (half-time or more) of the building owner or property manager. Passes are non-transferable. If an employee does not want a T pass, then the Applicant is not in violation for not purchasing said pass.	CO	Plng.	
25	The Applicant will provide new pedestrian warning signs (to be installed to current MUTCD standards) at the existing pedestrian crossing at South and Medford Street. The signs will be placed on the existing flashing beacon as well as in advance of the pedestrian crossing at the intersection of South and Medford Street.	CO	Plng / T & P	
26	The applicant will offer 2 parking spaces to car-sharing companies. The spaces shall be maintained for a car sharing company unless the applicant can prove to the Planning Staff that no car share company is willing to use the spaces.	CO	Plng.	
Miscellaneous				
27	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	
28	The applicant shall work with the Somerville Arts Council to develop a plan for use of the arts amenity space. The plan shall be provided for review and approval by Planning Staff.	CO	Plng	
Public Safety				
29	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
30	Any transformers should be located as not to impact the landscaped area, and shall be fully screened.	BP	Plng/ISD	
31	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.	



32	The Applicant shall provide notice of intent to strictly comply with applicable State and Federal regulations regarding air quality including without limitation continuous dust control during demolition and construction.	CO	Plng/OSE	
Signage				
33	Signage will be limited to the signage shown on the elevations/ landscape details. Signage plans shall be submitted to Planning Staff for review and approval. Signage lighting after 10p.m. facing residential property will be turned down or off if deemed necessary by Planning Staff.	CO/Cont.	Plng.	
Final Sign-Off				
34	The Applicant shall seek necessary variances from the ZBA.	BP	Plng	
35	The Applicant shall seek to provide a strategy to ensure that adequate off site open space is provided to offset for the needed Usable Open Space variance.	BP	Plng	
36	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.	

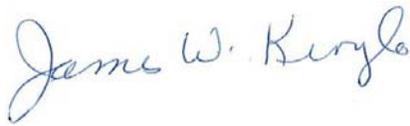
Attest, by the Planning Board:

Kevin Prior, Chairman

Elizabeth Moroney

Joseph Favaloro





James Kirylo



Michael A. Capuano, Esq.

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 _____

