



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

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Case #: PB #2010-23
Site: 378, 380, 384, 388 & 390 Somerville Avenue
Date of Decision: July 14, 2011
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: July 27, 2011

PLANNING BOARD DECISION

Applicant Name:	W. James & Jean Herbert
Applicant Address:	10 Fenwick Road, Winchester, MA 01890
Property Owner Name:	W. James & Jean Herbert
Property Owner Address:	10 Fenwick Road, Winchester, MA 01890
Agent Name:	Richard G. DiGirolamo, Esq.
Agent Address:	424 Broadway, Somerville, MA 02145

Legal Notice: Applicant W. James Herbert & Jean Herbert and owners W. James Herbert, Sr., & Jean L. Herbert, and The William James Herbert Family Trust & the Jean L. Schultz Herbert Family Trust seek a special permit with site plan review under SZO §6.1.22.D.1 to construct a new five story building and a special permit to establish 30 residential units in the building (§7.13.E). The building would also include approx. 6,500 sf of retail and 36 parking spaces, 30 of which would be underground. The applicant proposes to retain the façade of the historic structure at 378-384 Somerville Avenue and incorporate it into the new building. The structures at 388 and 390 Somerville Avenue would be demolished.

<u>Zoning District/Ward:</u>	CCD-55 zone/Ward 2
<u>Zoning Approval Sought:</u>	§6.1.22.D.1 & §7.13.e
<u>Date of Application:</u>	December 7, 2010 (complete April 28, 2011)
<u>Date(s) of Public Hearing:</u>	1/20, 2/3, 2/17, 3/3, 3/17, 4/7, 4/21, 5/5, 5/19, 6/9, 6/23 & 7/14/11
<u>Date of Decision:</u>	July 14, 2011
<u>Vote:</u>	5-0



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Appeal #PB 2010-23 was opened before the Planning Board at Somerville City Hall on January 20, 2011. Notice of the Public Hearing was given to persons affected and was published and posted, all as required by M.G.L. c. 40A, sec. 11 and the Somerville Zoning Ordinance. After two hearings of deliberation, the Planning Board took a vote.

DESCRIPTION:

The proposal includes redeveloping the entire block into a cohesive mixed-use project with one building spanning the four parcels. The two houses and one-story garage on the site will be demolished. The façades of the historic structure along Somerville Avenue and Carlton Street will be retained and incorporated into the new building. The rest of the historic structure will be demolished including the floors of the building, foundation, and roof. The new structure will be a five-story mixed-use building totaling 50,717 sf. The upper levels of the building step back from the main façade so that the portion of the building along Somerville Avenue has a four-story height along the sidewalk before stepping back, the historic building retains a three-story height on the street and an area along the rear of the building has a mansard roof. The ground floor will include 6,565 sf of retail or service and an 813 sf residential lobby. The remaining four floors will contain 30 residential units that are 1- to 3-bedrooms in size. There will be underground parking for the residences and at-grade parking for the retail stores. Street parking will be maintained in front of the building and will provide easy access to the retail stores.

Commercial Space

Four tenants will occupy the 6,565 gsf of retail or service. One of the retail spaces will be 1600 nsf and be located in the footprint of the historic building. The other space is larger and will be broken up by interior partition walls so that three tenants can occupy the space. Recessed entrances into the retail space are provided directly off the Somerville Avenue sidewalk. If any of the spaces are ever proposed to be converted to Eating and Drinking, a special permit would be required if it is over 1500 nsf (SZO §7.13 Use Cluster D) and the parking requirement for a restaurant of any size would need to be met as the requirement for this use are higher than it is for Retail and Service (SZO §9.17).

Residential Units

There will be a residential lobby on the ground floor between the retail units. The lobby will be accessible from the front and back of the building and from the underground residential parking. There will be one 1-bedroom, 25 2-bedroom, and four 3-bedroom units that together average approximately 1,400 sf per unit. Four of the units will be designated with an affordability restriction in perpetuity as required by Somerville Zoning Ordinance Article 13, Inclusionary Housing. The affordable units will consist of three 2-bedroom, and one 3-bedroom units. At least one of the units will be designed to be barrier free; however, there is the possibility for more because there will be an elevator in the building. Seven of the residences in the back of the building will have balconies. There will be a 290 square foot common roof deck located on the Somerville Avenue side of the building that is accessible from the fourth floor.

Sidewalk Depth

The portion of the building with a new façade will be setback from the property line to increase the width of the sidewalk by 4 feet. The width of the sidewalk will be approximately 12 feet and approximately 17 feet at the bumpout at the corner of Somerville Avenue and Church Street. The Zoning Ordinance encourages at least a 10-foot sidewalk in the new CCD-55 district.

Landscaping

Landscaping will consist of a ten-foot landscape buffer along the back of the property and along the Church Street side of the parking lot. The vegetation will include a mix of trees, shrubs, and ground cover that are native to New England. Trees will be deciduous and have a 6" caliper diameter. The application notes that the



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trees will be Red Maple or a similar tree. Since the City's tree inventory indicates that Red Maples are over populated in the City; the Board is recommending that another species be chosen for the site. The shrubs will include maple leaf viburnum, mountain laurel and Kalmia latifolia and the ground cover will include creeping juniper and mulch.

Parking & Traffic

There will be a total of 36 parking spaces onsite. Thirty parking spaces for the residence will be located underground with access and egress off of Carlton Street. The curb cut off of Carlton Street will provide access to the ramp down to the underground parking and access to a one-way at-grade driveway that will be covered by floors two through five above. The driveway leads to six at-grade parking spaces, which will be partially covered by the upper stories of the building. The driveway will have egress onto Church Street. The Church Street exit will be controlled by a garage door that will be open during retail hours and closed during off-hours to limit access through the site at night. There is one handicapped parking space at grade and two below grade. There will be a bicycle storage area at grade behind the building.

The applicants have submitted a study evaluating the impact of the proposed development on traffic in the area including trip generation, trip distribution, traffic volume, capacity analysis, safety analysis and mitigation measures. The study uses a worst-case scenario by using apartment and shopping center land use codes and no deductions were taken for travel modes such as walking, mass transit, or bicycling. While the study indicates a net addition of 253 daily trips, few residents in this area will take a vehicle to run daily errands or shop for groceries. The results show that the project is expected to add a small amount of traffic to the roadway system. Twenty-four trips in the peak hour are expected into the intersections currently carrying approximately 800-900 cars during that hour. This is the equivalent to one additional car every two minutes. There will be relatively minimal impacts to the traffic operations of the adjacent roadway network and nearby intersections with delays expected to be limited to about 11 seconds in the worst case scenario. The recently completed roadway project and future Green Line Station will improve traffic operations and safety in the area. The site configuration with a one-way driveway from Church Street to Carleton Street for all of the vehicles related to the retail portion of the building and trash pick-up is designed to minimize the impact of the development on the residential streets to the south.

Building Design

The addition to the historic structure has been designed to be complementary to it, but distinguishable through the use of more contemporary design elements¹. The first floor of the building will have storefront systems along the length of the sidewalk. The façade along floors two through four will have recessed portions to create bays. The fifth floor will be recessed approximately three feet from the Somerville Avenue façade and several feet from the façade of the historic building. The fifth floor on the back of the building becomes a mansard roof. There are also bays along the back of the building as well as seven porches for the residential units.

The follow design details are included in the plans for entire building:

- Painted or clad wood or fiberglass 2 over 2 double hung windows
- Painted "magnum" scaled wood windows for the retail space to match the one remaining along Somerville Avenue on the historic structure. Glazing will be clear double or triple glazed windows and if a coating is needed it will have a low index of reflection.
- Non-flammable cementitious siding meant to evoke clapboard and original wood clapboard siding, where possible
- Painted metal "Juliet" balcony railings

¹ The US Secretary of the Interior's standards for additions to historic buildings state that: "New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment."



- Victorian era appropriate painted wood exterior doors with glazing inserts will be used for entrances to the retail spaces
- Painted exterior window trim at sills, head and jambs
- Metal such as zinc or another metal or composite with a similar appearance for the siding of the fifth story and visible roofing
- Painted flower boxes
- Painted corner boards
- “Pediment” trim above some windows
- A tower at the corner of Somerville Ave and Church Street with dentil trim moldings and a panelized façade treatment
- A conical roof element capping the curved bay at Somerville Avenue and Carleton Streets to replace this element that appears to have once been at this location

The variety of colors and materials is an important design element that is referential of the Victorian design of the historic structure. The following elements will have unique colors: fencing and railing; trim at retail level; accent at retail level; window sash; window and siding trim; tower trim; siding; tower siding (matching the color of the rooftop pediments); rooftop screens. The color choice for the siding of the historic structure and the addition will be similar in color yet differ in intensity.

Lighting and Signage

Exterior lighting will include ceiling mounted lights above the retail parking areas and wall mounted lights at the ramp to the below-grade parking. The current application does not include lighting along the Somerville Avenue façade. Signage is also not addressed in this application and will require special permit approval when signs are designed.

Trash/Utilities

The mechanical equipment for the building will be located on the roof and surrounded by a solid material to screen it.

The water retention system will be comprised of storage chambers below the landscaped buffer.

Snow from the site will be stored in the landscaped buffer.

FINDINGS FOR SPECIAL PERMIT (SZO §6.1.22.D.1 & §7.13.E):

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 CCD (SZO §6.1.22.G) shall be met.

- a. *Penthouse and Mechanical Equipment:* The proposed mechanical equipment will be located on the roof and will be set back such that it would be behind a 45 degree plane. A panel is shown on the plans to



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further screen the rooftop mechanical equipment. The rooftop equipment must be fifteen feet or less in height to comply with this standard.

- b. *Service Area and Loading Spaces:* The utility area for trash and recyclables for all of the uses on-site will be stored in an enclosure off of the driveway near Carlton Street. The receptacles are proposed to be screened from Carlton Street by the wall of the building on three sides and are proposed to be screened from the at grade parking lot by a chain link fence with vinyl inserts. The receptacles will not be visible from the right of way. The fence would only be visible from the at-grade parking lot. Loading will occur either from an on-street parking space or on-site in the driveway that is covered by upper floors of the building. Large amounts of loading times are not anticipated for these four modest commercial units. The partial enclosure of the loading space and the vegetative buffer along the rear property line should help to buffer the noise generated by loading.
- c. *Pedestrian Oriented Requirement:* The building would have seven separate entrances along Somerville Avenue and glazing for most of the first floor façade to create a pedestrian friendly environment.
- d. *Lighting:* The lighting scheme of the site has not yet been developed along the Somerville Avenue façade. Exterior lighting will include ceiling mounted lights above the retail parking areas and wall mounted lights at the ramp to the below-grade parking. A condition of approval is to submit a lighting plan prior to receiving a building permit. The lighting shall be appropriate to the historic and pedestrian-oriented character of the surrounding area and shall enhance the safety and security while minimizing glare and light trespass.
- e. *Transition to Abutting Residential District:* The site plan complies with this standard. There is a 20 setback from the lot line and the outermost 10 feet will be exclusively landscaped.
- f. *Parking Design:* Thirty of the parking spaces will be underground and therefore will not be visible from public view. The six at-grade parking spaces will be located behind the building. There will be a landscape buffer along Church Street to screen the parking from this street.
- g. Payment in Lieu of Parking and dedication of land for public infrastructure is not applicable to 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 6.1.22.H.

- i. The building will complete the streetwall along the primary street edge of Somerville Avenue. The existing situation does not create a streetwall because there is a curb cut with a parking lot in the middle of the site which will be remedied by the proposed project. The proposal will maintain an undulating façade for the entire block.
- ii. The massing and the height of the building are articulated in a manner that is compatible with the physical character of the surrounding area. A rhythm to the building is established with recessed entries and small commercial bays that are typical of buildings in Union Square. Bays are established in the upper floors of the building as well. The recessed portion of the façade is proposed to be a metal such as zinc and the bays would be cementitious clapboard siding, creating variety of materials in the project.
- iii. The mass of the structure is proposed towards Somerville Avenue, away from the residential neighbors to the rear. The building has a mansard roof in the back, smaller bays and porches to relate to the residential abutters.



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- iv. The commercial bays are approximately 15 to 25 feet wide with independent entrances onto the street, which comply with the guideline to create visual and pedestrian interest. Recessed entryways and architectural elements such as the tower element and hoods over the windows make for an interesting façade that is not “flat” in appearance. The retail ground floor has greater than 75 percent transparent material with the proposed storefront window system. The second story and above will be residential and will have typical residential-sized windows. The windows will be conditioned to maintain the ability for pedestrians to view the interior of the space as specified in this guideline.
 - v. The exterior building materials will be high quality, durable materials including painted “magnum” scaled wood windows for the retail space to match the one remaining along Somerville Avenue on the historic structure, non-flammable cementitious siding meant to evoke clapboard and original wood clapboard siding, where possible, painted metal “Juliet” balcony railings, Victorian era appropriate painted wood exterior doors with glazing inserts will be used for entrances to the retail spaces, painted exterior window trim at sills, head and jambs, metal such as zinc or another metal or composite with a similar appearance for the siding of the fifth story and visible roofing. The proposal includes a variety of materials that are sensitive to the historic structure. There is a balance between the fully modern look of the new building and the historic look of the existing building. Banding is proposed where the old and new facades meet to further distinguish the buildings.
 - vi. All four sides of the building contain the same material as the front of the building. The design elements such as porches, a mansard roof and smaller bays break down the façade in the back to respond to the residential neighborhood abutting the property.
 - vii. The signage design was not submitted as part of this application and will require a special permit before it is installed. There is a band over the storefronts that provides a logical place for signage.
 - viii. The uses on the ground floor will be pedestrian-oriented as they are proposed to be in retail and service cluster. The Somerville Zoning Ordinance classifies these uses to be pedestrian-oriented uses because they are typically uses that people frequent and are open to passersby.
 - ix. The proposal does not include artist live/work spaces making guideline is not applicable to this proposal.
 - x. The residential uses are of varying sizes to accommodate a range of family sizes including one 1-bedroom, 25 2-bedrooms, and four 3-bedrooms that together average approximately 1,400 sf. This unit breakout and average size satisfies the guideline that states that units should not have an average size of less than 1,000 sf.
 - xi. The portion of the building with a new façade will be setback from the property line to increase the width of the sidewalk by 4 feet. The width of the sidewalk will be approximately 12 feet and approximately 17 feet at the bumpout at the corner of Somerville Avenue and Church Street. The guideline is satisfied as the Zoning Ordinance encourages at least a 10-foot sidewalk in the district.
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 district, which is to promote appropriate infill development along heavily traveled transportation corridors. The proposal includes four commercial spaces and residential units that will contribute to the active mix of uses along the corridor. Eliminating a curb cut along Somerville Avenue improves pedestrian safety on the block. The main entrances along the street and parking underground and in the rear of the building provide for a multi-modal-friendly street. The existing curb cuts are utilized along Carlton and Church Streets, which do not further impact pedestrian paths. The building will be mixed-use and the small scale commercial spaces often attract tenants that are neighborhood serving. This is a site that is in need



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of commercial investment as it is in a high-profile area at the intersection of Bow Street and Somerville Avenue, across the street from the historic structures on Bow Street, and next to a busy grocery store. The addition complements the historically designated property in the site as acknowledged by the Somerville Historic Preservation Commission.

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”.

Union Square has historically had five-story buildings that allowed for the Square to be the commercial center of the City. While this building is farther away from the square than other taller buildings, its location defines the gateway to the square from Somerville Avenue. The proposed building includes detailing in the bay widths, recessed entryways, window detailing, change in materials that creates a modern looking building that relates to and is compatible with the historic structure on the site and historic massing in other parts of the Square. The site is currently all paved with no landscaping and the proposal will improve this situation by providing a landscape buffer for the residences abutting the rear of the property. The land uses of retail and service tenants with residential units above are compatible with the uses in the surrounding area.

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

The structure will function well as a mixed-use building. The separation of parking for the different uses as well as the separation of the entrance location provides for security for the residential and commercial tenants. The garage door along Church Street will limit access to the at-grade parking at night and provide for one-way access to flow through the site in a minimally disruptive way, under the upper stories of the building. Signage will be conditioned that directs drivers to the appropriate parking location to reduce confusion for retail patrons. Signage must be clear so that retail patrons do not drive straight onto the ramp for the underground parking that is designated for the residential tenants.

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 project will not create adverse impact on the public services and facilities serving the development. Due to the extensive work associated with abandoning old utility services and providing new connections in Somerville Avenue which recently underwent major renovation, the applicant will be required to grind and overlay Somerville Avenue from the crosswalk at the intersection of Somerville Avenue and Carleton Street to the crosswalk at the intersection of Somerville Avenue and Church Street. The sidewalks will have to be reconstructed where damaged as a result of construction activity.

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.”

An environmental report was submitted that states the results of an initial screening for potential environmental risks. A Phase I-Initial Site Investigation Report relative to M.G.L. Chapter 21E has not yet been complete. The initial screening showed that oil and hazardous materials are not anticipated to have been stored at the two residential properties. Due to the furniture stripping activity, the presence of an above ground storage tank, spray booths, and a “flammable cabinet” with painting supplies and the history of contaminated surrounding sites, the reports lists the site as “Moderate/High Environmental Risk”, “Cleanup Risk Rating” and “Moderate



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Cleanup Risk”. There was no evidence of leaks or spills except for spillage from a drum with waste paint. A Response Action Outcome (RAO) Statement, signed by a Licensed Site Professional (LSP) and filed with DEP will be a condition of approval to ensure that any contamination of the site reaches a level of no significant risk.

The proposed residential building will not result in any environmental impacts beyond activities that are typically associated with residential units. Less environmental impacts are anticipated from the small scale retail and service tenants than the current furniture restoration business that requires the use of chemicals and is located a few feet from the residential abutter.

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 Section 1.2, which includes, but is not limited to providing for and maintaining the uniquely integrated structure of uses in the city, encouraging housing for persons of all income levels, preserving the historical and architectural resources of the city and encouraging the most appropriate use of land throughout the city. The proposal preserves the historic façade of a building and integrates it into the redevelopment of the city block. The development provides new options for housing near transit and other amenities. The redevelopment creates four units of permanent affordable housing and increases the supply of housing to help to meet the future demand and alleviate spikes in housing prices.

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

The site is currently paved and contains little to no pervious surface. The site is flat and no grading is necessary besides the excavation for underground parking. Landscaping will be added to the site to buffer the residential neighbor and screen the parking area along Church Street. Landscaped areas in this infill districts is encouraged to be along residential abutters. Pedestrians will see some landscaping in the window flower boxes that are proposed along the Somerville Avenue façade. Residents will have open space in porches off of their units or on the common patio located on the third floor roof above the historic façade.

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 remaining natural features of the site. The building design visually relates to the development site as detailed in the design guidelines in finding 2. The building is oriented to the street and the massing is shifted away from the residential abutters.

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



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collected and/or routed so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create puddles in the paved area. In larger developments, where practical, the routing of runoff through sheet flow, swales or other means increasing filtration and percolation is strongly encouraged, as is use of retention or detention ponds. In instances of below grade parking (such as garages) or low lying areas prone to flooding, installation of pumps or other devices to prevent backflow through drains or catch basins may be required.”

The water retention system will be comprised of storage chambers below the landscaped buffer. The Applicant will be required to demonstrate that the project meets the current City of Somerville stormwater policy and the Application will be required to provide the City Engineer with a copy of an Operation and Maintenance plan for any stormwater control devices utilized on the property.

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

The historic façade will be retained and incorporated into the design of the entire site. The Historic Preservation Commission and Design Review Committee have determined that the important historic elements will be well maintained and the new structure has been designed in a way that is complementary to it without mimicking it. The Historic Preservation Commission staff will review the details of the alteration of the historic façade once the details of the replacement products are determined.

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 proposal replaces two houses and a mixed-use building that have not been well maintained and an unappealing surface parking lot with an attractive mixed use building. The proposal includes landscaped buffers along the residential district and the at-grade parking. A six foot wood fence is proposed along the rear property line. Pursuant to the SZO, if the fence is closer than 4 feet to the abutting dwelling, it must be at least 75 percent open faced.

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 lighting shall be directed downward to light the parking areas and site without spilling onto adjacent properties and the night sky. The Planning Staff recommends that the project be conditioned to ensure that this issue is addressed as well as the design guideline related to lighting above.

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 building will be accessible from the public streets that surround the building on three 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.”



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One curb cut along Somerville Avenue will be closed. The two required curb cuts for the site are in existing locations but may need to be shifted. The one-way flow of traffic for the commercial parking spaces and a drop-off location will distribute cars between the two side streets but will not create traffic flow into the abutting residential district. Car accessing the residential parking spaces will exit back onto Carlton Street and not conflict with the commercial parking area.

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.”

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 will increase the amount of landscaped area 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 will be located behind a wall and not visible from public view. Less adverse impacts are anticipated from the small scale retail and service tenants than the current furniture restoration business that requires the use of chemicals and a spray booth. The ventilation piping and garage will be removed, which is currently a few feet from the residential neighbor. The shadow study concludes that the only timeframe when the proposed structure will cast a shadow on adjacent building is in the afternoon in the winter when it will cast a shadow on the commercial buildings across Somerville Avenue.

19. Signage: The Applicant must ensure that “the size, location, design, color, texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall reflect the scale and character of the proposed buildings.”

The signage is not yet designed, although, there is a band along the retail portion of the building that would be appropriate for signage. The sign design will need to come back before the Planning Board for approval before a building permit is issued for it.

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 dumpsters and recycling receptacles will be screened from the street by three walls and a solid fence. The mechanical equipment on the roof will be screened by a panel that will be setback at least behind a 45% plane to reduce its visibility. The transformer location is not yet determined but a condition of approval will be that it is screened with vegetation.

21. Screening of Parking:

The underground parking will be out of site from public view. The six at-grade parking spaces will be located behind the building and will be screened along Church Street by vegetation.



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DECISION:

Present and sitting were Members Kevin Prior, Elizabeth Moroney, Joseph Favaloro, James Kirlyo and Michael Capuano. Upon making the above findings, James Kirlyo made a motion to approve the request for a special permit with site plan review. Joseph Favaloro seconded the motion. Wherefore the Planning Board voted **5-0** to **APPROVE** the request. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes								
Application and Plans												
1	Approval is to construct a new five story building and to establish 30 residential units in the building (§7.13.E). The building will also include 2 establishments of 1500 nsf of Use cluster B – Small Retail and Service, 2 establishments of 1600 nsf of Use cluster C – Medium Retail and Service. The applicant proposes to retain the façade of the historic structure at 378-384 Somerville Avenue and incorporate it into the new building. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	Plng.									
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>Dec 7, 2011 (complete April 28, 2011)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>Nov 19, 2010</td> <td>Modified plans submitted to OSPCD (Site Plan, Detail sheet)</td> </tr> <tr> <td>May 19, 2011</td> <td>Modified plans submitted to OSPCD (Arch Site Plan, Floor Plans, Elevations/Perspectives)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	Dec 7, 2011 (complete April 28, 2011)	Initial application submitted to the City Clerk's Office	Nov 19, 2010	Modified plans submitted to OSPCD (Site Plan, Detail sheet)	May 19, 2011	Modified plans submitted to OSPCD (Arch Site Plan, Floor Plans, Elevations/Perspectives)
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May 19, 2011	Modified plans submitted to OSPCD (Arch Site Plan, Floor Plans, Elevations/Perspectives)											
Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.												
2	Applicant will be required to demonstrate that the project meets the current City of Somerville stormwater policy. Application will be required to provide a copy of an O&M plan for any stormwater control devices utilized on the property for the City Engineer's review and approval.	BP	Engineer									
3	Commercial and residential signage will require special permit approval.	BP for signs	Plng/ISD									
Affordable Housing												
4	The Applicant shall complete an Affordable Housing Implementation Plan (AHIP). Affordable units shall be provided on-site. Four affordable units shall be provided.	Prior to vote on SPSR	SPGA / Housing									



5	No certificate of occupancy shall be issued until the OSPCD Housing Division has confirmed that the Condominium Documents have been approved and the Developer has agreed to a form of Deed Rider for the Affordable Unit(s).	CO	Housing	
6	An owner shall abide by the Tenant Relocation Plan.	Applicable timeframe in plan	Housing	
7	<p>If the residential units are for-sale, the tenants' right of first refusal to purchase an inclusionary affordable unit shall be handled as follows:</p> <p>The City will distribute an application form to current tenants who are entitled to receive notice of intent to convert. At 6 month intervals for as long as the Special Permit is valid or until the certificates of occupancy are issued, the City will work with the owner to contact the tenants to keep an updated mailing list for the tenants. The application form will provide the tenant an option of indicating that he/she is interested in purchasing an inclusionary unit in the building subject to the eligibility restrictions. The tenants' right to first purchase expires if the application form is not returned at the end of the 30-day period following the mailing of the application form.</p> <p>If more tenants seek to purchase the affordable units than are available, the City will run a lottery to determine who receives the first option to purchase the units. If no tenants or Organizations as noted in condition 8 seek to purchase the affordable units then the City will run an open lottery in accordance with the Inclusionary Housing Ordinance.</p>	Between the core and shell completion and sale of units	Housing	
8	If the residential units are for-sale, the City of Somerville shall have a ninety-day right of first refusal period to purchase the inclusionary units and if the City exercises such right, the City will put the units out to bid to seek a qualified organization with experience managing rental units, including non-profit affordable housing developers and the Somerville Housing Authority. The ninety day time period for this right of purchase shall run concurrently with the tenants' right of first refusal timeframe. A non-profit entity wishing to purchase shall inform the owner of its intent to purchase within thirty days and shall execute a purchase and sale agreement within the remaining sixty days of the ninety-day period. In the event that a prior tenant wishes to exercise his/her right to purchase an inclusionary unit, the tenant shall have priority over any non-profit entity also wishing the purchase the condominium unit.	Between the core and shell completion and sale of units	Housing	



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9	<p>If the residential units are for-sale, the tenants' right of first refusal to purchase a market rate units shall be handled as follows:</p> <p>The City will distribute an application form as outlined in condition 7. The form will provide the tenant an option of indicating that he/she is interested in purchasing a unit in the building. The City will forward the interested parties to the then current owner. The tenants' right to first purchase expires if the application form is not returned at the end of the 30-day period following the mailing of the application form.</p> <p>If the tenant and the then current owner do not execute a contract for purchase and sale of the unit within 90 days of the issuance of the application form, the then current owner may not offer to sell that unit during the following 180 days after the expiration of that 30-day period at a price or on terms more favorable to the prospective purchaser than the price or terms offered to the tenant. This section will not apply to any condominium unit which is converted to exclusively nonresidential use.</p> <p>Nothing herein shall be construed to provide any right to purchase, or obligation of any Owner to sell any Unit for an amount which is less than the amount being offered to third parties.</p>	Between the core and shell completion and sale of units	Housing	
10	If the Somerville Housing Authority or its designee (the Affordable Housing Trust Fund or other entity) purchases the affordable unit(s), the Owner shall sell the inclusionary affordable units at a price per unit equivalent to that price affordable to a household with an income of 85% of the Boston SMSA median income.	Sale of affordable units	Housing	
Construction Impacts				
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	



13	The Applicant shall conduct a survey of foundations and buildings adjacent to the site and across Somerville Avenue prior to construction and shall address concerns about impact to these structures from project construction.	BP	ISD	
14	The Applicant shall identify an on-site project manager to be a primary point of contact for all questions and concerns about quality of construction. The project manager shall be available at all times during construction and at all inspections.	BP – through construction	ISD	
15	Due to the extensive work associated with abandoning old utility services and providing new connections in Somerville Avenue, the applicant will be required to grind and overlay Somerville Avenue from the crosswalk at the intersection of Somerville Avenue and Carleton Street to the crosswalk at the intersection of Somerville Avenue and Church Street. The applicant shall reinstall pavement markings and replace any damaged infrastructure (i.e. signs, poles etc).	CO	DPW	
16	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.	CO	FP	
Design				
17	Landscaping should be installed and maintained in compliance with the American Nurserymen’s Association Standards.	Perpetual	Plng. / ISD	
18	There shall be a minimum of one tree for each 1,000 sf of required landscaped area under SZO.	CO	Plng. / ISD	
19	Any transformers should be located as not to impact the historic building or landscaped area, and shall be fully screened.	Electrical permits &CO	DPW / Plng.	
20	The commercial windows shall not be blocked by interior storage, non-artistic displays or greater than 30% internally mounted signage per SZO Section 6.1.22.H.4.	Perpetual	Plng/IS D	
21	If the fence along the rear property line will be closer than 4 feet from the abutting dwelling, the fence must have at least a 75% open face.	Perpetual	Plng.	
22	The color of the new façade shall be similar in color yet different in intensity from the color of the historic façade. The applicant shall submit color samples for all exterior surfaces to the DRC for review and comment and to Planning Staff for review and approval.	Perpetual	Plng.	
23	A solid panel that is setback at most at a 45% plane and no taller than 15’ shall screen the rooftop mechanical equipment.	Perpetual	Plng.	



24	The Applicant shall provide to the DRC for review and comment and to Planning Staff for review and approval a detailed elevation of each side of the structure identifying the dimensions and materials of each surface including but not limited to the storefront system glazing and metal, entry doors and frames, clapboards, window headers and trim, horizontal trim bands, tower elements, mansard siding materials, balcony rails and cornice details. Each of these elements shall be designed to implement the approved plan based upon the perspectives submitted with the plan set. If necessary, the DRC may request material samples for individual elements of the design.	BP	Plng.	
25	The Applicant shall supply the Historic Preservation Commission Staff with details regarding the material choices for the historic structure for their review and approval.	BP	Historic	
Traffic and Parking				
26	If not taken off-site, snow plowed from the development can only be stored the landscaped area in the back of the site.	Perpetual	ISD	
27	The Applicant shall install signage at the ramp to the underground parking warning that only residential parking is located below. The Applicant shall install a sign that commercial parking is located to the right of the ramp. The residential and commercial parking spaces shall be clearly labeled as to their purpose.	Perpetual	ISD	
28	Applicant will supply 16 bicycle parking spaces on site, which can be satisfied with U type bicycle racks.	CO	Plng.	
Public Safety				
29	A code compliant fire alarm and suppression system shall be installed.	CO	FP	
30	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. A lighting plan shall be submitted to Planning Staff for review and approval.	Cont.	ISD.	



31	<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>			
32	<p>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.</p>	Demolition /Building Permitting	ISD	
Final Sign-off				
33	<p>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.</p>	Final sign off	Plng.	
34	<p>Approval is subject to the Applicant's and/or successor's right, title and interest in the property.</p>	Cont.	Plng.	Deed submitted & application formed signed by current owner



Attest, by the Planning Board:



Kevin Prior, Chairman



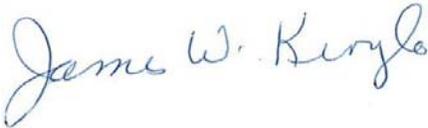
Elizabeth Moroney



Joseph Favaloro



Michael A. Capuano, Esq.



James Kirylo

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.



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CLERK'S CERTIFICATE

Any appeal of this decision must be filed within twenty days after the date this notice is filed in the Office of the City Clerk, and must be filed in accordance with M.G.L. c. 40A, sec. 17 and SZO sec. 3.2.10.

In accordance with M.G.L. c. 40 A, sec. 11, no variance shall take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title.

Also in accordance with M.G.L. c. 40 A, sec. 11, a special permit shall not take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and either that no appeal has been filed or the appeal has been filed within such time, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The person exercising rights under a duly appealed Special Permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone.

The owner or applicant shall pay the fee for recording or registering. Furthermore, a permit from the Division of Inspectional Services shall be required in order to proceed with any project favorably decided upon by this decision, and upon request, the Applicant shall present evidence to the Building Official that this decision is properly recorded.

This is a true and correct copy of the decision filed on _____ in the Office of the City Clerk, and twenty days have elapsed, and

FOR VARIANCE(S) WITHIN

_____ there have been no appeals filed in the Office of the City Clerk, or
_____ any appeals that were filed have been finally dismissed or denied.

FOR SPECIAL PERMIT(S) WITHIN

_____ there have been no appeals filed in the Office of the City Clerk, or
_____ there has been an appeal filed.

Signed _____ City Clerk Date _____



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