



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

MICHAEL F. GLAVIN  
EXECUTIVE DIRECTOR

PLANNING DIVISION

***PLANNING BOARD MEMBERS***

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JAMES KIRYLO  
MICHAEL A. CAPUANO, ESQ.  
ELIZABETH MORONEY  
JERRY AMARAL, (ALT.)

**Case #: PB 2014-02**  
**Site: 197 & 205 Washington Street**  
**Date of Decision: March 6, 2014**  
**Decision: *Petition Approved***  
**Date Filed with City Clerk: March 12, 2014**

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**PLANNING BOARD DECISION**

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<b>Applicant Name:</b>	CPI-SCC, LLC, c/o The Somerville Community Corporation, Inc.
<b>Applicant Address:</b>	337 Somerville Avenue, 2 <sup>nd</sup> Floor, Somerville, MA 02143
<b>Property Owner Name:</b>	A&M Realty Trust & The Union Terrace Condominiums
<b>Property Owner Address:</b>	197 Washington Street & 205 Washington Street, Unit #7, Somerville, MA 02143
<b>Agent Name:</b>	Adam Dash, Esq.
<b>Agent Address:</b>	48 Grove Street, Suite 304, Somerville, MA 02144

Legal Notice: Applicant, CPI-SCC, LLC and Owners A&M Realty Trust & The Union Terrace Condominiums seek a Site Plan Approval for a subdivision under SZO §5.4 to take 1,403 sf of a 24,063 sf lot at 197 Washington St. and transfer it to the 4,104 sf lot at 205 Washington St.

<u>Zoning District/Ward:</u>	CCD 55 zone/Ward 3
<u>Zoning Approval Sought:</u>	§5.4
<u>Date of Application:</u>	January 16, 2014
<u>Date(s) of Public Hearing:</u>	2/20 & 3/6/14
<u>Date of Decision:</u>	March 6, 2014
<u>Vote:</u>	5-0



Appeal #PB 2014-02 was opened before the Planning Board at the Visiting Nurse Association on February 20, 2014. 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 hearing of deliberation, the Planning Board took a vote.

**DESCRIPTION:**

The proposal is to take 1,403 square feet of the 24,063 square foot lot at 197 Washington St. and transfer it to the 4,104 square foot lot at 205 Washington Street. The new lots would be 22,660 square feet and 5,507 square feet respectively.

After the Planning Board approved the 181 & 197 Washington Street project (PB 2013-08) in July 2013, the project was appealed by Soren Harrison (formerly of 14 Boston St), Zack Zasloff (205 Washington Street), and other aggrieved parties. This subdivision is part of a settlement agreed upon by the appellants, developers, and property owners but needs Planning Board approval. In addition, the redevelopment of 181 & 197 Washington Street has a new proposal (PB 2014-01).

There are two areas of land being removed from the 197 Washington Street property and allocated to the 205 Washington Street property. However, both pieces are already being used in entirety by 205 Washington Street. Lot A, a 300 sf area labeled as a shared right of way between 197 and 205 Washington has a fence dividing the rest of the 197 Washington Street property from the shared right of way. Lot B, a 1,103 square foot area accessed from Washington Terrace, is a surface parking lot that has a long term lease agreement for the tenants of the 205 Washington Condo building to use. This would dissolve the lease and right of way and give 205 Washington Street Condos ownership of their parking area.

**FINDINGS FOR SPECIAL PERMIT WITH SITE PLAN APPROVAL (SZO §5.4):**

In order to grant a site plan approval, the SPGA must make certain findings and determinations as outlined in §5.4.4 and 5.4.6 of the SZO. This section of the report goes through §5.4.4 and 5.4.6 in detail.

1. *The Planning Board “shall approve a submission in the form submitted or with reasonable conditions pertaining to the purpose of this Section 5.4 unless the Planning Board finds that:*

1. *The submission is incomplete;*
2. *The imposition of reasonable conditions would not ensure that the project would conform to the standards and criteria set forth in Section 5.4.6; and*
3. *The project does not comply with other specifically applicable requirements of this Ordinance.”*

The Applicant has provided a complete application, reasonable conditions can be placed on the proposal to ensure that the project conforms to the standards and criteria set forth in Section 5.4.6, and the project complies with applicable requirements of the Somerville Zoning Ordinance.

2. *The development complies with all standards set forth for the overlay district in which it is located.*

The subject property is located within the Arts Overlay District. There are no dimensional requirements for lot sizes in Arts Overlay Districts.

3. *“The development shall be integrated into the existing terrain and surrounding landscape. Building sites shall, to the extent feasible: minimize use of wetlands, steep slopes, floodplains, hilltops; preserve natural or historic features; maximize open space retention; preserve scenic views from publicly accessible locations; minimize tree,*



*vegetation and soil removal, blasting and grade changes; screen objectionable features from neighboring properties and roadways.”*

There are no wetlands or floodplains on this site. The site is at the base of Prospect Hill, back of the properties are at a higher level than street grade. The current open space at 197 Washington Street is not utilized, most likely, because of the hill and the use present on the site (funeral home). There are no natural features of the 205 Washington Street site. Future development will be evaluated to determine if the plan has sufficient screening of objectionable features from neighboring properties and roadways as well as soil removal and grade changes.

4. *“The development shall be served with adequate water supply and sewage disposal systems. For structures to be served by sewage disposal systems, the applicant shall document the status of Department of Environmental Management (DEM) and/or other sewage permits.”*

The Applicants will have to outline how the sanitary sewer requirements meet the stormwater policy when the application for the new development at 181 & 197 Washington Street is before the Board.

5. *“The development shall incorporate measures that are adequate to prevent pollution of surface and groundwater, to minimize erosion and sedimentation, and to prevent changes in groundwater levels, increased rates of runoff and minimize potential for flooding. Drainage shall be designed so that groundwater recharge is maximized, and at the project boundaries the runoff shall not be increased in amount or velocity.”*

The Applicants will have to submit a stormwater management plan that complies with the City’s stormwater policy with the proposed redevelopment.

6. *“To the extent feasible, development shall minimize demands placed on municipal services and infrastructure.”*

The subdivision should not place any unforeseen demand on municipal services and infrastructure. However, any future development of either lot will be subject to all applicable requirements.

7. *“The development shall provide for safe vehicular and pedestrian movement within the site and to adjacent ways, including sidewalks, crosswalks and the like.”*

The Applicants will submit a site plan and traffic and parking study to satisfy that new developments will have safe vehicular and pedestrian access.

8. *“Building design and landscaping shall be in harmony with the prevailing character and scale of buildings in the neighborhood through the use of appropriate building materials, screening, and other architectural techniques.”*

The development at 181 & 197 Washington Street requires a Special Permit with Site Plan Review to be constructed and the character, scale, building materials, screening and other architectural techniques will be evaluated at that time.

9. *“Electric, telephone, cable TV and other such utilities shall be underground except where this cannot be accomplished because it is physically or environmentally infeasible, in which case such utilities shall be screened.”*

Any future developments will be subject to all applicable requirements and will be conditioned to have underground electric, telephone, cable TV and other such utilities.

10. *“Exposed storage areas, machinery, service areas, truck loading areas, utility buildings and structures and other unsightly uses shall be set back and/or screened to protect neighbors from objectionable features.”*



The proposed development at 181 & 197 Washington Street will require a Special Permit with Site Plan Review to be constructed and if there is utility space that is deemed to be unsightly it will be evaluated at that time.

11. “To the extent feasible, proposed projects shall be designed in such a way as to minimize shadows on neighboring properties.”

Assessment of the shadow impact of the proposed building will be evaluated during the Special Permit with Site Plan Review process.

12. “There shall be no unreasonable glare onto public roads and other public ways into the night sky, or onto neighboring properties from lighting or reflection.”

Assessment of the glare onto public roads and other public ways into the night sky or neighboring properties from any proposed development will be evaluated during the Special Permit with Site Plan Review process.

13. “The site plan shall comply with all zoning requirements.”

No new zoning violations related to lot size, density, ground coverage, landscaped area, floor area ratio, setbacks, and frontage would be created by reallocating the area of the parcels site.

**DECISION:**

Present and sitting were Members Kevin Prior, Elizabeth Moroney, Joseph Favaloro, Michael Capuano and Gerard Amaral with James Kirylo absent. Upon making the above findings, Kevin Prior made a motion to approve the request for a Special Permit. Joseph Favaloro seconded the motion. Wherefore the Planning Board voted **5-0** to **APPROVE** the request. There are no conditions.

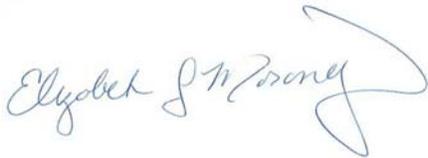


Attest, by the Planning Board:



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Kevin Prior, Chairman



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Elizabeth Moroney



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Joseph Favaloro



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Michael A. Capuano, Esq.



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Gerard Amaral

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 \_\_\_\_\_

