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

PLANNING DIVISION
STAFF
GEORGE PROAKIS, *PLANNING DIRECTOR*
LORI MASSA, *SENIOR PLANNER*
ADAM DUCHESNEAU, *PLANNER*
DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*
FREDERICK J. LUND, *SENIOR DRAFTSMAN*

Case #: ZBA 2011-22
Date: April 20, 2011
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 343-349 and 351 Summer Street

Applicant Name: Strategic Capital Group, LLC
Applicant Address: 1264 Main St., Waltham, MA
Property Owner Name: George Dilboy VFW Post #529 and The Dakota Partners LLC
Property Owner Address: 371 Summer Street., Somerville, MA
Agent Name: Richard DiGirolamo, Esq.
Agent Address: 424 Broadway, Somerville, MA
Alderman: Gewirtz

Legal Notice: Applicant, Strategic Capital Group, LLC and owners George Dilboy VFW Post #529 and The Dakota Partners, LLC, seek a Special Permit with Site Plan Review under SZO §7.11.1.c to establish a 31 unit residential use, a Special Permit with Site Plan Review under SZO §7.11.11.10.b to establish a commercial motor vehicle parking lot, a Special Permit under §7.11.5.B.6.a.to establish an approximately 7,944 gsf private, non-profit club.

Zoning District/Ward: CBD and RA / Ward 6
Zoning Approval Sought: Special Permit with Site Plan Review under SZO §7.11.1.c; Special Permit under §7.11.11.10.b, and §7.11.5.B.6.a
Date of Application: March 14, 2011
Dates of Public Hearing: April 20, 2011

Date: April 20, 2011
Case #: ZBA 2011-22
Site: 343-349 and 351 Summer Street

I. PROJECT BACKGROUND

1. Subject Property: The subject property consists of two parcels on Summer Street between Cutter and St. James Avenues totaling 40,341 s.f.. 343-349 Summer Street is a 16,769 s.f. lot owned by The Dakota Partners that contains a vent shaft for the MBTA Red Line. This property is Zoned Residence A (RA). The shaft is surrounded by an 8 inch concrete wall and an 8 foot high chain link fence. The parcel is covered with concrete between the sidewalk and the shaft and the remainder is covered in grass and weeds. 351 Summer St is a 23,547 s.f. parcel owned by George Dilboy VFW Post #529 and is used as an accessory parking lot. This lot is essentially paved from end to end. This parcel is zoned Central Business District (CBD). The properties are located adjacent to the existing building shared by the Post and the Winter Hill Bank in Davis Square. It is approximately ¼ mile (less than 1,500 feet) from the MBTA Davis Square Station.

2. Site History: The first parcel (hereinafter the "shaft site") was the site of three three-family residential structures (9 units) and a large garage that once held a milk company. These structures were on the site until the start of construction of the MBTA red line. The MBTA determined that the site was required for a vent shaft and emergency egress stairway from the Red Line tunnel. The property was taken by the MBTA and the vent structure was built on the site. In 2002, the MBTA sold the parcel to The Dakota Partners LLC, retaining easement rights to use the shaft and emergency egress stairs. The second parcel (hereinafter the "parking lot") has been serving as an accessory parking facility for the adjacent Dilboy Post, located at 371 Summer Street,. The Post has been located at its existing facility since 1941. OSPCD has limited permit history on the 351 Summer Street site, and while it once probably held automotive garages and a gasoline service station in the 1920's, it appears to have been only a surface parking lot for many years.

3. Recent Applications: The Dakota Partners, after purchasing the shaft site in 2002, proposed to construct a 14 unit structure on the site. While various versions of this application were submitted, the approved project was an L-shaped building that wrapped around the vent structure, and provided an underground parking structure that came close to lot lines and filled the majority of the lot. After approval, the project was appealed and has subsequently been the subject of three separate appeals. The substantive project was appealed and was affirmed by the Appeals Court. The Massachusetts Supreme Court denied an application for further appellate review. In order to provide access to the property, the applicant then sought permission from the City to have a public shade tree removed. The City did not give permission to remove the tree and the developer filed an appeal in the Superior Court which is still pending. Meanwhile, the developer was granted a time extension on the original approval, and neighbors filed action in Superior Court challenging the ZBA finding on the time extension, and this item is also still pending.

   Subsequent to the initial approval, the Board of Aldermen, at the request of abutters, changed the site zoning to the RA district, thereby limiting development capacity to a rate of 1 unit per 2,250 square feet of land area (allowing 7 units with the required affordable housing), and/or other uses allowed in the RA district. The parking lot site is in the CBD district, where it has been for many years. OSPCD has no record of recent development applications for this site prior to 2009.

   In 2009, Strategic Capital Group proposed a development that incorporated both lots (Case ZBA 2009-67). This application, submitted in the fall of 2009, would place residential units on the parking lot site and a new VFW post on the shaft site. The initial proposal called for a subdivision of land from the adjacent VFW right of way and access to the site via the driveway shared with the Winter Hill Bank. This plan created numerous traffic challenges and was modified to remove the subdivision, reduced from 32 to 31 units to reflect the total residential development allowed on the

CITY HALL ● 93 HIGHLAND AVENUE ● SOMERVILLE, MASSACHUSETTS 02143
(617) 625-6600 EXT. 2500 ● FAX: (617) 625-0722
WWW.SOMERVILLEMA.GOV

lot, and reconfigured to reduce curbcuts. The updated plan was subsequently reviewed and modified again and was finally completed in September 2010 in preparation for hearings before the ZBA in the fall of 2010. This plan included a 4-story 31 unit building along Summer Street and a new VFW post in the rear of the shaft lot, with associated parking. Despite meeting the zoning requirements for a special permit, concern was expressed by community members on this application..

In the fall of 2010, Mayor Curtatone expressed a desire to explore mediated discussion about the future of the site. The City engaged a mediator to assess the potential for additional dialogue, first by holding conversations with key stakeholders, including abutters, city representatives and project representatives. Based on these conversations the mediator encouraged the developer to enter into a mediation process with concerned neighbors to see if an alternative plan could alleviate concerns about the project. At the request of the developer, the project was therefore not scheduled before the ZBA, and entered into the mediation process.

4. Mediation: The developer entered into six mediation sessions that were facilitated by the Consensus Building Institute (CBI), and attended by representatives from the neighborhood, the development team and City staff. The final report of the mediator is attached to this document. The CBI led sessions that begun on November 15, 2011 and continued for five weeks, and included a joint site tour. Issues were identified, including noise, parking, traffic, aesthetic impact, building size, pedestrian safety, stormwater, financial viability for the development and the VFW, VFW operations and the desire for transit-oriented development.

   By the third meeting, the developer was able to provide three sketches of new project designs that addressed a number of the concerns expressed by abutters. The group reviewed these alternatives and provided feedback, resulting in a refined design that would provide for the building configuration that is in the current plan. The developer and the neighbors had discussions about the advantages and disadvantages of providing first-floor commercial units on the residential building, and the developer continued to provide a design that had a small fourth floor on the building as well.

   In December, the mediation ended, without agreement on a final proposal. The developer's final presentation to the mediation was a 31-unit three-story building with a fourth-floor exercise area and the neighbors requested a reduction of six units and removal of the fourth floor. Since that time, the developer did remove the fourth floor before applying to ZBA, but is still proposing a 31 unit project. While this has not created a consensus for support amongst the participating neighbors, there was general consensus that this plan was an improvement from the plan submitted in 2009.

5. Subsequent submittal: The applicant submitted a new application in March 2011 and has been scheduled for the April 20, 2011 ZBA meeting. The applicant is expected to withdraw the 2009 application.

II. PROJECT DESCRIPTION

1. General Description: The project consists of two buildings on a single lot[1] that lies in two zoning districts. The first building (hereinafter the "residential building") is a three-story building with 31 residential units and underground parking. The second building is a two-story structure containing

[1] Under state zoning act, when two adjacent parcels are held under the same ownership and are developed in a manner where a structure or structures need both lots in order to meet zoning requirements, these lots are merged for zoning purposes (even if they are not merged onto a single deed. Upon entering into this development, these lots would be merged for zoning purposes.

approximately 7,944 sq. ft. to be used for a new VFW Hall for the George F. Dilboy Post 529 (hereinafter "the post building"). Both buildings are of wood-frame and masonry construction (Type 5A). The below-grade parking garage in the residential building is concrete and steel, classified as a Type 2 construction.

A. Residential Building: The applicant proposes to construct a three-story, 31 unit residential building including an underground parking garage and first-floor at-grade parking in the back. Of the 31 units, 4 will be affordable in perpetuity under the City's Inclusionary Housing Ordinance. Pursuant to the Affordable Housing Implementation Plan, the affordable units will consist of 1 studio, 2 1-bedrooms, and 1 2-bedroom.

The underground parking garage would have 45 parking spaces. The building would have an L-shape, wrapping behind the proposed Post building. The building uses fiber-cement and solid cellular PVC materials. The main entrance would be clearly identified by a large modern canopy. The first-floor has fewer units, as the rear of the first floor is a surface parking area that is accessible from the adjacent parking lot. Two first-floor units are proposed to have patios. This building would have the following breakdown of units by floor:

	Studio	1-Bedroom	2-Bedroom	Total
1st Floor	**1**[2]	**2**	**2**	**5**
2nd Floor	**2**	**3**	**8**	**13**
3rd Floor	**2**	**3**	**8**	**13**
Total	**5**	**8**	**18**	**31**

Along the far side of the building, it crosses the zone line into the RA district. At this point, the building roof-line changes to a mansard roof, and the building becomes 2.5 stories so that it complies with requirements of the RA district.

The residential building would have 32 individual air condenser units located at the center of the roof, a minimum of ten feet from roof edges. The applicant has indicated that the units are approximately 2 feet high and would not be visible from the street because shielded by the two-foot high parapet and are tucked back from the building edge. The applicant proposes individual AC units, rather than a central AC unit, as a noise reduction strategy, i.e., when individual residents are not using their air conditioners, they will be turned off, as opposed to a large central system which would be operating continuously for most of the year.

There are no roof decks in the current proposal. Earlier proposals included roof decks that have been removed to address neighborhood concerns.

The building is equipped with an elevator and two stairwells. The building has 45 parking spaces, 22 of which are set in 11 tandem pairs. These spaces will be assigned as pairs to units seeking two parking spaces. Entrance to the below ground residential parking area will be from a driveway located between the front end of the building and the Post building at the same location as an existing curb cut. The applicant has indicated that bike storage will be provided for each unit at the back of each parking space, but this storage area is not presently indicated on the plans.

[2] The plans submitted in March 2011 incorrectly label a first floor studio as a one-bedroom unit. Staff has requested that the applicant fix this error in an updated submission.

CITY HALL ● 93 HIGHLAND AVENUE ● SOMERVILLE, MASSACHUSETTS 02143
(617) 625-6600 EXT. 2500 ● FAX: (617) 625-0722
WWW.SOMERVILLEMA.GOV

B. G.F. Dilboy Post 529: The proposed George F. Dilboy Post 529 would be a two-story structure containing approximately 7,944 gross square feet of floor area. The proposed design wraps the Post within the L-shape of the residential building. The proposed VFW post has a neo-colonial design. The asymmetrical alignment of the prominent front entrance adds a modern element to the design. The front entrance is clearly marked by two columns that support an arched canopy over a landscaped patio. The façade on both sides of the front door would protrude slightly from the front face of the building maintaining the appearance of columns from the ground to the truncated turret above the main entrance. The balance of the construction material would be a panel block (Nichiha panel) for the first story and red brick for the top story. Other notable design elements include an oversized cornice throughout and double windows on the second story. The first floor will have trellises under the high windows. The upper right corner of the building will include all mechanical equipment in an interior room, as evidenced by the louver panels that mimic windows on the right side elevation. These louvers will provide air intake and exhaust for the mechanical systems. Keeping these systems interior to the building will minimize visual and noise impacts for abutters in the neighborhood as well as occupants of the new residential building.

The first floor includes a 2478± sq. ft. hall with a bar, one men's restroom, one women's restroom, a storage room, a kitchen, and a lobby.[3] First floor windows will be 7 ft above ground for privacy. To reduce noise emanation, the only first floor windows are located in the front of the building away from the main hall. At 2 ft. x 4 ft in dimension, they are quite small and will be inoperable. No first floor windows are proposed along the side or rear elevations which means that there will be no windows on any side of the main hall. Emergency exits are proposed on the right side and rear of the building. An elevator and stairwell is located in the front of the building to the right of the lobby.

The second floor includes an office, a bar, gaming area, card room and lounge, as well as storage and cooler areas and the mechanical room. The bar connects to a kitchen. The gaming area is located in the center and adjoins the lounge area in the front center of the building. Windows on the front of the second floor enter the office, lounge and mechanical area. Windows on the right side enter into the kitchen and stairway, while the card room has three small windows on the rear of the structure. There are no second floor windows on the left elevation.

Windows on the first floor front of the building will be inoperable, so as to limit noise escaping the building. Windows in the card room and 2nd floor bar are awning windows that only open slightly. The remaining windows are double-hung windows.

The proposed VFW Post would offer the same activities as the exiting post at 371 Summer Street. The VFW Post has a license to operate until 1:00 AM. In 2009, the VFW Post hosted approximately 170 events. Most events had 80 guests or fewer, but attendance did range from 20 guests to over 100. Planning Staff has worked with the Post Commander and his Board to understand the occupancy limits and needs of the existing Post operations. To ensure that operations at the new building do not exceed the extent of operations in the existing building, Planning staff have proposed and Post leadership have agreed to condition any approval of this project on a similar level of activity to that of the current building. Upon review of the proposed plans, the Fire Department has determined that the total allowed occupancy for the 2009 version of the VFW Post building would be 355 - permitted occupancy on the first floor would be 180

[3] Staff will also recommend that an interior trash/recycling storage area be provided on this floor.

CITY HALL ● 93 HIGHLAND AVENUE ● SOMERVILLE, MASSACHUSETTS 02143
(617) 625-6600 EXT. 2500 ● FAX: (617) 625-0722
WWW.SOMERVILLEMA.GOV

and the second floor would be 175, and it is expected that a similar occupancy would be allowed for this current design.

C. Commercial Motor Vehicle Lot: The Dilboy Post currently uses a portion of their parking lot as a commercial lot to provide off-site parking for nearby commercial users. As a part of this application, the Post is applying to continue to use 15 parking spaces for commercial off-site parking. Commercial spaces will be used weekdays from 6am to 6pm. After 6pm, all commercial parking will end, and these spaces will be available for use for the Post. The commercial parking spaces have been identified, and all are under the residential building, closest to Davis Square. A walkway along the left side of the residential building provides access from the commercial lot to Summer Street and Davis Square.

D. Site Design: The site design brings provides a strong, yet pedestrian friendly presence on Summer Street. As conditioned, the developer will provide an additional foot of sidewalk on the inside of the private property line. Both buildings will have prominent entrances along this sidewalk. Along the street, the area in front of the shaft will be cleaned up and a landscape buffer will be placed along the edge of the parking lot. Two curbcuts are provided, one in the CBD district to provide access to the parking ramp and one in the RA district to provide access to the surface parking. This is a reduction from the three curb cuts that are presently on the site. No public shade trees will be disturbed by this plan.

The parking in the surface lot underneath the residential building will include visitor parking for the residences, handicap parking for the project, and commercial parking during the daytime in designated spaces. The remainder of the parking lot, as well as the commercial spaces at night, will be available for the post members and member events. The project includes a landscaped buffer along the entire rear of the site with trees and a fence along the back of the lot.[4] The applicant is providing an on-site bike rack next to the vent shaft. A walkway along the left side of the building provides access from the commercial parking to Summer Street. Landscaping is also provided on the portion of the shaft site that is not covered with concrete, and a small outdoor seating area is provided behind the shaft in the landscape area next to the Post building.

III. NATURE OF APPLICATION

1. Zoning Classification: The subject site consists of two parcels (comprised of Assessors' Lots 33-36) containing 23,547 sq. ft. (the "Parking Lot") and 16,769 sq. ft. (the "Shaft Site"). The Parking Lot is located in a Central Business (CB) District and the Shaft Site is located in a Residence A (RA) District. The Project involves combining these parcels into a lot under common ownership that will contain 40,316+/- sq. ft.

2. Floor Area Ratio (FAR): Under the provisions of SZO, the total development capacity of a split-zoned site is determined by reviewing the FAR allowances for each of the two zones that apply. In this instance, the CBD zoning district allows an FAR of 2.0 and the RA zoning district allows an FAR of 0.75. As can be seen in the below table, the total developable space on the site is 59,6712 s.f. The proposed development consists of 38,267 s.f., only 64% of the total development capacity.

[4] Staff is also proposing conditions to increase landscaping and provide a soundproof 8 foot fence on this rear lot line which interfaces with residential properties along Hawthorne Street.

Zone	Lot Area (sf)	SZO FAR	Developable SF	Proposed SF	Actual FAR
CBD	23,547	2.0	47,094	35,982	1.52
RA	16,769	0.75	12,577	2,285	0.14
Total	40,316	1.48	59,671	38,267	0.95

The SZO also governs how the developable space is allocated across the property, specifically that while buildable space from the more restrictive lot can be relocated onto the less restrictive lot, the opposite is not the case. This means that the 12,600 s.f. limitation on the RA parcel cannot be exceeded. As can be seen above, at 2, 285 s.f., the amount of building proposed for the RA portion of the site is a fraction of what is allowed. Even on the CBD site, the development is significantly below the allowable development capacity. In effect, the proposed development will not utilize 21,404 s.f. that could be made available under the ordinance.

3. Parking: Parking for the residential units would be provided through the underground garage. Visitor spaces would be located in the surface lot under the building, along with commercial parking (15 spaces total) and parking for the Dilboy Post. All uncovered surface parking is dedicated to the Post building.

   Combined, the proposed project provides 108 parking spaces, which exceeds the minimum parking requirement of 78 spaces. Out of 108 parking spaces, 77 would be full size, 27 would be compact, and 4 would be ADA accessible spaces, one of which will be a designated visitor space for the residential building. Residents will be assigned spaces in the garage, which has forty-five (45) parking spaces. Eleven (11) units will have two (tandem) spaces available to them. The remaining twenty-three (23) spaces will be available for the remaining twenty (20) units, thereby allowing three (3) of these units to have two separate spaces available to them, while the remaining seventeen (17) units will each have one space assigned. Tandem spaces are not prohibited by the applicable sections of the SZO, pursuant to review by the Director of Traffic and Parking, and securing the required special permit. Six visitor spaces will be provided under the building in the at-grade lot.

   The VFW Post would have exclusive 24-hour use of 42 parking spaces, as well as evening access to the additional 15 commercial spaces. The proposed fifteen commercial spaces would be rented monthly from 6 AM to 6 PM and therefore be available for Post events after 6 PM while also helping to address daytime parking demand in Davis Square. The VFW is required to provide 28 parking spaces and therefore exceeds total parking requirements.

Parking Requirements Table			
Residential Use	Number	Requirement	Total Required
1 Bedroom Units	8	1.5	12
2 Bedroom Units	18	1.5	27
Studio Units	5	1	5
Visitor Spaces		1 per 6 units	6
Total Residential			**51**
Post			
Assembly space	2,478 sf	1 / 6 people (1)	28
Total for Post Building			**28**
Total Required Parking			**78**

(1) based upon seating capacity of 15 sf per person

SZO Section 9.1 1.c allows up to 20% of required parking spaces to be compact spaces, therefore, 80% of the required parking must be full-sized spaces. The parking requires 45 residential spaces, 6 residential visitor spaces and 28 post spaces for a total of 78 spaces, therefore 80% of these (63 spaces) must be full-sized spaces. As noted above, 77 full size spaces are being provided.

The applicant is placing a small landscape strip behind the wheel stop on the spaces that abut the property at 341 Summer Street. This is not required, but it will provide a small buffer and a pervious area within the parking spaces. The front of a vehicle may overhang the wheel stop, and therefore this area remains available for parking. But the landscaping will ensure that paving up to the lot line is not required.

4. Setbacks: The structures meet all zoning setback and height requirements. The residential building is 3 stories tall. When it crosses the district line into the RA district, it reduces in size to 2.5 stories through a mansard roof. The CBD district has no front or side setbacks. Rear setback is based upon height and 15 feet is provided. The rear setback area will be used as a landscape buffer between the building and abutting residential properties even though under the SZO this space could be used for parking. The Post building is two stories and 27 feet in height. The portion of structures in the RA district all have extensive setbacks from adjacent lots.

5. Use: The proposed uses include a 31 unit residential building, a Commercial Motor Vehicle Lot, and a private non-profit club. The commercial parking use is located completely in the CBD zoned area of the site. The private club and the residential use straddle the zoning line, but the areas within the RA district meet dimensional requirements for the RA district and both uses are allowed within the RA district, with the applicable special permits.

   Section 7.11.l.c of the use regulations for the CBD allows "multiple dwellings of seven (7) or more units" by special permit with site plan review (SPSR) under Section 5.3 as long as 12.5% affordable housing is provided. Section 7.3 also allows multi-family use in the RA district with affordable housing by special permit.

   Section 7.10.10.b of the use regulations for the CBD allows commercial “structured or open lot (outdoor) motor vehicle parking where the parking spaces are not accessory to a principal use on the same lot and where no sales or service take place” of 5,000 or more sq. ft gross floor area by special permit with site plan review (SPSR). .

   Section §7.11.5.B.6 of the use regulations for allows a "Private non-profit club or lodge for members only" containing less than 10,000 gross floor area on a 10,000 sq. ft. lot by special permit in the RA district, and by-right in the CBD district. The proposed use as an approximately 7,944 gsf private club satisfies the dimensional requirements for the applicable districts, while noting that only approximately 2,400 s.f. of this use is actually within the RA zoned portion of the site.

   Therefore, all uses proposed on the site are allowed by Special Permit.

IV: PROJECT SITING AND IMPACTS

1. Smart Growth, Transit-Oriented Development and Davis Square:

Davis Square serves as an example of a transit-oriented development (TOD) area, with a commercial core, mixed use, pedestrian friendly design and residential development surrounding a heavy rail station on the MBTA Red Line. These communities provide the ability to walk to shops, live in a culturally diverse setting, take advantage of enhanced mobility and create a neighborhood where there is a mix of housing, jobs, shops and recreation within access to multiple modes of transportation. Successful TODs provide opportunities to live without daily dependence on a car or a need to use a car for daily convenience trips and opportunities for car-free residents to access jobs and daily needs.

As a result of increased understanding of the need for sustainable development, plus the desire among new homebuyers and older residents to live in vibrant, accessible neighborhoodsto improve their quality of life, the typical market for suburban residences is not growing. Instead, data shows that demand for TOD housing continues to exceed and supply, and some estimates suggest that by 2030, almost 25% of new buyers are going to be seeking TOD living arrangements. TOD residents like their transit access, and studies indicate that residents within ½ mile of transit are five times more likely to take it than those who are not. Reconnecting America estimates that there will be an additional demand for 10 million Americans who want to live near transit by 2030. Around the 295 stations on the Boston MBTA system, there are 396,000 households, with an expected demand for 750,000 additional households by 2030. Meeting this demand would require building over 1000 new units of housing around each transit station in the Boston area. Failure to meet this demand would push development further out to the fringes of the region, and exacerbate existing traffic problems throughout the Boston area. Therefore, areas like Davis Square are likely to be a top choice for residents seeking an urban community with eclectic shopping opportunities, nearby jobs and access to transit.

2. Surrounding Neighborhood:

Davis Square is a thriving transit-oriented neighborhood that is anchored by the station on the Red Line, Boston's heavy rail subway system that connects Cambridge to downtown and communities south of Boston. The station is the only rail station located within the city limits of Somerville. Since the arrival of the red line in 1984, Davis Square has become a destination for its restaurants, business district, and mix of commercial properties and nearby residential neighborhoods.

Davis Square area depends upon the adjacent transit to support its business district and surrounding residential neighborhoods. The station location has generated a significant upward residential demand, leading to increased housing prices in the square, particularly as TOD has become more appealing, and as the value of properties in neighboring Cambridge have risen.

Davis Square has historically incorporated mid-rise residential buildings on corner lots and on the main streets that come in and out of the square. These buildings have peacefully co-existed with adjacent two and three family homes for many years. Within approximately one-half mile of the subject property are 7 long standing apartment buildings of four or more stories, which exceed the FAR and unit density of the proposed project and do not comply with off-street parking requirements. These buildings are among the earliest buildings in the neighborhood. They are listed below

Address	Zone	Height (feet)	# of Units	FAR (net)	Square feet per dwelling unit	Walking Distance
49 Dover St.	RB	48	41	3.7	216	0.5 miles
123 Orchard St.	RB	50	30	2.0	322	0.3 miles
131 Orchard St.	RB	44	25	1.9	395	0.4 miles
18 Day St.	RB	46	50	2.2	308	0.4 miles
38 Day St.	RB	46	25	1.8	429	0.4 miles
36 College Ave	CBD	58	45	4.2	168	0.4 miles
119 College Ave	RB	48	41	2.7	320	0.6 miles
Proposed 343-351 Summer	RA/ CBD	39	31	0.94	1300	0.3 miles
RA required		***Max 35***	***1 per 2250 sf***	***0.75***		
CBD required		***Max 50***	***1 per 1000 sf***	***2.0***		

The neighborhood surrounding the site is at the edge of the commercial core of Davis Square, and consists of a mix of residential and commercial uses. The Davis Square MBTA station is approximately ¼ mile from the site to the northwest. To the East are largely two-family homes with a mix of single-family and three-family homes. To the northwest along Elm Street to Davis Square are a wide variety of retail, entertainment, and offices uses.

The neighborhoods to the east are zoned RA. The core of Davis Square to the northwest is zoned CBD. Across Summer Street to the southwest of the subject property is a Neighborhood Business (NB) district. To the north and northeast is a Residence B (RB) district along Hawthorne Street to Dresden Circle. To the north of the RB district along Highland Avenue is a continuation of the CBD and a second NB district.

According to the Assessor's Database, 341 Summer Street, which abuts the proposed VFW post site to the east in the RA zone, is a three-family home measuring 13,692 gross square feet (gsf) , 11,328 net square feet. To the west is the Winter Hill Bank and the current Post with, while owned separately on separate parcels, was constructed as a single building with shared walls on property lines. Across Cutter Avenue is a new mixed use (residential, office and retail) building is under construction. Approximately one block to the west at 212 Elm Street is a 4 story, 112,985 gsf mixed use building which houses a Citizens Bank and offices for Arrowstreet Inc, CBA Landscape Architects, Davis Square Realty, Environmental Design Group, Powderhouse Productions, Spotfire Inc, and Tibco Software Inc, some of the largest employers in Somerville today.

3. Green Building Practices: The applicant intends to apply for LEED certification for the residential structure and Energy Star Certification for both buildings.

4. Comments:

Fire Prevention: Has been notified and has reviewed the plan with Planning Staff but has not provided written comments at this time.

Engineering: Has been notified, but has not provided comments

Traffic & Parking: Responded with the following comment:

> The applicant seeks to establish a 31 unit residential use and an 8400 gross square ft private non-profit club at 343 – 351 Summer St. The applicant is seeking a special permit under sec. 9.13.b of the Somerville Zoning Ordinance (SZO) to modify parking requirements. Traffic and Parking has been informed by SPCD that the applicant meets and exceeds the number of required parking spaces for this development. Traffic and Parking has also been informed by SPCD that the relief the applicant seeks under sec. 9.13.b concerns tandem parking spaces. The proposed tandem parking spaces proposed by the developer will be such that each tandem parking space (two parking spaces where the vehicles will be bumper to bumper in an elongated parking space) will only be assigned to a single unit. Traffic and Parking has no objection to this scheme.
>
> It also appears that some pillars will be within one foot of the maneuvering aisle. As long as the pillars are properly signed as to their proximity to the maneuvering aisle, Traffic and Parking has no objection to this proposal. However Traffic and Parking has been informed that one pillar well being in close proximity to the maneuvering aisle as mentioned above will also be located next to a HP parking space. This is a concern. The City's ADA Coordinator should review this HP parking space arrangement to determine if this HP parking space is in compliance the all ADA requirements.
>
> Aside from the potential HP parking space issue, Traffic and Parking at this time and with the information provided has no objections with this application.

Ward Alderman: Alderman Gewirtz has held several neighborhood meetings for project proposals at this site. Most recently, the current proposal was reviewed at a March 2011 meeting attended by the Alderman. Alderman Gewirtz has not provided a specific comment at this time.

Design Review Committee: The Design Review Committee had reviewed the previous plan for the site in 2009 and 2010. The most recent plan was presented to the DRC for comments at the February 2011 meeting. At that meeting, the developer introduced the new site layout to the DRC and provided background on the new design and the similarities and differences between the new design and the 2009 proposal. DRC comments were as follows:

a. The DRC would like understand how the scale of this building compares to the adjacent bank as well as other buildings around Davis Square.
b. The DRC would like to see the small windows on the Summer Street façade of the Post be larger or as an alternative provide some on-wall landscaping and a seat wall to mitigate the distance between the windows and the sidewalk.
c. Some design work is needed to address the interaction between the stairs, ramp, sidewalk and planter.
d. Right side elevation of the Post and Residential building need more design attention
e. The front façade of the residential building could be improved, in the center panel with the circular window.
f. The façade that overlooks the bank parking lot could be improved as well, and it will be visible to many people.
g. The mechanical room may be better located in the back corner near the underground garage driveway
h. The plantings in the rear buffer could be denser and consist of more columnar type species to create a stronger vegetative buffer
i. The Post roof could be a good site for a green roof.

The applicant returned to the DRC in March 2011 for a second meeting. They updated the plans to address DRC and staff feedback on their original plan set. At that meeting, the DRC made the following design comments:

a. The panels on the front façade of the residential building seem extremely flat. Some sort of detail or treatment is needed there. The DRC would like to see the same type of screening or lattice from the Dilboy Post front façade be used on either side of the entryway to the residential building.
b. Under the front façade windows of the Dilboy Post it feels very horizontal. Connecting the front elements below the windows would be a better design.
c. The DRC would like to see a stronger material for the proposed trellis on the front facades of each of the buildings. Perhaps a metal material could be used instead of wood for the trellis.

The March meeting was also attended by a few neighbors. One expressed concern about the quality of construction and project materials. Another expressed concerns about the bulk of the building and impacts of the larger residential building on the block of Summer Street and adjacent residential homes. Members of the DRC discussed the materials, methods of construction, and the role of larger residential buildings mixed into urban neighborhoods with two- and three-family houses.

At the conclusion of the March 2011 DRC meeting, the members determined that the project had addressed their concerns and did not need further design review.

Public Comment: When the first plan for this project was proposed in 2009, it was followed by scheduling at least three community meetings attended by upwards of 30 community members. Detailed questions and comments were offered at these meetings and the topics included, but were not limited to: 1. Number of units, site density, size/type of units; 2. Building bulk; 3. Setbacks between the CBD and RA areas; 4. Pedestrian safety and location of driveways/curbcuts; 5. Roof deck and privacy for abutters across the street; 6. Height of residential building; shadow impacts; 7. Operation of commercial parking lot; 8. Parking lot design and noise mitigation; 9. Consistency between the VFW Post and allowable uses in the RA district; 10. Operation of VFW Post; 11. VFW Post building design and noise mitigation; 12. Review by MBTA relative to the Red Line shaft; 13. Location of dumpster; 14. Findings of traffic study; and, 15. Possible commercial use(s) of site.

As noted above, to address concerns that had been expressed, this fall the Mayor suggested, and the applicant agreed to enter into a mediation process. The result of that process is outlined in the attached letter from the mediator, and is described in more detail in Section I.4 above. As a result of the mediation, the applicant submitted new plans in March 2011. These plans have subsequently been reviewed in one meeting with the neighborhood residents and Alderman Gewirtz. At the request of the neighbors, neither the applicant nor the City staff attended this meeting, but staff did provide a set of the project plans and some background information to neighbors in preparation for this meeting.

In Section 4, below, staff has provided comments on some of the concerns raised for consideration.

Additional public comment will be summarized here after the first public hearing on April 20, 2011, and the report will be updated to address concerns from this meeting.

5. Impacts of Proposal:

Overall, the proposal will bring a vacant lot and a surface parking lot, which collectively can be considered an eyesore, into productive use. The project will help meet demand for housing near the Red

Line, add new residents that will contribute to the vitality of Davis Square, provide a new fully accessible building for veterans who are members of the Dilboy Post, and create an improved pedestrian environment along the length of the site. Below is a more extensive explanation of the some of the potential community impacts and recommendations about how to address these.

A. *Number of units, site density and size of structures*

As noted above, in section IV.1, there is significant demand for housing near transit both nationally and in the Boston area. While condominium housing has not historically attracted families with children, they do attract young single and couples as well as empty nesters seeking housing with access to amenities. In other words, while proposed project is slightly different than the two- and three-family homes that surround the site, those who would seek to purchase these types of units are not too different than the families in the existing neighborhood. They share an interest in living near transit and near a vibrant location like Davis Square. As noted in Section IV.1, the form of the new building is similar to what can be found in the neighborhood today. Further, with a unit density of 1 unit per 1,200 s.f. of land area, the proposed density is more similar to the density of the 2-3 family housing than the apartment buildings found in the neighborhood today. The way that the buildings are proposed to be placed on the site is referential to the site's role as a transition between the CBD and the lower scale development further down Summer Street; i.e., the development of a three-story residential building, which is lower than the bank building, transitioning to a two story Post building, bridges the literal gap between the residential neighborhood and Davis Square.

In response to neighborhood comments, the applicant has downscaled the building by lowering the height in the CBD (where height to a mean roof line may reach 50 feet) to create a three story building that is more in line with the height of adjacent homes.

B. *Environmental impact*

The development of new structures is likely to have some environmental impact, and that impact must be addressed and mitigated as necessary. But, the impact here is minimized by the location and the condition of the site. The site has served as a surface parking lot and weed-filled vacant lot for many years. It is located in close proximity to Davis Square where daily needs can be met without the need for daily car trips, and where rapid transit offers convenient access to Boston and Cambridge. Staff find that placing 31 residential units on this site will have minimal impact on the environment, far less than spreading these units across the region. Securing a site for the Dilboy Post will ensure that their activities can continue adjacent to the neighborhood that has always served as their home, and that they can continue to serve returning veterans, especially those with mobility issues who cannot access the Post building today.

Localized environmental impacts from construction often involve the care and treatment of stormwater runoff. On the current parking lot site, the pavement across the entire site requires runoff from the entire site to reach city streets and/or adjacent properties. A new development will treat runoff, and, if possible will allow it to percolate into the ground instead of contributing to the combined sewer system. The City Engineer will review the site plan and proposed stormwater systems in detail prior to issuance of a building permit to ensure compliance with City regulations.

The applicant intends to apply for LEED certification for the residential structure and Energy Star Certification for both buildings.

C. *Size/type of units*

Concerns have been expressed about the mix of units, and the need for studios in Somerville. Staff has generally been encouraging the development of larger units where possible in projects submitted for special permit. However, it should be recognized that one-bedroom and studio units do provide a more affordable option for homebuyers seeking to enter the Somerville market. The applicant had reduced the number of studios in the project, and has continued to try to meet market demand and the City's preferences for unit mix. But, this has had to be balanced with neighborhood desires to keep the structure at no more than three stories. Therefore, while some unit sizes may be smaller than in the original proposal, the unit mix currently proposed will appeal to a mix of family and household types.

Importantly, the proposed project will provide for 4 units that will be permanently affordable – addressing a recognized need in Davis Square given the way the prices in the private housing market have increased since the opening of the Red Line station. The unit mix will reflect the mix in the building, with one studio and one two-bedroom unit amongst the four affordable units. Under City ordinances, affordable units must remain permanently affordable, as rental unit occupants have annual income monitoring, and for-sale units can only be resold to qualified low-income buyers at affordable prices.

D. *Building Bulk/Massing*

As described above, the SZO allows for a certain level of development square footage within the CBD and RA zones, while also specifically determining the number of residential units allowed per lot area. As currently designed, the proposed development meets or exceeds all of dimensional requirements of the zoning ordinance and the overall developable space is less than would otherwise be allowed. Specifically:

- Proposed lot coverage is less than 70% in the CBD and 10% in the RA, when 80% and 50% are allowed in these districts, respectively.
- Proposed Open Space is 20% in the CBD and 37% in the RA, when 10% and 25% are required in these districts.
- The Floor Area Ratio requirement[5] would allow for 47,000 square feet of floor area in the CBD district and 12,575 square feet of floor area in the RA district, for a total of over 59,000 square feet where only 38,267 square feet is being proposed.
- Within the RA district, the proposed FAR is 0.14 (only 2,285 square feet of building is to be built within the RA district) when 0.75 is allowed.

Given that the proposed uses and structures cross both of the parcels in this proposal, staff is recommending that language be added to both deeds to recognize the interrelationship. Further, under the current zoning, no additional residential units could be added to either portion of the parcel.

E. *Pedestrian safety and location of driveways/curbcuts –*

Concerns arose regarding the location of the driveways/curbcuts and whether the angle of incline of the driveway to the underground parking garage would allow vehicles to pause at the top in order to see pedestrians passing by. These concerns initially arose when the project was proposed to contain three curbcuts. The project has subsequently been revised to have two curbcuts – one in the CBD for the residential below-ground parking and one in the RA district that will access both surface lots. This brings the project into compliance with City regulations relative to curb cuts. In addition, under the current

[5] FAR or Floor Area Ratio is the ratio of net floor area of buildings to total lot area. A structure with 50,000 square feet of floor area on a 100,000 square foot lot would have an FAR of 0.5.

proposal, the angle of incline for the garage is less and more space is provided at the top so that a vehicle can stop before crossing the sidewalk.

F. *Zoning Compliance*

Under the original proposal, questions arose regarding whether a setback was required between the building in the CDB district and the building in the RA district. In the current proposal, both buildings cross district lines. The provision in question is SZO Section 8.6, Footnote 12 which states that "where a lot in a business or industrial district abuts a lot or district line in a RA, RB or RC district, no building in the business or industrial district shall be erected closer to the residential line than 1/3 the height of said building, but not less than 15 feet." Given the unique nature of the proposed development, Planning Staff consulted with the Law Office regarding how to apply this footnote. After close review of the footnote, the Law Office and Planning Staff determined that the setback requirement did not apply for either the original or revised proposal. This is due to the fact that since both parcels will be owned by the same entity (as committed to by the Applicant), the lot within the RA district ,which is smaller than the minimum required lot size, will automatically become merged, for the purposes of zoning, with the adjacent lot upon transfer of ownership. This in effect creates a single lot that has a zone line running through it instead of two lots[6]. Since Footnote 12 applies when a lot is located abutting the RA, RB or RC district, it no longer applies to the project site. Section 8.6, Footnote 20, which states that "where a lot abuts an RA, RB or RC zoning district line, any structure (or portion of a structure) within 30 feet of said district line shall be limited to 3 stories and 40 feet, does not apply for the same reason. These provisions do not apply to the Shaft Site at all because it is completely located in the RA district. To ensure that the two parcels will not be separated in the future, Planning staff have recommended two conditions – first, that no building permit be issued until the Applicant provides evidence of the land transfer and, second, that deed restrictions indicating that the parcels cannot be sold independently be placed on both parcels prior to issuance of a building permit. The Law Office will need to approve the language of the restriction.

There has been additional concern about the calculation of the lot area per unit for this project. The applicant is invoking a provision of the SZO that allows the applicant to use land in an adjacent district with lower zoning allowances for the purpose of meeting zoning requirements and for providing passive use (including parking) on that land (See SZO 7.4: Lots in Two Districts). Therefore, the applicant can cluster the residential units on the CBD site of the lot, crossing the district line only when the building steps down to meet the RA zoning height requirements. The full residential development capacity (as well as site coverage and floor area ratio) can be allocated to the lot with the more intense CBD zoning. Regardless of how this may be set up, the total residential development capacity of this land under the SZO is for 31 units. While the more intensive provisions of the CBD cannot be applied to the RA zoned land, one can take the development capacity allowed on the entire site and build the majority of that capacity on the CBD site where it is closer to Davis Square and its amenities. The provisions of Section 7.4 then allow the less intensive lot area to be used to meet passive use requirements (setback, landscape or parking) for the entire site

There has also been concern about the use of the Post building within the RA zoning district. While this new plan places the building a substantial distance from existing RA and RB zoned residences, a small portion of the building remains in the RA district. This use is a private member club that is allowed in the RA district by Special Permit. Through the Special Permit process, the ZBA has the opportunity to assess

[6] Note that the two parcels do not actually need to be merged via a subdivision for this merger "for zoning purposes" to occur under Massachusetts law.

the use and its impacts. There are a number of other gathering uses within RA and RB zoning districts, most are church halls that are often used for events. The American Legion building on Glen Street is in the RB district and runs similar events. While Planning Staff determined, and the City's Law Department agreed, that the Post can be located in the RA district by special permit, the new plan works to address the concerns about the location of the building so close to these residences. The new site is closer to homes on Summer Street, but it places the front of the building along the street, while the rear of the building, including the function room is buffered by the new residential project, and is insulated to reduce sound impacts.

G. *Roof deck and privacy*

This plan includes no roof deck.

H. *Noise impact from utilities*

The utilities on the Post building have been relocated to an interior room on the second floor. This room will be inside, thereby reducing noise. The units in the residential building will be served by individual heating/cooling units that will be on the roof. These will be located toward the center of the roof, far from other neighbors. The Planning Staff is requesting a buffer around the units either in the form of a taller parapet or some form of screen.

I. *Traffic and Parking impacts*

The June 2010 Traffic Impact Study assessed traffic impacts for the following intersections: Summer Street and site driveways, Summer Street and Cutter Avenue, Summer Street and Willow Avenue, and Willow Avenue and Highland Avenue. According to that study, the proposed development would generate 225 trips daily including 20 additional trips during the AM peak hour and 22 during the PM peak hour. Peak hour directional site traffic would amount to approximately one vehicle every three minutes along Summer Street for the proposed condo building.

Concern has been expressed about the tandem parking spaces that will provide parking for 11 of the units in the building. It is worth noting that while evening business parking is at a premium in the core of Davis Square, the project meets or exceeds all parking requirements of the SZO. The tandem parking spaces are assigned each to the same unit, so no unit owner has to move the car of another unit owner to access a car in the back space of a tandem pair. These spaces will be assigned together.

It is also worth noting that a study from Reconnecting America indicates that in communities with rapid transit rail that connects throughout a metro area, per-unit car ownership averages 0.9. This is less than one car per unit. This is probably why neighboring Cambridge only requires one car per unit in this type of a garage situation. Furthermore, even when residents in Somerville have cars, the number of residents using them (and therefore adding to traffic) in a daily commute is minimal. Many residents still see a need to own a car, but have no interest in using it for a daily commute.[7]

[7] According to CarFree Census summaries of the 2000 census data, Somerville ranks #5 amongst mid-sized American cities that have commuters that don't drive to work (42.42% of commuters bike, walk or take transit). But, Somerville ranks #30 amongst mid-size cities in the % of households with no car at all (22.73%). The combination of this data indicates that there is a demand for a parking space for 75+% of residential units in Somerville, but it is not likely that all of this parking will generate peak driving trips.

CITY HALL ● 93 HIGHLAND AVENUE ● SOMERVILLE, MASSACHUSETTS 02143
(617) 625-6600 EXT. 2500 ● FAX: (617) 625-0722
WWW.SOMERVILLEMA.GOV

Staff is also recommending as a condition that one parking space be dedicated to a car share program (Zipcar, Icar or similar).

J. *Future use of Post site and construction period parking –*

Staff has identified two additional issues which include the availability of parking during the construction period and the future use of the existing Post site. While the proposed parking allocation will be adequate to serve the Post and the residences when the project is complete, the application has two implications for the existing operation. First, it limits parking for the Post during construction. OSPCD recommends that the applicant expand the parking mitigation plan for the construction period to address Post event parking during the construction period. Second, completion of the project severs the existing Post facility from the separate lot where parking had previously been provided. Any purchaser or operator of the existing Post will have to re-establish parking rights for any use at that location after the Post moves. Staff has recommended a condition that language, subject to approval by the Law Office, be added to the deed for the existing Post property indicating that the property does not have any on-site parking and that prior shared parking arrangements have been extinguished.

V. FINDINGS FOR SPECIAL PERMIT with SITE PLAN REVIEW (SZO §5.2.5):

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: Staff 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 with respect to the required Special Permits with Site Plan Review and Special Permits.

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."

6.1.5. CBD - Central Business Districts.
All developments within the CBD district that require a special permit with design review or special permit with site plan review should comply with the following guidelines to the highest degree practicable.

1. Across the primary street edge, the building should complete the streetwall.

The building completes the streetwall with attractive buildings and a green edge along the sidewalk. Two curb cuts are proposed which is compliant with City regulations and is one fewer than the existing site.

2. At the street level, provide continuous storefronts or pedestrian arcade which shall house either retail occupancies, or service occupancies suitably designed for present or future retail use.

Ground floor retail use previously was considered by the applicant but public comment at the first community meeting led to the elimination of the commercial component. Further, given the fact that the site is transitioning to a lower density portion of Summer Street and much of the opposite side of the street contains residential buildings, it is unlikely that ground floor retail in this area would be actively used.

3. Massing of the building should include articulation which will blend the building in with the surrounding district. At the fourth floor, a minimum five-foot deep setback is recommended.

The entire building has a ten-foot setback and much of the fourth floor is set back significantly further from the street than the lower floors, thereby reducing the building massing along the street, creating articulation, and allowing space for one shared and two private roofdecks.

4. Locate on-site, off-street parking either at the rear of the lot behind the building or below street level; parking should not abut the street edge of the parcel.

Off-street parking in the CBD is located in the rear of the building and underground garage provided.

5. Provide access to on-site, off-street parking from either a side street or alley. Where this is not possible, provide vehicular access through an opening in the street level facade of the building of a maximum twenty-five (25) feet in width.

Access to the underground parking garage is provided through a 28.2 ft wide ramp with garage door. Access to the surface parking is provided by a single curbcut in the RA 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 are:

6.1.1. RA - Residence Districts: "To establish and preserve quiet neighborhoods of one- and two-family homes, free from other uses except those which are both compatible with and convenient to the residents of such districts."

6.1.5. CBD - Central Business Districts: "To preserve and enhance central business areas for retail, business services, housing, and office uses and to promote a strong pedestrian character and scale in those areas. A primary goal for the districts is to provide environments that are safe for and conducive to a high volume of pedestrian traffic, with a strong connection to retail and pedestrian accessible street level uses."

The project is a transit-oriented development in close proximity to the core of Davis Square, with buildings along Summer Street that will activate the sidewalk and replace a parking lot and weed-filled lot with attractive buildings along safe sidewalks and uses that can support the retail activity in the core of the square. It protects the RA zone by moving much of the development out of that zone except for ancillary activities and a small portion of the buildings. It provides a new option for housing near Davis Square, supports city-wide and regional smart growth policies and scales down from the taller buildings in the Square to the residential streets adjacent to the site.

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 proposal includes two buildings that will be within the existing built-out area around Davis Square, within ¼ mile of the MBTA station, and served by adequate services.

Davis Square has historically incorporated mid-rise residential buildings on corner lots and on the main streets that come in and out of the square. These buildings have peacefully co-existed with adjacent two and three family homes for many years. Within approximately one-half mile of the subject property are 7 long standing apartment buildings of four or more stories, which exceed the FAR and unit density of the proposed project and do not comply with off-street parking requirements. These buildings are among the earliest buildings in the neighborhood. The residential project is consistent with this site scale and massing, but meets current parking and bulk requirements.

The Dilboy Post has been a part of the Davis Square neighborhood for generations, and the new building would continue the use in a structure that complements the residential building and improves the streetscape along Summer Street.

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

The structures function well as a residential building and private club. Each has required facilities and design features to meet their required functions. Staff recommends a condition to add internal trash/recycling storage in the Post building to limit any need for outdoor garbage storage.

6. Impact on Public Systems: The project will "not create adverse impacts on the public services and facilities serving the development, such as the sanitary sewer system, the storm drainage system, the public water supply, the recreational system, the street system for vehicular traffic, and the sidewalks and footpaths for pedestrian traffic."

The buildings meet required standards for public systems.

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 proposed residential building will not result in any environmental impacts beyond activities that are typically associated with residential units. The impacts of the Post building are not anticipated to be any different than the impacts of the existing location. But, to address the new location closer to the residential neighbors, the Planning Staff is recommending a set of conditions to address noise impacts from the new structure. The Staff recommends that the applicant be required to provide a sound resistant construction, and that a tall fence with a sound barrier be placed along the rear lot line. In the front, the windows will not be operable. No other impacts from the Post building are anticipated.

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 Section1.2, which includes, but is not limited to providing for and maintain the uniquely integrated structure of uses in the City, adequately protecting the natural environment (through green building design) and encouraging the most appropriate use of land throughout the City. The project provides an accessible modern location for

the Dilboy Post to continue to serve veterans, and the residential structure provides a transit-oriented design in a location close to the amenities of Davis Square and the MBTA station.

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 proposal is consistent with the purpose of the Central Business District, which is, "[t]o preserve and enhance central business areas for retail, business services, housing, and office uses and to promote a strong pedestrian character and scale in those areas. A primary goal for the district is to provide environments that are safe for and conducive to a high volume of pedestrian traffic, with a strong connection to retail and pedestrian accessible street level uses." The project places the residential structure with a front-door on the street, locates residential parking underneath the building and all other parking behind the building, and provides an attractive façade along Summer Street that contributes to the pedestrian orientation of the street. The project replaces a surface parking lot that serves as an open gap in the urban streetscape with two attractive buildings. Where parking is exposed along the street, a landscape buffer is provided. The project provides a direct connection from the commercial parking to the Summer Street sidewalk. The project also widens the sidewalk along Summer Street.

The proposal is consistent with the purpose of the Residence A District, which is, "[t]o establish and preserve quiet neighborhoods of one- and two-family homes, free from other uses except those which are both compatible with and convenient to the residents of such districts. Within the RA district, the project mainly includes uses accessory to the activities in the CBD, including parking, landscaping and a portion of the Post and the residential building. This is as allowed in the SZO. The adjacent neighbors are buffered by a fence and landscaping. These activities provide a buffer from the more extensive activities in the CBD to the residential properties in the adjacent RA and RB districts. The shaft site benefits from limited development under this plan, protecting the nearby residences by shifting the intensity of development towards and into the CBD. Within the RA district is a small portion of the Post building, a club that can be established in RA by special permit, and a small portion of the residential building with a mansard roof that is 2.5 stories tall, the typical size of other RA zoned structures.

10. Relation of Buildings to Environment: The Applicant must ensure that "buildings are: 1) located harmoniously with the land form, vegetation and other natural features of the site; 2) compatible in scale, design and use with those buildings and designs which are visually related to the development site; 3) effectively located for solar and wind orientation for energy conservation; and 4) advantageously located for views from the building while minimizing the intrusion on views from other buildings."

The project is located harmoniously with the surrounding features, placing two attractive buildings along Summer Street to replace surface parking and enhance the pedestrian experience. The project is buffered from the smaller adjacent residential structures with a significant rear yard setback along the entire property. The residential structure is lower than the adjacent Winter Hill Bank, and the height steps down with the two-story Post building, and a 2.5 story corner of the residential building behind the Post. Therefore, the project as a whole provides a reasonable balance to bridge the scale of Davis Square with the scale of the adjacent neighborhood. While the site allows for a four-story building comparable to Davis Square development, the applicant is proposing three stories to transition from the intensity of the square to the quite neighborhood beyond.

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

All stormwater will be retained on site. This will be a net improvement from the existing lot that sheet flows into the street.

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."

See comments from the Historic Preservation Commission. There is no removal, alteration or other impact on historic properties on the site.

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 a surface parking lot and a vacant weed-filled lot with two attractive buildings along Summer Street. The proposal includes associated landscaping and buffers into the residential neighborhoods that will serve to reduce the impact of the development on adjacent structures. The Planning Staff recommends a fence and sound barrier along the rear property line. The combination of these design elements will enhance the natural character and appearance of the city.

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.

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."

Per review by the Fire Department, the site offers adequate access for emergency equipment. The project will be reviewed by the MBTA to ensure that the shaft is adequately protected and maintained.

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."

Traffic design has been improved by the location of the two proposed driveways. Vehicular traffic will have access from a garage entrance in the residential building and single driveway entrance on Summer Street. Traffic and Parking department has approved this design.

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 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 applicant has taken care to address adverse impacts. The most significant potential impact - noise from the Dilboy Post - has been addressed through a proposed design established by a sound engineer. This plan will provide a double wall in the Post building, and a concrete ceiling on the first floor to keep sound from escaping that level. Sound at the property line is expected to be well below the level allowed in the noise ordinance and will be conditioned as such. Extensive operating conditions are proposed by Planning Staff.

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."

No outdoor signs are proposed. If the Dilboy Post applies for a sign under a separate application, it will be reviewed.

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."

This has generally been addressed, but Planning Staff recommends a condition to require internal trash storage for the Post building.

21. Screening of Parking: In cases of buildings on stilts, the parking area should be screened or partitioned off form the street by permanent structures except in the cases where the entrances to the parking area is directly off the street.

Surface parking is located under the residential building in the rear. This area is screened from the street by design, as the building meets the street in the front. Vehicle access to this area is along the side, behind the Post. This area is also screened by the design with limited openings along the rear and side of the structure. A pedestrian walkway along the side allows access to the commercial parking for pedestrians without exposing the parking along this side of the structure.

VI. ADDRESSING NEIGHBORHOOD IMPACTS

After participating in several neighborhood meetings where this project had been discussed and participating in mediation, the Applicant has made modifications to respond to those concerns. Nonetheless, it is clear to Planning Staff that significant issues raised by neighbors do still need to be addressed. For this reason, the conditions in Section 7 are proposed to address these issues.

To summarize the most significant conditions, they would require:
1. Eliminating the outdoor dumpster and storing all Post trash inside the Post building.
2. Limiting member-sponsored events in the Hall at the Post to 125 people as a maximum capacity except for four specific identified events per year where capacity can reach 190. This is despite the Applicant's request for a set limit of 190 people for all events.
3. Requiring installation of a sound dampening eight foot fence along the entire rear property line of both lots.
4. Landscaping the rear and side yards between the developed site and abutting residences with additional trees, thereby creating a substantial vegetative buffer between the structures and parking area on the site and the neighbors.
5. Requiring the applicant to sign a document to be filed at the Registry of Deeds establishing that the existing Post site will need to re-establish parking rights after the project is complete, thereby ensuring that the applicant cannot use its status as a pre-existing non-conforming use to re-establish a private club or establish another use on that site without review of its parking demand and neighborhood impact.

Staff believes that with these conditions and the others below, this project will be a benefit to the City of Somerville and the Davis Square neighborhood in that it provides additional housing to help meet demand in Davis Square, includes four permanently affordable units, is a sustainable development with its proximity to transit and commitment to green and energy efficient designations, and, importantly, provides a fully ADA compliant venue for the VFW Post and its veteran members.

VII. PRELIMINARY RECOMMENDATION

Special Permit with Site Plan Review under SZO §7.11.1.c; Special Permit under §7.11.11.10.b, and §7.11.5.B.6.a

Based on the above findings and subject to the following conditions, the Planning Staff recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT with SITE PLAN REVIEW.**

This recommendation is based upon a technical analysis by Planning Staff of the application material based upon the required findings of the Somerville Zoning Ordinance, and is based only upon information submitted prior to the public hearing. This report may be revised or updated with new recommendations, findings and/or conditions based upon additional information provide to the Planning Staff during the public hearing process.

<table>
<tr><th>#</th><th>Condition</th><th>Timeframe for Compliance</th><th>Verified (initial)</th><th>Notes</th></tr>
<tr><td colspan="5"></td></tr>
<tr><td colspan="5">Application and Plans</td></tr>
<tr><td>1</td><td>Approval is for the construction of a 31 unit residential building and approximately 7,944 square foot structure for use by the Dilboy VFW Post. This approval is based upon the following application materials and the plans submitted by the Applicant:
<table>
<tr><th>Date (Stamp Date)</th><th>Submission</th></tr>
<tr><td>(3/14/11)</td><td>Initial application submitted to the City Clerk’s Office</td></tr>
<tr><td>3/11/11 (3/16/11)</td><td>Modified plans submitted to DRC</td></tr>
<tr><td>3/30/11 (4/1/11)</td><td>Updated plans including DRC comments</td></tr>
<tr><td>Undated</td><td>Construction Management Plan</td></tr>
<tr><td>2/2011</td><td>Traffic analysis</td></tr>
</table>
Any changes to the approved plans or associated documents that are not de minimis must receive SPGA approval.</td><td>CO / BP</td><td>Plng.</td><td></td></tr>
</table>

#	Condition	Timeframe for Compliance	Verified (initial)	Notes
Construction Impacts				
2	The applicant shall properly protect and shall not disturb any street tree on Summer Street. Damaged or destroyed trees will be replaced as follows: 1. The applicant shall replace the tree with a tree of similar size and caliper and a species chosen by DPW in the same location; and 2. the applicant will be required to plant two additional street trees of a size, species and caliper and in a location to be determined by DPW.	During Const.	DPW	
3	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) if damaged as a result of construction activity. All new sidewalks and driveways must be constructed to DPW standard, including the 1 foot expansion of the sidewalk on the Applicant's property.	During Const. / CO	DPW	
4	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. Construction vehicle parking and staging shall be operated per the construction plan provided with the application.	During Const.	T&P	
5	The Applicant undertake appropriate rodent control measures. This should include baiting for rodents before the start of construction, and additional rodent baiting as needed in advance and while the project is ongoing. Baiting should occur on the property and in the neighborhood in the vicinity of the property. Additional baiting shall be required as deemed necessary by ISD.	BP – through construction	ISD	
6	The applicant shall conduct a survey of foundations and buildings adjacent to the site and across Summer Street prior to construction, and shall address concerns about impact on structures from project construction	BP	ISD	
7	The applicant shall identify an on-site owner project manager to be a primary point of contact from ISD for all questions or concerns about quality of construction. The project manager shall be available at all times during construction and at all inspections.	BP – through construction	ISD	

#	Condition	Timeframe for Compliance	Verified (initial)	Notes
8	The applicant shall provide to OSPCD for review and approval a temporary parking plan to provide adequate parking arrangements within the Davis Square area for events held at the current Post building during construction.	BP	Plng.	
Design				
9	The applicant shall replace the entire sidewalk immediately abutting the subject property with a concrete sidewalk. All new sidewalks will be installed by the Applicant in accordance with the specifications of the Highway Superintendent. All sidewalks and driveway aprons shall be concrete. Sidewalk on Summer Street shall extend one foot onto the private property, and the applicant shall agree to provide an easement for public use of this one-foot sidewalk extension.	CO	Plng.	
10	Applicant shall provide a modified site plan and interior plan for the Post building that eliminates all exterior trash storage, identifies the location of appropriate interior trash and recycling storage, and indicates a location where private trash and recycling pickup can be made without the need for outdoor storage. Applicant shall not move any trash or recycling to an outside location for any period of time except to empty it directly into a truck. Applicant shall provide adequate space and facilities both trash and recycling at the Post building.	BP/ Cont.	Plng.	
11	Any transformers should be located as not to impact the landscaped area, and shall be fully screened. Transformers shall not be placed in the front setback area between the buildings and the street.	Electrical permits &CO	ISD	
12	All on-site lighting shall be downward directed and shall not illuminate adjacent residential parcels or the night sky.	CO/Cont.	Plng.	
13	There shall be no roof deck or general roof access on the residential building, except to provide for maintenance of the roof and associated mechanical equipment.	CO/Cont.	ISD	
14	The applicant shall use a fence and gate system along the front setback where the VFW parking lot meets Summer Street. This system design and materials shall be subject to review and approval of Planning Staff.	CO	Plng	

#	Condition	Timeframe for Compliance	Verified (initial)	Notes
15	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards. The landscape plan shall require final review by OSPCD. The landscape plan shall be amended to add additional landscaping along the right side elevation of the post building and to provide trees along the entire rear property line at 20 feet on center, with a minimum of 3 inch caliper.	CO/Cont.	Plng. / ISD	
16	At the request of the ZBA, the applicant shall install a 8' wood fence along the rear of the property line with a design to be approved by Planning Staff.	CO	Plng.	
17	The applicant shall install professionally designed sound mitigation on the parking lot side of the rear fence. The Planning Director shall approve the specifications prior to installation.	CO	Plng.	
18	Applicant shall maintain and provide snow removal along the walkway between parking lot and Summer Street along the left elevation of the residential structure to provide shortest access to Davis Square	Cont.	ISD	
19	Any utility units on top of the residential building shall not be higher than the building parapet, shall be set back a minimum of 10 feet from all sides of the building and shall be designed as individual systems for each unit. A plan showing these units shall be submitted to Planning Staff.	CO	Plng.	
20	The applicant shall specify the design and materials for the louvers on the right elevation of the post building and provide this design to Planning Staff for review and approval	BP	Plng.	
21	The Post building shall be designed with the sound-resistant wall system in the function hall that was presented to the Planning Staff in the sound engineer's September 2010 memo and concrete between the first and second floor to reduce sound impacts outside the building.	BP	ISD	
Public Safety				
22	A code compliant fire alarm system shall be installed.	CO	FP	
23	The applicant shall provide written notification from the MBTA that the proposed design raises no concerns for operation of the shaft and emergency exit stairs.	BP	ISD	

#	Condition	Timeframe for Compliance	Verified (initial)	Notes
Affordable Housing				
24	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	
25	Written certification of the creation of affordable housing units, any fractional payment required, or alternative methods of compliance, must be obtained from the Housing Department before the issuance of a Certificate of Occupancy (C.O.).	CO	Housing	
Traffic and Parking				
26	Bike racks shall be provided as shown by the shaft. Bike rack design shall be subject to review and approval of Planning Staff. No bike racks shall be provided in the rear landscape area.	CO	Plng.	
27	Snow plowed from the development shall be limited to the on-site storage area as shown in plan, and any snow unable to be stored in the storage area shall be removed from the site within 48 hours of the conclusion of a snowstorm.	Cont.	ISD	
28	The applicant shall identify one parking space in the surface lot to be permanently dedicated to the use of a car share program. To encourage reduced automobile dependence, the applicant shall offer new buyers a one-year MBTA pass or one-year shared car membership upon purchasing a residential unit.	Cont.	Plng.	
29	All parking spaces shall be clearly labeled as to their purpose. Residential visitor spaces shall not be used for commercial parking or post events. The fifteen spaces used for commercial parking shall be clearly labeled and identified. Tandem parking spaces in the garage shall be deeded as a pair to a residential unit and shall not be divided so that one tandem space is owned or used by a different unit than the other tandem space.	Cont.	ISD	
30	Bike storage/parking shall be provided for each unit on the wall behind the unit's assigned parking space.	Cont.	ISD	

#	Condition	Timeframe for Compliance	Verified (initial)	Notes
Environmental				
31	Notification must be made, within the time period required under applicable regulations, to the Massachusetts Department of Environmental Protection (DEP) if there is any release of oil, hazardous materials, or regulated hazardous substances at the site. The City's OSE office, Fire Department and the Board of Health shall also be notified.	CO	OSE/FP /BOH	
32	The applicant shall submit to Planning Staff their submittal for LEED certification for the residential building and energy star certification for both buildings.	CO	Plgn.	
33	The applicant shall contribute $3,400 to the Street Tree Mitigation Fund for installation of a tree(s) in Davis Square.	BP	Plgn.	
Site Operations				
34	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	
Post Operations				
35	VFW use shall be restricted to members, auxiliary members and guests of members. The second floor of the building shall be private members quarters. Sponsored events including non-members are not allowed on the second floor.	Cont.	ISD	
36	Sponsored events are allowed in the first floor hall, but all events shall be sponsored by the VFW post or one of its members.	Cont.	ISD	
37	No events shall continue past 1am Friday, Saturday and Sunday nights and 12am Monday thru Thursday nights.	Cont.	ISD	
38	The VFW Post shall only have one event in the hall, whether post sponsored, member sponsored or community service, occurring at any given time.	Cont.	ISD	
39	The occupant load for the first floor of the VFW Post shall not exceed the seated capacity of the largest room in the current VFW Post building (125 with tables and chairs), except that four events per year may reach the standing capacity of the largest room (190).	Cont.	ISD	

#	Condition	Timeframe for Compliance	Verified (initial)	Notes
40	The VFW Post shall make best efforts to maintain the existing 50/50 split between community service and post or member sponsored events.	Cont.	ISD	
41	The average number of guests per event in 2009 was approximately 80. In future years, the VFW Post shall make best efforts to adhere to this average number of guests per event over the course of a year.	Cont.	ISD	
42	Amplified performance music within the VFW Post shall only be ancillary to other events (i.e. DJ or band for a reception). No amplified music concerts shall be allowed.	Cont.	ISD	
43	An acoustical engineer shall design the wall systems of the post building to assure compliance with the Somerville noise ordinance. The wall system shall at a minimum include the elements described in Exhibit D – updated, as attached to the supplemental information memo and dated September 24, 2010. The applicant or VFW Post shall retain an acoustical consultant for the first three amplified performances to measure sound levels at predetermined locations and to submit a report to OSPCD. If further complaints are received the applicant shall retain the acoustical consultant for further sound study as required by OSPCD. Sound measurements shall not exceed levels set by the Somerville Noise Control Ordinance.	BP/ Cont.	ISD / Plng.	
44	There shall be no amplification at any time in any room on the second floor of the building.	Cont.	ISD	
45	Security cameras shall be installed in both VFW Post parking lots and entry areas and connected with the central security system within the Post building. Cameras shall record activity in the lots and entry areas. Recordings shall be maintained for a minimum period of 7 days and upon request made available to the Somerville Police Department.	Cont.	ISD	
46	The alcohol within the VFW building shall remain in locked cabinets when a bartender is not at the bar. The first floor function area shall remain locked when functions are not underway or being set up or cleaned up.	Cont.	ISD	
47	The VFW shall secure a license for any commercial parking in the lot. The commercial parking license for the VFW Post shall not exceed 15 vehicles.	Cont.	ISD	

#	Condition	Timeframe for Compliance	Verified (initial)	Notes
48	The commercial parking area shall only operate between the hours of 6am and 6pm. All vehicles that rent space to park in this facility must vacate by 6pm allowing all VFW spaces to be used for event parking.	Cont.	ISD	
49	When events are expected to have greater than 100 patrons the VFW shall request a police detail or private security detail.	Cont.	ISD	
50	The first-floor windows in the post building shall not be operable.	Cont.	ISD	
51	The applicant shall work with the owner at 353 Summer Street to provide legal access from the rear egress door to Summer Street. The applicant shall provide a permanent easement across his property from the abutter's door to Summer Street.	BP /Cont.	ISD	
52	The Post shall inform patrons that loitering in the parking area is strictly prohibited. The Post shall be responsible for clearing any visitors and their vehicles from the parking area 30 minutes after the conclusion of any event.	Cont.	ISD	
53	The side yard beside the Post building shall be a passive landscaped area, and shall only be used for small gatherings. No outdoor Post events are allowed, and no events, setup for events, storage of equipment or any other organized activity or use is allowed in this area.	Cont.	ISD	
Zoning Compliance				
54	Construction shall commence within two years of the end of the appeal period of this application but may be tolled for a time period during which an appeal is active. No additional extensions shall be allowed unless granted by the ZBA. The applicant shall construct both buildings in an expeditious manner, and shall not allow more than one year to elapse between completion of one structure and start of construction of the other.	-	Plng.	

CITY HALL ● 93 HIGHLAND AVENUE ● SOMERVILLE, MASSACHUSETTS 02143
(617) 625-6600 EXT. 2500 ● FAX: (617) 625-0722
WWW.SOMERVILLEMA.GOV

#	Condition	Timeframe for Compliance	Verified (initial)	Notes
55	Per Section 9.13 and 9.14 of the SZO, the proposed development shall occupy land that is currently used to meet parking requirements for the existing Post building. As a condition of sale of the Post building, the Post leadership shall place an appropriate restriction – subject of review and approval by the Law Office and OSPCD - on the deed for the site indicating that the site has no existing parking rights and that any future use of the existing Post site shall require the user to secure parking rights or variances prior to occupancy. Upon completion of the new Post, the Post shall surrender the Certificate of Occupancy on the current Post site.	CO	Plng.	
56	Per this approval, the lots at 343-351 Summer Street shall become permanently merged for zoning purposes, as they will have buildings that cross their lot lines. No building permit shall be issued until the Applicant provides evidence that all land is in common control. The applicant shall establish a deed restrictions indicating that the parcels cannot be sold independently, and this restriction shall be reviewed and approved by the Law Office and OSPCD.	BP / Cont.	Plng.	
57	The applicant shall submit a letter withdrawing case 2009-67.	Prior to vote on SPSR		
Final Review				
58	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.	