



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

MICHAEL F. GLAVIN
EXECUTIVE DIRECTOR

PLANNING DIVISION

PLANNING BOARD MEMBERS

KEVIN PRIOR, *CHAIRMAN*
JOSEPH FAVALORO, *CLERK*
DOROTHY A. KELLY GAY
MICHAEL A. CAPUANO, ESQ.
REBECCA LYN COOPER
GERARD AMARAL, (ALT.)

Case #: PB 2014-12-R1-3/2016
Site: 2-8 Broadway
Date of Decision: April 28, 2016
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: May 12, 2016

PLANNING BOARD DECISION

Applicant Name:	8 Broadway, LLC
Applicant Address:	320 Washington Street, Suite 3FF, Brookline, MA 02445
Property Owner Name:	8 Broadway, LLC
Property Owner Address:	320 Washington Street, Suite 3FF, Brookline, MA 02445
Agent Name:	Sean T. O'Donovan, Esq.
Agent Address:	741 Broadway, Somerville, MA 02144

<u>Legal Notice:</u>	Applicant & Owner, 8 Broadway, LLC, seeks a revision to the Special Permit with Site Plan Review (SPSR) to alter the location of a portion of the proposed structure. The original SPSR was to establish 19 residential units under SZO §6.5.D.1 & 7.13.E and under SZO §6.5.D.2 to establish by-right uses §7.13.B, and 7.13.C small and/or medium retail. The applicant received approval under SZO §9.17.2 for reduced parking requirements and compact spaces, 9.15.4 modification of the bicycle parking requirement, and §6.5.G.18 for the reduced lot area and §6.5.D.5 to alter facades and signage. Article 13 Inclusionary Housing apply.
----------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<u>Zoning District/Ward:</u>	TOD 55 zone/Ward 1
<u>Zoning Approval Sought:</u>	Revision to Special Permit PB#2014-12
<u>Date of Application:</u>	March 29, 2016
<u>Date(s) of Public Hearing:</u>	April 28, 2016
<u>Date of Decision:</u>	April 28, 2016
<u>Vote:</u>	5-0



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722
www.somervillema.gov

Appeal #PB 2014-12-R1-3/2016 was opened before the Planning Board at the Visiting Nurse Association on April 28, 2016. Notice of the Public Hearing was given to persons affected and was published and posted, all as required by M.G.L. c. 40A, sec. 11 and the Somerville Zoning Ordinance. After one hearing of deliberation, the Planning Board took a vote.

DESCRIPTION:

The proposed revision is to remove a proposed two-story addition on top of an existing three-story building at 6 Broadway. Slightly less square footage is then added to the interior courtyard side of the proposed new construction at 8 Broadway. The relocated FAR is on top of the approved garage attached to the new building at 8 Broadway. The revision would not alter landscaped area, ground coverage, setbacks, height or number of units. The FAR is slightly less than that in the approved plan. The buildings at 6 and 8 Broadway will total 18,482 square feet.

FINDINGS FOR REVISION TO SPECIAL PERMIT:

In order to grant a revision to the 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 the applicable findings in §5.2.5 that relate to the proposed revision.

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

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

A revision to a special permit is allowed if the final signoff and certificates of occupancy have not yet been issued. The revision is related to Phase 2 which is not yet under construction. Changes that are not de minimis must go back to the permit granting authority for approval. The Board deemed this revision to be greater than the de minimis requirements under §5.3.8 and the request is before the Planning Board for a public hearing.

The proposed renovations will not impact compliance with the approved dimensions, uses or other standards of the SPSR approval.

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 shift in the massing of residential units for 6-8 Broadway will not be visible from Broadway or Mt Pleasant Street. The change in the building form will be noticeable from the park next to the property although the change will not be detrimental. Shifting massing to the middle of the sight will not change how abutting property owners are affected by the development. The design of the proposal will match the original approval.



DECISION:

Present and sitting were Members Joseph Favaloro, Michael Capuano, Dorothy Kelly Gay, Rebecca Lyn Cooper, Gerard Amaral with Kevin Prior absent. Upon making the above findings, Michael Capuano made a motion to approve the request for a Special Permit. Dorothy Kelly Gay seconded the motion. Wherefore the Planning Board voted **5-0** to **APPROVE** the request. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes								
1	Approval is for a revision to Special Permit with Site Plan Review under SZO §6.5.D.1 & 7.13.E to establish 19 residential units and under SZO §6.5.D.2 to establish by-right uses §7.13.B, and 7.13.C small and/or medium retail. The applicant seeks approval under SZO §9.17.2 for reduced parking requirements and compact spaces, 9.15.4 modification of the bicycle parking requirement, and §6.5.G.18 for the reduced lot area and §6.5.D.5 to alter facades and signage. Article 13 Inclusionary Housing will apply. This approval is based upon the following application materials and the plans submitted by the Applicant:	CO / BP	ISD/PIng.									
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>March 29, 2016</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>April 9, 2014</td><td>Modified plans submitted to OSPCD (A-0 Site Plan, A-0A Enlarged Site Plan, A-0B Sch. Lighting & Landscaping Plan, D-1.1-D1.3 As Builts, A-1.0-A-1.6 Proposed Plans, A2.1-A2.5 Elevations, Perspective)</td></tr><tr><td>December 1, 2015</td><td>Above plans as amended by: A-100 Basement Plan, A-101-106 Floor plans, A-921-922 Perspectives</td></tr></table>				Date (Stamp Date)	Submission	March 29, 2016	Initial application submitted to the City Clerk’s Office	April 9, 2014	Modified plans submitted to OSPCD (A-0 Site Plan, A-0A Enlarged Site Plan, A-0B Sch. Lighting & Landscaping Plan, D-1.1-D1.3 As Builts, A-1.0-A-1.6 Proposed Plans, A2.1-A2.5 Elevations, Perspective)	December 1, 2015	Above plans as amended by: A-100 Basement Plan, A-101-106 Floor plans, A-921-922 Perspectives
	Date (Stamp Date)				Submission							
	March 29, 2016				Initial application submitted to the City Clerk’s Office							
	April 9, 2014				Modified plans submitted to OSPCD (A-0 Site Plan, A-0A Enlarged Site Plan, A-0B Sch. Lighting & Landscaping Plan, D-1.1-D1.3 As Builts, A-1.0-A-1.6 Proposed Plans, A2.1-A2.5 Elevations, Perspective)							
December 1, 2015	Above plans as amended by: A-100 Basement Plan, A-101-106 Floor plans, A-921-922 Perspectives											
Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.												
Affordable Housing/Linkage												
2	Affordable Housing Implementation Plan (AHIP) should be approved by the OSPCD Housing Division and executed prior to issuance of Building Permit. Affordable units shall be provided on-site.	BP	ISD/ Housing									

3	Written certification of the creation of affordable housing units, any fractional payment required, or alternative methods of compliance, must be obtained from the OSPCD Housing Division before the issuance of a Certificate of Occupancy (C.O.). No C.O. shall be issued until the OSPCD Housing Division has confirmed that the Affordable Housing Restriction has been approved and recorded and the developer has provided the promised affordable units on-site.	CO	ISD/ Housing	
4	No Certificate of Occupancy shall be issued until the OSPCD Housing Division has confirmed that the Developer has agreed to and executed a Memorandum of Understanding for Monitoring of the Affordable Unit(s).	CO	Housing	
Pre-Construction				
5	The Applicant will be required to demonstrate that the updated project plans meet the current City of Somerville stormwater policy. Utility, grading, and drainage plans/report must be submitted to the Engineering Department for review and approval.	BP	Eng.	
6	The Applicant shall develop a demolition plan in consultation with the City of Somerville Inspectional Services Division. Full compliance with proper demolition procedures shall be required, including timely advance notification to abutters of demolition date and timing, good rodent control measures (i.e. rodent baiting), minimization of dust, noise, odor, and debris outfall, and sensitivity to existing landscaping on adjacent sites.	Demolition Permitting	ISD	
Construction Impacts				
7	The applicant shall post the name and phone number of the general contractor at the site entrance where it is visible to people passing by.	During Construction	Plng.	
8	The Applicant shall at his expense replace any existing equipment (including, but not limited to street sign poles, signs, traffic signal poles, traffic signal equipment, wheel chair ramps, granite curbing, etc) and the entire sidewalk immediately abutting the subject property if damaged as a result of construction activity. All new sidewalks and driveways must be constructed to DPW standard.	CO	DPW	
9	All construction materials and equipment must be stored onsite. If occupancy of the street layout is required, such occupancy must be in conformance with the requirements of the Manual on Uniform Traffic Control Devices and the prior approval of the Traffic and Parking Department must be obtained.	During Construction	T&P	
Design				
10	Applicant shall provide final material samples for siding, trim, windows, and doors to Planning Staff for review and approval prior to construction.	BP	Plng.	
11	An exterior light and electrical receptacle is required for the first (or all) level of the porch and an electrical receptacle is required for the second level (if there is no access to the ground).	Final sign off	Wiring Inspector	



12	Upon removal of the “Learn to Drive” sign on 4 Broadway, the large fanlight transom above the storefront, the arched transom above the residential entry, and the sign band shall be restored. If Staff determines restoration of these elements is not feasible, the Applicant shall construct the storefront as illustrated on Sheet A-2.1.	BP/CO	Plng.	
13	The details that compose the primary façade of 4 Broadway which include the cornice, window sills, window headers and lintels, shall be restored in-kind by a tradesperson with the appropriate knowledge and experience regarding the preservation of such architectural details.	CO	Plng.	
14	The brickwork and mortar on 4 Broadway shall be repaired and restored in a manner consistent to the existing brick and mortar in color, texture, tooling, and vapor permeability.	CO	Plng.	
15	The Applicant shall provide a revised elevation of the addition to 8 Mount Pleasant reflecting a brick base.	BP	Plng.	
8 Mount Pleasant Street				
16	The Applicant will submit final elevations for 8 Mount Pleasant where the design and materials will attempt to emulate the original design and materials of the historic structure.	BP	Plng.	
17	The Applicant will work with Planning Staff and the HPC to determine the architectural details and materials of the exterior façade to remain.	BP/CO	Plng.	
18	The Applicant shall make every effort to retain the original chimney.	BP/CO	Plng.	
19	The Applicant shall submit a signage plan for the primary façade of the building to acknowledge why this structure has been retained to Planning Staff and one HPC commissioner for review and approval.	CO	Plng.	
20	The Applicant shall submit to Planning Staff a relocation plan detailing the processes by which the historic structure will be partially demolished and relocated prior to receiving a demolition permit.	Demo Permit	Plng.	
21	Any future exterior alterations to the finish or form of 8 Mount Pleasant Street requires Planning Staff review and approval. This includes but is not limited to siding, windows, structural changes, etc.	Perp.	Plng.	
Site				
22	Landscaping should be installed and maintained in compliance with the American Nurserymen’s Association Standards.	Perpetual	Plng. / ISD	
23	The electric, telephone, cable TV and other such lines and equipment shall be placed underground from the source or connection. The utilities plan shall be supplied to the Wiring Inspector before installation.	Installation of Utilities	Wiring Inspector	
24	The Applicant will install a new sidewalk on Mount Pleasant Street from the extent of work of the East Somerville Broadway streetscape project to the rear property line in accordance with the specifications of the Highway Superintendent.	CO	Plng.	



25	One tree must be planted and maintained according to National Nurseryman's Standards, and in accordance with SZO §10.2.2 and §10.6.2;	CO	Plng.	
26	The Applicant shall submit a landscape plan stamped by a licensed landscape architect to Planning Staff for review and approval.	Installation of landscaping / CO	Plng.	
27	Applicant will supply specification for interior bicycle parking spaces – bikes must be able to be secured by the frame and wheel.	CO	Plng.	
28	Applicant will purchase and install a bike corral or 4 bike racks along the newly constructed sidewalk and coordinate the location with OSPCD Staff. If the sidewalk is not yet complete prior to applying for a certificate of occupancy for the building, the Applicant will purchase and deliver to the City the bike corral and provide payment for the installation.	CO	Plng.	
29	The existing curbcuts to access 6-8 and 8 Mt. Pleasant will be closed. There will be one curbcut on Mount Pleasant Street to access the parking area for this development.	CO	Plng.	
Traffic & Parking				
30	The Applicant will pay the City/Traffic and Parking \$5,000 for traffic mitigation to foster improved on street parking spaces for the purchase of various signs, poles and associated hardware to enhance and improve recognition of proper on street parking spaces.	CO	Plng.	
Miscellaneous				
31	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	
Public Safety				
32	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
33	Any transformers should be located as not to impact the historic building or landscaped area, and shall be fully screened. If the transformer cannot be located at the current location on the plans or by the property line shared with the dog park then the transformer must be vaulted. A site plan, with a transformer location agreed to by the electric company, should be submitted to Planning Staff for review and approval.	BP	Plng/ISD	
34	To the extent possible, all exterior lighting must be confined to the subject property, cast light downward and must not intrude, interfere or spill onto neighboring properties.	CO	Plng.	
35	An elevation and specification of architectural lighting shall be incorporated into the elevation of the 2-8 Broadway buildings and should be submitted to Planning Staff for review and approval. Lighting for retail signage shall be consistent for each tenant.	BP	Plng.	

36	The Applicant shall provide notice of intent to strictly comply with applicable State and Federal regulations regarding air quality including without limitation continuous dust control during demolition and construction.	CO	Plng/OSE	
Signage				
37	Signage will be limited to the signage band as shown on the elevations. Signage plans shall be submitted to Planning Staff for review and approval when a tenant is secured.	CO/Cont.	Plng.	
38	The commercial windows shall not be blocked by interior storage, non-artistic displays or greater than 30% internally mounted signage.	CO/Cont.	Plng.	
39	The Applicant will submit the design for the mural to Planning Staff for review and approval. The mural cannot be advertising.	CO	Plng.	
40	The Applicant will submit the design of the civic banner to Planning Staff for review and approval. The banner can only advertise the East Broadway business district or civic events.	CO	Plng.	
Final Sign-Off				
41	The Applicant shall contact Planning Staff at least five working days in advance of a request for a final inspection by Inspectional Services to ensure the proposal was constructed in accordance with the plans and information submitted and the conditions attached to this approval.	Final sign off	Plng.	

Attest, by the Planning Board:



Joseph Favaloro



Michael A. Capuano, Esq.


Dorothy A. Kelly Gay

Rebecca Lyn Cooper



Gerard Amaral

Copies of this decision are filed in the Somerville City Clerk's office.
Copies of all plans referred to in this decision and a detailed record of the
SPGA proceedings are filed in the Somerville Planning Dept.

CLERK'S CERTIFICATE

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

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

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

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

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

FOR VARIANCE(S) WITHIN

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

FOR SPECIAL PERMIT(S) WITHIN

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

Signed _____ City Clerk Date _____

