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Case #: ZBA # 2013-77
Site: 563-565 Broadway/42 Alfred Street (Medford)
Date of Decision: January 8, 2014
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: January 14, 2014

ZBA DECISION

Applicant Name:	Charles Zammuto
Applicant Address:	11 Placid Road, Newton, MA 02459
Property Owner Name:	1359 Associates Inc.
Property Owner Address:	42 Alfred Street, Medford, MA 02155
Agent Name:	Sean T. O'Donovan, Esq.
Agent Address:	741 Broadway, Somerville, MA 02144

<u>Legal Notice:</u>	Applicant Charles Zammuto and Owner 1359 Associates, Inc seek a Special Permit under SZO §5.1 & 7.11.1.c to establish 10 residential units in a new three-story building that will be partly in Medford and partly in Somerville. Another use in the building will be a private nonprofit club or lodge for members only under SZO §7.11.5.b.6.a. The proposal requires a Variance for parking requires – approx 29 are required and approx 21 will be provided. Zone NB. Ward 5.
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<u>Zoning District/Ward:</u>	NB zone/Ward 5
<u>Zoning Approval Sought:</u>	§5.1, §7.11.1c, §7.11.5.b.6.a
<u>Date of Application:</u>	November 12, 2013
<u>Date(s) of Public Hearing:</u>	12/11/13 & 1/8/14
<u>Date of Decision:</u>	January 8, 2014
<u>Vote:</u>	5-0



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Appeal #ZBA 2013-77 was opened before the Zoning Board of Appeals at Somerville City Hall on December 11, 2013. Notice of the Public Hearing was given to persons affected and was published and posted, all as required by M.G.L. c. 40A, sec. 11 and the Somerville Zoning Ordinance. After one hearing of deliberation, the Zoning Board of Appeals took a vote.

DESCRIPTION:

The proposal is to demolish the existing Sons of Italy building and construct a 16,550 square foot mixed use building. The Sons of Italy lodge will be on the first floor and there will be 10 residential units above on floors 2 and 3. The lodge is having a hard time financially and the redevelopment of the property will allow them to continue to exist at this site.

Since the proposed structure is located in both Medford and Somerville, approval from both municipalities is required. The proposal received Variances and Site Plan Review approval from the City of Medford. The hearing date was September 24, 2013 and the decision is dated October 3, 2013. The project was first reviewed by the Somerville Design Review Committee in the summer of 2012 before seeking approval of the Zoning Board of Appeals in Medford.

The Sons of Italy lodge will be 4,750 gross square feet and the capacity is expected to vary from no occupants to 30 people from day to day. The space will be used by members only and will not serve as a function hall. The Medford Lodge Occupancy Use limits the space for lodge use only. The decision states that at no time will any of the space(s) dedicated for Lodge use be rented or let out, whether or not for a fee, for functions, gatherings or other than for lodge member meetings of any kind. The kitchen will be used for individual or small lodge member groups and no provision or capacity will be made for food preparation for larger groups or for any commercial purposes whatsoever. The entrance to the lodge will be in the back of the building accessible from the parking lot and through an opening in the building along Alfred Street. The lodge will have a Medford address.

The residential units are all two-bedroom units and range in size from 900 to 1100 square feet. Six of the ten units have balconies. There will be entrances to the residences at the front of the building on Broadway and in the back through the parking lot. There is an elevator located at the entrance from the parking lot. Some or all of the residences will have a Somerville address. The Applicant stated that Medford has an approval process that allows residents with property that crosses city boundaries to seek parking permits in Medford.

A condition of approval from the Medford approval is that one of the residential units be affordable in accordance with their Massachusetts Local Initiative/Local Action Unit Program. The Somerville affordable housing requirement is for 12.5% of the units or 1.25 units to be affordable. The Affordable Housing Implementation Plan will include working with Medford to extend the local preference area to include Somerville and requiring the Applicant to pay the fractional amount of a unit beyond the one affordable unit to Somerville.

The parking area is accessible from Alfred Street. There will be 21 parking spaces in the back that will serve both the residences and the lodge. Around the parking lot will be an enclosed dumpster, a space for a transformer if one is necessary, and a bike rack. There will be some landscaping around the parking lot and there will be landscaping and trees between the structure and the abutting building on Broadway and along the 3.3 foot setback between the building and sidewalk.

FINDINGS FOR SPECIAL PERMIT WITH SITE PLAN REVIEW (SZO §5.1 & 7.11.1.c):

In order to grant a special permit with site plan review, the SPGA must make certain findings and determinations as outlined in §5.2.5 of the SZO. This section of the report goes through §5.2.5 in detail.

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



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

Section 8.4 of the Somerville Zoning Ordinance (SZO) states that when a lot is situated in part in the City of Somerville and in part in an adjacent city or town, the regulations and restrictions of this Ordinance shall be applied to that portion of the lot as lies in the City of Somerville in the same manner as if the entire lot was situated therein. Therefore the zoning requirements were applied to the proposal as if the whole site was located in Somerville.

The proposed residential use requires a Special Permit with Site Plan Review (SPSR) and the lodge is by-right. Ten residential units in a Neighborhood Business District requires an SPSR under SZO §7.11.1.c. A private, non-profit club or lodge for members only is by-right up to 10,000 square feet under SZO §7.11.5.6.a.

The proposal conforms to the dimensional requirements.

Requirements	NB	Proposal
Min Lot Size	NA	14,350 sf
Min Lot Area/Dwelling Unit	1000 sf	1,435 sf
Max Ground Coverage	80%	33%
Min Landscaped Area % of lot	10%	14%
Pervious Area % of lot	NA	27%
Floor Area Ratio (based on gsf)	2.0	1.15
Max Height	42' / 4 stories	33' / 3 stories
Min Front Yard	NA	3.3'
Min Side Yard	NA	28' / 14'
Min Rear Yard	14'	46'
Min Frontage	30'	110'
Parking Spaces*	15 residential spaces 1 visitor space 14 lodge spaces (1 per 6 seats) Total = 30 spaces	21**
Bicycle Spaces	3	11

* The first two spaces on the lot will be compact spaces because they do not meet the 9 by 18 foot dimensional requirement. These spaces will be 8.5 by 20 feet which is slightly larger than the 8 by 16 foot stall allowed for compact spaces. Section 9.11.c allows for up to 20 percent of the spaces in a lot with a minimum of 20 spaces to be compact.

** The proposal requires a Variance from the parking requirements of SZO §9.5. Thirty spaces are required and 21 will be provided.

The proposal also complies with the Design Guidelines in SZO §5.2.4.

1. The building creates a strong building presence along the primary street edge, continuing the streetwall across the front of the site to retain the streetscape continuity. There is no front yard setback requirement but the building is setback 3.3 feet to have a landscaped area with a trellis over it making for an interesting pedestrian experience along with the creation of a strong streetwall.
2. The building entrance is not differentiated from the rest of the primary elevation by a strong element but it is a focal point because of the trellis and the location between benches and landscaping.
3. Typical bay width and dimensions were used to set the rhythm for the bays and first floor window pattern.
4. Elements on the building are defined through use of materials, and there is articulation in the building with projecting bays, recessed balconies, and a trellis along the street edges.
5. The flat roof type chosen for this building is a typical for a building along Broadway.



6. The use of materials and colors will be consistent with those in the area and durable. The Design Review Committee and Planning Staff will review the final materials and colors before they are installed to ensure that this guideline is met.
7. The street wall will continue down Alfred Street to the extent possible to block the view of parked cars under a portion of the building. Landscaping will continue to the driveway's edge to continue the definition of the site as it moves to the parking area.
8. The dumpster will be screened. The transformer will be located behind the enclosed dumpster if needed and approved by the electrical company. Air conditioner condensers will be located in the middle of the roof and must comply with the setback requirements for rooftop equipment.
9. The site and building comply with the guidelines in Article 6 for a NB district.

In the NB District per §6.1.4 all developments within the NB 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. This proposal complies with the guidelines.

1. When a fourth floor is included, provide a minimum five (5) foot deep setback from the front lot line building wall, such as a balcony or deck, for the purpose of promoting a scale appropriate to surrounding neighborhoods. The building does not include a fourth floor.
2. Give preference to locating on-site, off-street parking at the rear of the lot, behind the building or below street level, providing vehicular access from either a side street or alley where possible. The parking is located in the rear and the parking lot entrance is located on Alfred Street, the side street.
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 as a mixed use building with a lodge and residences above is consistent with the purpose of the NB district, which is, "[t]o establish and preserve areas for small-scale retail stores, services and offices which are located in close proximity to residential areas and which do not have undesirable impacts on the surrounding neighborhoods."

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

The building will establish a street wall along the intersection of Broadway and Alfred Street, which will give definition to the street and make for a more pleasant experience along Broadway. The wide width of Broadway can support a building of this size. Also, there is a large three-story building to the right of the proposed structure that will be at a similar height and scale to the proposed building.

Broadway is a mixed use corridor through the City. The parcels immediately abutting the subject parcel are multi-family residential and there is a gas station across Alfred Street and Trum Field across Broadway. A building with a lodge on the ground floor and residences above fits in with the mixed use nature of the street and neighborhood.

The building is 14 feet from the residential abutter along Broadway and 8 flowering pear trees are proposed to be planted between the buildings to provide some separation and a pleasant buffer between the buildings.

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

The site meets the dimensions for the building and the parking lot.



During construction the contractor will install a construction fence around the perimeter. During demolition a fire detail will be present and there will be full suppression of dust and dirt. No dirt will be removed from the site. Rodent control is in place and will continue. There will be an on-site dumpster that will be hauled away periodically to a certified construction landfill. The foundation will be removed and sent to a recycling plant. The demolition will take 1 to 1 ½ days and the construction will take 4 to 6 months.

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

As conditioned, the project will not create adverse impact on the public services and facilities serving the development. The City’s stormwater policy must be followed. There will be underground retention system to hold rainwater runoff from the site. The 10, 2-bedroom units will not place adverse impacts on the City, which can support development along this major thoroughfare. The Sons of Italy use and demands on the systems will essentially remain the same and not have as many peaks as a function hall will no longer be part of its operations.

A traffic report was submitted that states that under normal day-to-day operations the redevelopment of the site is expected to generate an increase of approximately 6 vehicle trips during peak hours relative to existing conditions. This is a fraction of a percent of the number of cars that travel on Broadway during the peak hours and the change will likely not be noticeable.

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.”

A 21E report has been completed for this property and was submitted with the application. The report from FSL Associates states that there is no “evidence of conditions which could infer an environmental concern present on the property, the abutting sites or those proximal enough to affect this property. However, this environmental survey was conducted without a subsurface investigation”. The recommendation states, “[g]iven that there are no environmental questions noted on this property, the abutting sites or those proximal enough to affect this property, FSL recommends no further action.”

8. Consistency with Purposes: “Is consistent with: 1) the purposes of this Ordinance, particularly those set forth in Article 1 and Article 5; and 2) the purposes, provisions, and specific objectives applicable to the requested special permit with site plan review which may be set forth elsewhere in this Ordinance, such as, but not limited to, those at the beginning of the various sections.”

The proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to providing for and maintaining the uniquely integrated structure of uses in the City and preserving and increasing the amenities of the municipality.

Social clubs and places for people to gather are becoming fewer as our society becomes more internet-based. Many people work from home and have their social and other needs met by the use of computers. Despite this movement it is important to continue to have places for people to come together to have human interaction. Allowing for a development that keeps the Sons of Italy operational to maintain this type of institution is important. Also, the development provides housing in a building that meets the City’s design standards. The proposed uses and structure meetings the objectives of the Zoning Ordinance.

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.”

Much of the existing parcel is either occupied by the building, parking lot or lawn. There are no natural features that would be disrupted by the redevelopment of the property. The lawn area will be replaced by the new parking lot with landscaping around it. There will be a 3.3 foot deep landscaped area between the building and sidewalk on Broadway and Alfred Street which meets the finding to locate landscaping where it will be visible to the neighborhood.

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

There are no land forms or natural features that should be preserved. The building was sited appropriately along Broadway and Alfred Street to create a streetwall which is currently lacking at the site. The building will be compatible in scale with the three-story building abutting it and likely with future development along this stretch of Broadway. The building is set back 14 feet from the residential abutter to respond to minimizing views from other buildings.

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

As conditioned, the project will not create adverse impact on the public services and facilities serving the development. The City’s stormwater policy must be followed. There will be underground retention system to hold rainwater runoff from the site.

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

The existing structure is in Medford and will be evaluated by the Medford Historic Committee to determine if it is a “significant building”.

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 part of the site that is most visible from Broadway is the large parking lot that is paved with asphalt and a building that is in disrepair. The landscaping on the site in the rear yard is not visible from the street. There is no definition at the sidewalk's edge. The site will be transformed and an attractive building with a landscape buffer will be visible.

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."

Lighting is shown on the rendering on either side of the entrance door on Broadway, at the opening to the Sons of Italy entrance on Alfred Street and on the building posts in the parking area. These locations seem adequate to allow for surveillance by neighbors and passersby without light spilling into the abutting residential properties.

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."

Emergency vehicles can access the building from Broadway, Alfred Street, and in the parking lot. The curb cut into the site is 24 feet which can accommodate a fire truck.

16. Location of Access: The Applicant must ensure that "the location of intersections of access drives with the City arterial or collector streets minimizes traffic congestion."

The site contains a small curb cut on Broadway and a large curb cut on Alfred Street both of which provide access to the existing parking area for the Sons of Italy building. There is another small curb cut on Alfred Street that provides access to one parking space. The proposed site plan closes the Broadway and large Alfred Street curb cuts and widens the smaller curb cut on Alfred Street to 24 feet to provide access to the 21-parking space lot at the rear of the site. This will improve the safety and appearance of the intersection.

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."

Any utilities that are fed from the Somerville side of the lot will be required to be placed 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 Sons of Italy space will have similar impacts to the existing structure. There will be improved amenities in the lodge; however, they will not rent it out as a function hall, which they currently do in the existing structure. The residential units will have similar impacts as the surrounding residential abutters. The parking lot will be closer to the residential abutters in Medford, which is necessary to have a building along the street, unless there was underground parking. To minimize the impact of the parking lot, the plan includes a landscape buffer, 2,000 square feet of pervious pavement, and a size that is less than that required to meet the parking requirements.

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

There will not be signage for the residential units. The Sons of Italy signage will be a wall sign to the right of the opening for the lodge along Alfred Street. The sign reflects the scale and character of the building.



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.”

There will be a dumpster on-site that will be enclosed with a wood fence. Trash removal will be handled by a private trash company. The transformer will be located behind the enclosed dumpster if needed and approved by the electrical company. Air conditioner condensers will be located in the middle of the roof and must comply with the setback requirements for rooftop equipment.

21. Screening of Parking:

Parking will be hidden behind the building and largely out of view from Broadway and Alfred Street. The building wall will continue along Alfred Street for the full extent possible to screen the parking spaces behind it.

FINDINGS FOR VARIANCE (SZO §9.5.1.a):

The proposal requires a Variance from the parking requirements of SZO §9.5. Thirty spaces are required and 21 will be provided.

In order to grant a Variance, the Board must make certain findings and determinations as outlined in §5.5.3 of the SZO.

1. There are “special circumstances relating to soil conditions, shape or topography of land or structures which especially affect such land or structures but not affecting generally the zoning district in which it is located, causing substantial hardship, financial or otherwise.”

Applicant's response: This particular property is divided by the Somerville-Medford municipal boundary and as such needs zoning approval from both municipalities. As part of seeking approval for this project from each municipality, the Applicant has already gone through the zoning approval process in Medford and received a number of Variances and Site Plan Review approval from the Medford Zoning Board of Appeals. Since the plans for the project have already been approved in Medford, any changes to the plans could require the Applicant to return to the Medford Zoning Board of Appeals to seek modifications to the approved plan set. This would cause undue hardship on the Applicant by exposing the project to additional potential appeals of the project. Additionally, due to the shape and location of the lot, the most logical place to locate the proposed structure is in the southern portion of site right up against the Broadway streetscape to establish the street wall and intersection corner. This restricts the amount of space for the unnecessary parking spaces to the northern or rear portion of the lot. When factoring in the required parking space size and maneuvering isle width, this leaves no room for additional parking spaces to meet the requirements of the Somerville Zoning Ordinance. Accommodating for the entire ordinance's required off-street parking spaces on the lot would shrink the proposed structure to a size that makes the project financially unviable.

Zoning Board finding: The special circumstance affecting the land relative to the proposed project is the shape of the lot. The shape of this parcel creates an inefficient layout with regard to site design. The proposal has a large portion of the site designated for parking, which still does not meet the parking requirement. Reducing the footprint of the building would not make for a parking layout that is functional because of the shape of the lot and creating a smaller project is not financially feasible. The scale of the building is appropriate for Broadway, which is a mixed use thoroughfare.

2. The Variance requested is the “minimum variance that will grant reasonable relief to the owner, and is necessary for a reasonable use of the building or land.”



Applicant's response: The Somerville Zoning Ordinance requires there to be 29 parking spaces at the site (15 for the residential use* and 14 for the club/lodge use) and the Applicant has provided 21. Therefore, the Applicant is requesting an eight* (8) space off-street parking Variance from the Zoning Board of Appeals. To require the full amount of 29 parking spaces would render the project site virtually unusable as almost the entire property would be covered with surface parking spaces. This would reduce the size of the proposed structure to a scale that is out of place on the Broadway streetscape and at the intersection. Granting the Applicant eight (8) off-street parking spaces of relief would allow for a reasonable use of the property as a mixed use project to be in compliance with the Somerville Zoning Ordinance. This Variance would allow for a structure that complements the other buildings along Broadway and the future transit oriented development of Ball Square.

* A visitor space is also required for the residential units, which makes the total required 30 spaces and the variance request for 9 spaces.

Zoning Board finding: The nine space parking variance is the minimal relief necessary for a reasonable use of the property. The parking management has not yet been determined; however, a reasonable use of the spaces would be for each of the 10 residential units to have the ability to use one parking space and the remaining 11 spaces would be available for the lodge during their peak times and would otherwise be available for residents.

The Applicant's traffic memo states that a study of the on-street parking supply and demand was conducted in the afternoon and evening peak periods. Within three blocks of the site 225 spaces including 147 resident-only spaces and 78 unrestricted spaces for the general public exist. A minimum of 103 spaces are available in the peak demand periods.

The memo states that the normal trip generation for the lodge is 4 vehicle trips during the weekday morning peak hour and 6 vehicle trips during the weekday evening peak hour. Days with larger gatherings will have a higher trip generation. These peaks will likely be outside of typical peak traffic periods. The residential units are expected to generate 5 vehicle trips during the weekday morning peak hour and 6 vehicle trips during the weekday evening peak hour. No reduction in trips was taken for public transportation which is currently available with the MBTA #80 and #89 Bus stops at the intersection of Broadway and Alfred Street and the future Ball Square Green Line service near the site. The report also notes that the US Census data shows that 20 to 25 percent of surrounding population generally uses public transportation as the primary travel mode to work.

The amount of available on-street parking that can handle an excess of 9 parking spaces for which relief is being sought and the low vehicular trip generation to the site support the parking lot as proposed. Additional spaces would likely not be used on a daily basis and the surrounding streets can accommodate occasional spill over for larger Sons of Italy meetings.

3. "The granting of the Variance would be in harmony with the general purpose and intent of this Ordinance and would not be injurious to the neighborhood or otherwise detrimental to the public welfare."

Applicant's response: Within the future development of the nearby Ball Square Green Line station, this project would be in harmony with the Somerville Zoning Ordinance and not be injurious to the surrounding neighborhood. This project and its proximity to the future Green Line station would encourage residents of the project to not need a car or for households to have fewer cars. From this location it is also easy to access a number of MBTA bus lines which run along Broadway. By reducing the need for residents to have a car it would also reduce the amount of vehicular trips to and from the site which will help to improve air quality, reduce traffic congestion, and improve overall personal health by encouraging people to walk or bike to their destination. Each of these factors would enhance the public welfare of residents in the Ball Square area. Additionally, this Variance would allow for a structure that complements the other buildings along Broadway, establishes a presence at the intersection corner, and accompanies the future transit oriented development of Ball Square by bringing further vibrancy to the area.

Zoning Board finding: In accordance with the submitted Parking Memorandum, the request for a Variance would not be injurious to the neighborhood or otherwise detrimental given the low impact that the development would have



on the surrounding streets in terms of trip generation, impact on the level of service at intersections and parking demand.

Residents moving to a new building where there is a reduced number of designated parking spaces typically attract people that have one or no cars per household. Providing more parking spaces than people typically need on a day to day basis can attract people with multiple cars that they would then store onsite. The proximity to the MBTA #80 and 89 bus stop and a variety of neighborhood services as well as the density of the area contribute to the reduced number of necessary parking spaces.

DECISION:

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Danielle Evans and Elaine Severino. Upon making the above findings, Susan Fontano made a motion to approve the request for a Special Permit. Richard Rossetti seconded the motion. Wherefore the Zoning Board of Appeals voted **5-0** to **APPROVE** the request. Upon making the above findings, Susan Fontano made a motion to approve the request for a Variance. Richard Rossetti seconded the motion. Wherefore the Zoning Board of Appeals 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 the construction of mixed use building with 10 residential units and a nonprofit lodge with 21 parking spaces. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/ Plng.													
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>Nov 12, 2013</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>May 10, 2012</td><td>Plans submitted to OSPCD (Existing Site)</td></tr><tr><td>Dec 1, 2012</td><td>Plans submitted to OSPCD (Locus Plan)</td></tr><tr><td>Nov 5, 2013</td><td>Plans submitted to OSPCD (Site Plan)</td></tr><tr><td>Nov 12, 2013</td><td>Plans submitted to OSPCD (Landscape, ground fl, second fl, third fl, elevations, renderings)</td></tr></table>				Date (Stamp Date)	Submission	Nov 12, 2013	Initial application submitted to the City Clerk’s Office	May 10, 2012	Plans submitted to OSPCD (Existing Site)	Dec 1, 2012	Plans submitted to OSPCD (Locus Plan)	Nov 5, 2013	Plans submitted to OSPCD (Site Plan)	Nov 12, 2013	Plans submitted to OSPCD (Landscape, ground fl, second fl, third fl, elevations, renderings)
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Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.																
Affordable Housing																



2	Affordable Housing Implementation Plan (AHIP) should be approved by the OSPCD Housing Division and executed prior to issuance of Building Permit. One affordable unit shall be provided on-site and the administration of the unit will be coordinated with Medford. A fractional payout for $\frac{1}{4}$ of a unit will be required to be paid the City of Somerville prior to the issuance of a building permit.	BP	Housing	
3	Written certification of the creation of 1 affordable housing unit and the fractional payment for $\frac{1}{4}$ of a unit to the City of Somerville 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	Housing	
4	No Certificate of Occupancy shall be issued until the OSPCD Housing Division has confirmed that: (for Condominium Projects) the Condominium Documents have been approved and the Developer has agreed to a form of Deed Rider for the Affordable Unit(s), or (for Rental Projects) 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 must contact the Engineering Department to obtain a street address prior to a building permit being issued.	BP	Engineering	
6	The Applicant will be required to demonstrate that the updated project plans meet the current City of Somerville stormwater policy. Utility, grading, and drainage plans must be submitted to the Engineering Department for review and approval.	BP	Eng.	
7	The Applicant shall submit a proposed grading and drainage plan, stamped by a registered PE in Massachusetts that demonstrates compliance with the City's stormwater policy.	BP	Eng.	
8	The Applicant shall submit a proposed drainage report, stamped by a registered PE in Massachusetts that demonstrates compliance with the City's stormwater policy.	BP	Eng.	
9	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				
10	The applicant shall post the name and phone number of the general contractor at the site entrance where it is visible to people passing by.	During Construction	Plng.	

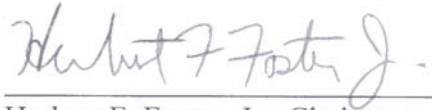


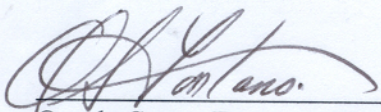
11	The Applicant shall at his expense replace any existing equipment (including, but not limited to street sign poles, signs, traffic signal poles, traffic signal equipment, wheel chair ramps, granite curbing, etc) and the entire sidewalk immediately abutting the subject property if damaged as a result of construction activity. All new sidewalks and driveways must be constructed to DPW standard.	CO	DPW	
12	All construction materials and equipment must be stored onsite. If occupancy of the street layout is required, such occupancy must be in conformance with the requirements of the Manual on Uniform Traffic Control Devices and the prior approval of the Traffic and Parking Department must be obtained.	During Construction	T&P	
Design				
13	Applicant shall provide final material samples for siding, trim, windows, doors, trellis and Sons of Italy sign (to the Design Review Committee for review and comment and) to Planning Staff for review and approval prior to construction.	BP	Plng.	
14	An exterior electrical receptacle is required for the second and third floor porches.	Final sign off	Wiring Inspector	
15	Shutters will not be installed on the windows.	CO	Plng.	
Site				
16	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards.	Perpetual	Plng. / ISD	
17	The electric, telephone, cable TV and other such lines and equipment shall be placed underground from the source or connection in Somerville. The utilities plan shall be supplied to the Wiring Inspector before installation.	Installation of Utilities	Wiring Inspector	
18	All new sidewalks will be installed by the Applicant in accordance with the specifications of the Highway Superintendent. Specifically, all driveway aprons shall be concrete.	CO	Plng.	
19	Applicant will screen the dumpster with wood fencing or another material approved by Planning Staff that blocks any view of the dumpster itself.	CO	Plng.	
20	Applicant will supply 10 bicycle parking spaces, which can be satisfied with U-type bicycle racks.	CO	Plng.	
21	A durable edger along the sidewalk edge between the Broadway sidewalk and the landscaping on the project site should be use such as granite, cobblestone, or other type of cementitious material edging.	CO	Plng.	
22	The full width of the entry driveway from the property line to the point where it becomes resident parking (2,000 sf) will be pervious pavement.	CO	Plng.	
Traffic & Parking				
23	The Applicant shall hire a pavement marking contractor approved by the City to "repaint" with thermoplastic all of the pavement marking on Broadway from the intersection of Albion St to Dexter Street/ Medford Street/Broadway.	CO	T&P	
24	Alfred Street traffic pattern remain as a one way street.	Cont.	T&P	

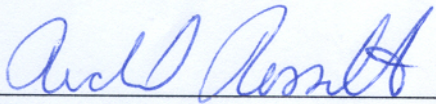



Miscellaneous				
25	The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the building and all on-site amenities, including landscaping, fencing, lighting, parking areas and storm water systems, ensuring they are clean, well kept and in good and safe working order.	Cont.	ISD	
Public Safety				
26	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
27	Any transformers should be located as not to impact the building or landscaped area along the sidewalks.	Electrical permits & CO		
28	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	
29	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.	
30	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/OS E	
Signage				
31	Signage will be limited in size and location to that shown in the elevation diagrams and lighting after 10p.m. facing residential property will be turned down or off.	CO/Cont.	Plng.	
Final Sign-Off				
32	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.	

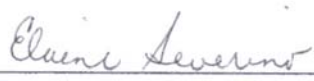
Attest, by the Zoning Board of Appeals:


Herbert F. Foster, Jr., Chairman


Orsola Susan Fontano, Clerk


Richard Rossetti


Danielle Evans


Elaine Severino, (Alt.)

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.



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www.somervillema.gov

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 _____

