



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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EXECUTIVE DIRECTOR

PLANNING DIVISION

ZONING BOARD OF APPEALS MEMBERS

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POOJA PHALTANKAR, (ALT.)

Case #: ZBA 2017-03
Site: 30 Inner Belt Road
Date of Decision: February 1, 2017
Decision: Petition Approved with Conditions
Date Filed with City Clerk: February 14, 2017

ZBA DECISION

Applicant Name:	Canal Realty Trust
Applicant Address:	303 Binney Street, Cambridge, MA 02141
Property Owner Name:	CPT 30 Inner Belt, LLC
Property Owner Address:	2 Seaport Lane, c/o AEW, 15 th Floor, Boston, MA 02210
Agent Name:	Richard G. DiGirolamo, Esq.
Agent Address:	424 Broadway, Somerville, MA 02145

<u>Legal Notice:</u>	Applicant, Canal Realty Trust, and Owner, CPT 30 Inner Belt, LLC, seek a Special Permit with Design Review under SZO §7.11.13.1.1.b. and a Special Permit under §9.13 to establish a wholesale distribution business in approximately 90,000 square feet of the existing building.
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<u>Zoning District/Ward:</u>	IA zone. Ward 1
<u>Zoning Approval Sought:</u>	§7.11.13.1.1.b & §9.13
<u>Date of Application:</u>	December 28, 2016
<u>Date(s) of Public Hearing:</u>	February 1, 2017
<u>Date of Decision:</u>	February 1, 2017
<u>Vote:</u>	5-0

Appeal #ZBA 2017-03 was opened before the Zoning Board of Appeals at Somerville City Hall on February 1, 2017. 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.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
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DESCRIPTION:

The proposal is to locate a wholesale distribution business, Metropolitan Pipe & Supply Co., in the front portion of the structure, which will replace the current freight forwarding business and the auto parts distribution company. Metropolitan Pipe is proposing to occupy approximately 90,000 square feet of space within the building. The Applicant is also proposing exterior modifications to the loading docks on the north elevation and other site related improvements. Exterior modifications include replacing five of the eight loading docks on the north elevation with new overhead doors with a new concrete platform and stairs. Eight automobile parking spaces and two van spaces will be added in place of the former loading docks.

FINDINGS FOR SPECIAL PERMIT with SITE PLAN REVIEW (SZO §5.2):

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

1. **Information Supplied:**

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

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

Nature of Application: The Applicant requires a Special Permit with Site Plan Review to establish to establish a wholesale distribution business of greater than 25,000 square feet pursuant to SZO §7.11.13.1.1.b.

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 IA district, which is, “to establish and preserve areas for industrial and related uses which are not incompatible with commercial uses; uses which are most appropriately located as neighbors of industrial uses including living and studio space for artists; and uses which are necessary to service the immediate needs of industrial establishments in those areas, and accessory uses to industrial uses such as day care centers, cafeterias, health facilities, and the like.” The proposed Metropolitan Pipe and Supply Co. wholesale distribution center is in industrial use that provides materials for other industrial uses.

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”.*

Surrounding Neighborhood: The locus is located in the Inner Belt neighborhood where there are numerous industrial related uses. A small Boston Edison substation is also located at the northern end of the building. An easement for the Boston & Maine Corp. runs adjacent to the northern property line, along the entire length of the property, while a similar easement runs along the east property line. The Boston to Lowell Commuter Rail line, which is located atop a raised embankment, runs along the southern property line, while an abandoned railroad line runs partially through the northern portion of the lot.

Impacts of Proposal (Design and Compatibility):

Special Permits with Design Review and Special Permit with Site Plan Review applications must meet the design guidelines under SZO §5.1.5/5.2.4. The design guidelines for business districts are as follows:



1. *Maintain a strong building presence along the primary street edge, continuing the established streetwall across the front of the site so as to retain the streetscape continuity; however, yards and setbacks as required by Article 8 shall be maintained.*

The structure is set back approximately 21.6 feet from Inner Belt Road with landscaping between the front entrance and the street wall. The structure forms a continuous streetwall across the front of the site.

2. *Differentiate building entrances from the rest of the primary street elevation, preferably by recessing the entry from the plane of the streetwall or by some other articulation of the elevation at the entrance.*

The primary entrance is located in a one-story portion of the structure that is shorter than the rest of the industrial structure. The primary building entrance is recessed in along the primary street elevation.

3. *Make use of the typical bay widths, rhythms and dimensions prevalent in buildings adjacent to the site, especially in new construction or substantial redevelopment.*

The structure makes use of rhythms across the glazing on the front of the structure.

4. *Clearly define these bay widths, rhythms and dimensions, making them understandable through material patterns, articulations and modulations of the facades, mullion design and treatment, etc.*

The rhythms are clearly defined by vertical articulations that break up the glazing.

5. *Provide roof types and slopes similar to those of existing buildings in the area.*

The structure has a flat roof and is located in an industrial area where flat roofs are prevalent.

6. *Use materials and colors consistent with those dominant in the area or, in the case of a rehabilitation or addition, consistent with the architectural style and period of the existing building. Use of brick masonry is encouraged, but not considered mandatory.*

The building is clad in brick and metal, which are of colors and materials that are consistent with the surrounding industrial neighborhood.

7. *When parking lots are provided between buildings, abutting the primary street and breaking the streetwall, provide a strong design element to continue the streetwall definition across the site, such as a low brick wall, iron works or railing, trees, etc.*

The site uses landscaping across the streetwall to provide a design element to shield the parking lot.

8. *Locate transformers, heating and cooling systems, antennae, and the like, so they are not visible from the street; this may be accomplished, for example, by placing them behind the building, within enclosures, behind screening, etc.*

Transformers are located far away from the street and behind a jog in the building near the loading docks. Rooftop mechanical equipment is viewable from the public way and screening such will be a condition of approval.

9. *Sites and buildings should comply with any guidelines set forth in Article 6 of this Ordinance for the specific base or overlay zoning district(s) the site is located within.*

See finding 2 above.



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

The applicant proposes minor alterations to the loading docks along the north elevations and meets accepted standards for the functional design of the facility.

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 impact on public systems will not be impacted significantly more than the existing freight forwarding operations and wholesale supplier.

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 amount of landscaped and pervious surface area will be increased. The project should have no additional negative environmental impacts than the existing uses.

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 promote the health, safety, and welfare of the inhabitants of the City of Somerville; to provide for and maintain the uniquely integrated structure of uses in the City; to protect health; to secure safety from fire, panic and other dangers; to conserve the value of land and buildings; to encourage the most appropriate use of land throughout the City; and to preserve and increase the amenities of the municipality.

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 land is relatively flat and there will be minimal grading, if at all, under this proposal. The Applicant is proposing to increase the amount of landscaping and pervious surface area.

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.”*

Since the Applicant is primarily interested in re-tenanting the existing building, requiring them to be in compliance with this finding is inappropriate, since this section is primarily intended for new construction projects.



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.”*

Since the project is not increasing the amount of impervious surfaces there should be little or no impact on the existing stormwater management system.

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.”*

There are no historical properties located on or immediately adjacent to the site that would be impacted by this project.

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.”*

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.”*

Apart from two existing pole relocations the Applicant has not provided any other details with respect to site lighting.

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.”*

Staff finds there is adequate access for emergency personnel.

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.”*

There will be minimal impacts on the local road network in terms of traffic congestion.

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.”*

The Applicant proposed to relocate a fire hydrant. A condition of approval is that such relocation shall be reviewed and approved by Fire Prevention.



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 stated that there will be no impacts that this proposal will have on the surrounding area from noise, light, glare, dust, smoke, or vibration.

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 is no signage submitted as part of this proposal. Any signage for the proposed use shall be reviewed and approved by the Board.

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.”*

21. Housing Impact: *Will not create adverse impacts on the stock of existing affordable housing.*

There will be no impact on the stock of affordable housing.

22. SomerVision Plan: *Complies with the applicable goals, policies and actions of the SomerVision plan, including the following, as appropriate: Preserve and enhance the character of Somerville’s neighborhoods, transform key opportunity areas, preserve and expand an integrated, balanced mix of safe, affordable and environmentally sound rental and homeownership units for households of all sizes and types from diverse social and economic groups; and, make Somerville a regional employment center with a mix of diverse and high-quality jobs. The areas in the SomerVision map that are designated as enhance and transform should most significantly contribute towards the SomerVision goals that are outlined in the table below. The areas marked as conserve are not expected to greatly increase the figures in the table since these areas are not intended for large scale change.*

This proposal will increase the total employment in this particular space and supports the goal of SomerVision to promote job creation. There are currently 40 people employed in this space and a total of 84 people will be employed by Metropolitan Pipe and Supply Co. However, this area has been labeled as a transformation area in SomerVision. A goal of SomerVision is to turn this area into a mixed-use and transit-oriented district that serves as an economic engine and complements the neighborhoods of Somerville. A condition of approval is that this Special Permit with Site Plan Review expires ten year after the date of issuance of a permanent certificate of occupancy for the wholesale distribution use so as to no inhibit future development of the Inner Belt neighborhood.

<u>SomerVision Summary</u>	<u>Existing</u>	<u>Proposed</u>
<i>Estimated Employment:</i>	40	Full time employees - 75 Part time employees - 3 Summer/seasonal employees - 6 Total Employees - 84



DECISION:

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Danielle Evans, Elaine Severino and Josh Safdie. Upon making the above findings, Danielle Evans made a motion to approve the request for a Special Permit with Site Plan Review. Elaine Severino 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 establishment of a wholesale distribution business. 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>December 28, 2016</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>December 27, 2016</td><td>Site plans submitted to OSPCD (C-1, C-2A, C-2B, and C-3)</td></tr><tr><td>December 27, 2016</td><td>Architectural plan submitted to OSPCD (A-1)</td></tr><tr><td>January 13, 2017</td><td>Architectural plan submitted to OSPCD (A-2)</td></tr></table>				Date (Stamp Date)	Submission	December 28, 2016	Initial application submitted to the City Clerk's Office	December 27, 2016	Site plans submitted to OSPCD (C-1, C-2A, C-2B, and C-3)	December 27, 2016	Architectural plan submitted to OSPCD (A-1)	January 13, 2017	Architectural plan submitted to OSPCD (A-2)
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January 13, 2017	Architectural plan submitted to OSPCD (A-2)													
Any changes to the approved site plan or elevations/use that are not <i>de minimis</i> must receive SPGA approval.														
Pre-Construction														
2	New sanitary connection flows over 2,000 GPD require a removal of infiltration and/or inflow by the Applicant. This will be achieved by submitting a mitigation payment, established by the City Engineers Office, to the City based on the cost per gallon of I/I to be removed from the sewer system and a removal ratio of 4:1. If a different ratio of removal or mitigation payment amount is adopted by the Board of Aldermen prior to the Applicant receiving a Certificate of Occupancy, payment will be adjusted to the BOA rate. The Applicant shall work with Engineering and meet this condition before a certificate of occupancy is issued.	CO	Eng.											

3	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	
4	The Applicant must contact the Engineering Department to coordinate the timeline for cutting or opening the street and/or sidewalk for utility connections or other construction. There is a moratorium on opening streets from November 1st to April 1st and there is a list of streets that have additional opening restrictions.	BP	Eng	
Construction Impacts				
5	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.	
6	The Applicant shall at their 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	
7	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				
8	Applicant shall provide final material samples for siding, trim, windows, and doors to Planning Staff for review and approval prior to construction.	BP	Plng.	
9	The Applicant shall submit plans and details for screening the rooftop equipment on the front of the structure along Inner Belt Road.	BP	Plng.	
Site				
10	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD	
11	There shall be a minimum of one tree for each 1,000 sf of required landscaped area under SZO §10.3. The proposal will bring the amount of net landscaped area to 31,038 square feet; therefore there shall be 31 trees on the locus. If there are no suitable locations, a payment to the City's street tree stabilization fund shall be made for the appropriate number of trees.	CO	Plng.	
12	Applicant will screen the dumpster with fencing that blocks any view of the dumpster itself.	CO	Plng.	
13	The Applicant shall provide an area onsite for employees to eat lunch outside.	CO	Plng.	



Miscellaneous				
14	The Applicant shall sign a development covenant with the City of Somerville that states that this SPSR shall expire ten (10) years after the date of issuance of a permanent certificate of occupancy for the wholesale distribution use ("Effective Date").	CO/Cont.	ISD/ Plng.	Covenant
15	<p>The Applicant may apply to the SPGA for up to two (2) extensions of this SPSR: a first extension for two (2) years which shall expire twelve (12) years from the Effective Date (the "First Extension"); and a second extension for two (2) years which shall expire fourteen (14) years from Effective Date ("Second Extension"). The Applicant shall notify the City, no later than six (6) months in advance of the expiration date (or extended expiration date) of the SPSR, that the Applicant intends to apply for an extension. Each request for extension shall be filed no later than ninety (90) days prior to the expiration date (or extended expiration date) of the original SPSR.</p> <p>In determining whether or not to support the First Extension and the Second Extension, the SPGA will take into account the following considerations set forth in the Applicant's Covenant with the City, including without limitation: (1) the Applicant's compliance with the conditions attached to this SPSR; (2) the then current real estate market conditions, including absorption rates and commercial financing availability and terms; (3) progress on the extension of the Green Line into Union Square and Washington Street; (4) proximity of the Property to the nearest Green Line Station and other redevelopment projects; (5) the Applicant's willingness to take reasonable actions to plan for and further the redevelopment of the Property as described below: During the ninth (9th) year following the Effective Date and prior to applying for the First Extension, the Applicant or Owner shall have developed a conceptual site plan for the Property that (i) is acceptable to the City as being consistent with publicly-adopted plans and guidelines for development in the Inner Belt area; (ii) conforms to the then-current zoning, or can be permitted with zoning relief acceptable to the City; and (iii) optimizes the mixed use, transit-oriented development potential of the site (a conceptual site plan meeting the foregoing criteria is referred to in the following paragraphs as the "Conceptual Site Plan"); and (6) filed an application for zoning relief for a project that conforms to the Conceptual Site Plan.</p>	Cont.	SPGA	Covenant

16	The 10-year limitation on the SPSR shall lapse if any holder ("Holder") of record of a first mortgage granted to a state or national bank, state or federal savings and loan association, cooperative bank, mortgage company, trust company, insurance company or other institutional lender acquires the Property by reason of foreclosure or upon conveyance of the Property in lieu of foreclosure, provided such Holder has given the City not less than sixty (60) days' prior written notice of its intention to foreclose upon its mortgage or to accept a conveyance of the Property in lieu of foreclosure. Provided, however, that the 10-year SPSR limit shall be revived as though it had never lapsed if the Property is acquired through foreclosure or deed in lieu of foreclosure by a "Related Party", defined as (i) the Applicant; (ii) any person with a direct or indirect financial interest in the Applicant; (iii) any person related to a person described in clause (ii) by blood, adoption, marriage, or operation of law; (iv) any person who is or at any time was a business associate of a person described in clause (ii); or (v) any entity in which any of the foregoing have a direct or indirect financial or management interest.	Cont.		Covenant
17	For the first five (5) years after Effective Date, the Applicant shall meet with City no less than once a year during regular business hours to review the general progress of redevelopment in Union Square/Boynton Yards, including progress in bringing the Green Line to the area. The meeting shall be held at a mutually convenient time and place.	Cont.	ISD/ Plng./ Applicant	Covenant
18	Metropolitan Pipe's lease(s) at the Property shall be amended to provide, subject to the other terms and conditions of the lease(s), that: (a) the lease expiration date(s) coincide with the expiration date of the SPSR, with term extensions corresponding in time to the First Extension and Second Extension, with the provision that the exercise of such lease extensions shall be subject to SPGA approval of the SPSR First Extension and Second Extension; and (b) all wholesale distribution operations use at the Property be discontinued at the lease expiration date, as extended.	Cont.	Legal	Covenant
19	The Applicant shall actively participate with the City and/or the SRA in applications for public funding of infrastructure and other improvements in the Inner Belt area.	Cont.		
20	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				
21	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements and shall consult with the Fire Prevention Bureau on relocating the fire hydrant.	CO	FP	

22	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.	At time of release	OSE/FP/B OH	
23	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.	
24	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				
25	If a sign is proposed, the Applicant shall submit a sign design that is in compliance with Article 12 of the SZO and that is satisfactory to Planning Staff.	CO/Cont.	Plng.	
Final Sign-Off				
26	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:

Orsola Susan Fontano, *Chairman*
Richard Rossetti, *Clerk*
Danielle Evans
Elaine Severino
Josh Safdie

Attest, by the Administrative Assistant:

Dawn M. Pereira

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 _____

