



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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**Case #: ZBA 2013-79**  
**Site: 231 Lowell Street**  
**Date of Decision: February 3, 2016**  
**Decision: Petition Approved with Conditions**  
**Date Filed with City Clerk: February 17, 2016**

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**ZBA DECISION**

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<b>Applicant Name:</b>	Steven Caruso
<b>Applicant Address:</b>	One Industrial Way, Georgetown, MA 01833
<b>Property Owner Name:</b>	James & Sandra Nazzaro
<b>Property Owner Address:</b>	66 Burget Avenue, Medford, MA 02155
<b>Agent Name:</b>	Richard G. DiGirolamo, Esq.
<b>Agent Address:</b>	424 Broadway, Somerville, MA 02145

<u>Legal Notice:</u>	Applicant & Owner, 231 Lowell Street, LLC, seeks a Special Permit with Site Plan Review to construct 3 buildings on the site with a total of 22 dwelling units, 2 commercial spaces, with 31 parking spaces (some with dimensional relief) and 26 bicycle spaces per SZO §5.2, §7.2, §7.3, §7.11.1.c, §9.13. and §13.5 for additional affordable housing units. The project includes a Special Permit to alter a nonconforming structure per §4.4.1. Variances are sought for the number of parking spaces per §9.5 and for dimensional requirements per §8.5, §7.4 & §8.3 related to the split zoned lot such as FAR, ground coverage, & lot area per dwelling unit.
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<u>Zoning District/Ward:</u>	RC & RA zones. Ward 5.
<u>Zoning Approval Sought:</u>	§5.2, §7.2, §7.3, §7.11.1.c, §9.13, §13.5, §4.4.1, §9.5, §8.5, §7.4 & §8.3
<u>Date of Application:</u>	November 12, 2013
<u>Date(s) of Public Hearing:</u>	12/9/15 & 2/3/16
<u>Date of Decision:</u>	February 3, 2016
<u>Vote:</u>	5-0

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Appeal #ZBA 2013-79 was opened before the Zoning Board of Appeals at Somerville City Hall on December 9, 2015 and re-advertised and reopened on February 3, 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 Zoning Board of Appeals took a vote.

### **DESCRIPTION:**

The proposal is to substantially demolish the existing structure and construct 3 buildings on the site with a total of 22 dwelling units, 2 commercial spaces, 31 parking spaces and 29 bicycle spaces.

#### *Buildings*

The building at the corner of Lowell Street and Woodbine Street will be a three-story, 5,986 square foot, mixed use building. The ground floor has two commercial studio spaces that are 800 and 872 square feet. Two residential units will be located above. The units will be approximately 1,770 square feet with two bedrooms each.

The second building will be a 23,132 square foot residential building. There will be 18 units ranging in size from 688 to 1,324 square feet. There will be 3 one-bedroom units, 13 two-bedroom units, and 2 three-bedroom units.

The third building is a 5,094 square foot townhouse style building with two units. The units will be approximately 2,200 and 2,300 square feet with three bedrooms.

#### *Site*

An eight foot sidewalk made out of pervious pavers will be created along Woodbine Street. Four trees will be planted along this sidewalk. There will be two patio areas on site. One will be located at the corner of Lowell and Woodbine Streets, which could be used for outdoor seating in connection with the corner tenant. The other patio area is at the main entrance to the larger building and will be used by residents.

#### *Parking*

A total of 31 vehicular parking spaces will be on-site. Twenty-eight parking spaces will be located under the multi-unit residential building. Two will be at the end of the ramp to the underground parking outside of the building and below a metal roof. There will be a driveway for one vehicle on the right side of the two-family house and an emergency access court on the left side of this building. Twenty-two will be standard spaces and 9 will be compact. Seven of the spaces will be in tandem. If the pair of spaces that are parked in tandem go to one unit, there will one parking spaces for fifteen units, two parking spaces for seven units, an extra space and a handicapped space.

There will be 29 locations designated for bicycle storage. A rack will be located in front of the building on Lowell Street to provide short term parking for two bikes. Six bicycle racks will be located in the plaza at the front of the multi-unit residential building to supply space for 12 more bicycles. A bicycle room will be located in the basement that is large enough to store 15 bikes.



**FINDINGS FOR SPECIAL PERMIT WITH SITE PLAN REVIEW (SZO §5.2, §7.2, §7.3, §7.11.1.c. and §13.5):**

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

1. Information Supplied:

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.”*

The property is located in two zoning districts. The requirements were considered for the land in each district and are detailed in the zoning dimensional table on sheet Z1 of the plan set. SZO §7.4 and §8.3 address lots in two districts stating, “[I]and in a more restrictive zoning district may supply space for a use permitted in a less restricted zoning district if the use of the land in the more restrictive district satisfies space and passive use requirements (such as setbacks, landscaping or parking) that are not prohibited in the more restrictive district.

*Use of Buildings in Land in RC Zone*

A Special Permit with Site Plan Review is required to establish 7 or more residential units per SZO §7.11.1.c. Twenty residential units will be in the RC district. Two commercial spaces totaling 1672 square feet will be in the RC portion of the land as well. Office and small scale business services are allowed in the RC district. If tenants found to fill the spaces do not have a by-right use but the use is allowed by special permit, the Zoning Board will evaluate the specific uses as part of a future special permit application.

SZO §13.5 that allows for an increase in density when additional affordable units are provided was used to achieve the proposed number of units. The calculation is in the dimensional section below.

*Use of Buildings/Principle Structures in RA Zone*

Two residential units are allowed by-right in the Residence A (RA) zoning district. The two-family house will be in the RA district as well as portions of other units. The portions of other units are allowed per SZO §7.3, which states that in the RA district, where developments include a minimum 12.5% affordable housing units on-site, but in no case less than one affordable unit, as defined by §2.2.4, the two dwelling unit maximum may be waived by the SPGA through application for SPSR. The proposal includes affordable housing under the 12.5% requirement and the SPSR to have more than two units in the RA district is part of this application. Section 7.3 also states that no incentives for provision of additional affordable housing units as set forth under § 13.5 in the RA district shall be available for those applications requiring a SPSR. Since the additional affordable housing under the incentive is proposed to be in the RC zoning district the limitation does not impact this proposal.

The proposal in the RA district includes two principle structures: the two-family house and a portion of the multi-residential unit building. SZO §7.2 states that in the Residence A district, no more than one principal structure is allowed per lot except as permitted by SPSR. This application includes the request to have two principle structures on the lot.

*Dimensions*



The nonconforming use is being eliminated as well as many of the nonconforming dimensions. The structure and site are currently nonconforming with respect to the following dimensional requirements: landscaped area, pervious area, and front, left and rear yards.

The proposal will impact the following nonconforming dimensions: front, side and rear yard setbacks, landscaped area and pervious surface. The current building is on the front, side and rear property lines and a portion of the building will be retained to keep these nonconforming dimensions. This nonconforming wall will connect to all three of the proposed buildings. The majority of the three buildings will be setback farther than the existing structure. The mixed-use building will be 8 feet from Woodbine Street, 6.6 feet from Lowell Street and 4.5 feet from the 235 Lowell Street property. The multi-unit residential building will be 5.7 feet to Woodbine Street at its narrowest point, 19 feet to the property line that abuts 235 Lowell Street and 10 feet to the rear with balconies projecting into this setback.

The landscaped area and pervious surface dimensions are greatly improved as a result of this proposal; however, they fall short when considering the RC land independent of the RA land. The RC land is proposed to have a landscaped area of 21% and pervious area of 25%. The RA land will be 35% and 50% consecutively. When considering the combined area the 25% landscaped area requirement is met and the pervious area is over the minimum for the RC district at 32%.

These alterations to a nonconforming structure and lot requires the Applicant to obtain special permits under §4.4.1 of the Somerville Zoning Ordinance (SZO).

Section 4.4.1 states that “[l]awfully existing nonconforming structures other than one- and two-family dwellings may be enlarged, extended, renovated or altered only by special permit authorized by the SPGA in accordance with the procedures of Article 5. The SPGA must find that such extension, enlargement, renovation or alteration is not substantially more detrimental to the neighborhood than the existing nonconforming building. In making the finding that the enlargement, extension, renovation or alteration will not be substantially more detrimental, the SPGA may consider, without limitation, impacts upon the following: traffic volumes, traffic congestion, adequacy of municipal water supply and sewer capacity, noise, odor, scale, on-street parking, shading, visual effects and neighborhood character.”

In considering a special permit under §4.4 of the SZO, the Board finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The proposal has been designed with setbacks that minimally impact the neighbors. The setback to the recently redeveloped 235 Lowell Street provides approximately 10 feet between the buildings at the narrowest point. A gap larger than this would hurt the streetscape along Lowell Street. The larger multi-unit building is setback 19 feet from 235 Lowell Street, which is over the 10 yard side yard setback requirement. The abutter to the rear is the Visiting Nurses Association Assisted (VNA) Living Facility. The VNA building is setback from the subject property and parking for the facility is located along the subject property. It is not anticipated that the setbacks will negatively impact the VNA. The two-family house was designed to be 2 ½ stories in height to respond to the residential neighborhood that begins on the edge of the subject property. The side yard setback for the two-family is conforming at 8.1 feet.

The floor area ratio (FAR) of the two-family is over the maximum allowed in the RA district and requires a Variance. The findings are below in Section 3. The FAR of the two-family plus the portion of the multi-unit building that is in the RA lot is 1.1. The RC land has a proposed FAR of 1.6, which is below the 2.0 allowed. The combined FAR for the site is 1.47.

The ground coverage of the two-family is over the maximum allowed in the RA district and requires a Variance. The findings are below in Section 3. The ground coverage of the two-family plus the portion of the multi-unit building that is in the RA lot is 52%. The RC land has a proposed coverage of 64%, which is below the 70% allowed. The combined coverage for the site is 61%.



The lot area per dwelling unit is just over the maximum allowed in the RA district. The RA lot area per dwelling unit allows for 2.8 units. The two-family and a portion of 4 units will be on this land for a total of approximately 3.3 units. The lot area per dwelling unit for the RC land allows for 16.6 units. A density bonus under SZO §13.5 allows for every additional affordable unit provided beyond the 12.5% required, two additional market rate units may be authorized. The additional affordable units provided shall continue to be offered at the rate of not less than 50% affordable to lower income range households and the remainder affordable to moderate income range households, as stipulated in Section 13.3.4. Any bonus may be awarded only by the SPGA, and shall not exceed 20% of the number of units normally permissible under the lot area per dwelling unit. Three additional units can be provided, one of which will be affordable. The total number of units allow on the site is 22. Three will be affordable and there will be a fractional payout for less than half of a unit.

### *Parking*

The total required parking for the site is 42 spaces including guest parking spaces. Using the requirement for business services in the RC district, the commercial space would need 3.7 spaces. The 18 one- or two-bedroom units require 27 spaces and the 4 three-bedroom units require 8 spaces. The guest parking space requirement is 3.6. Thirty-one parking spaces are proposed and therefore a variance for 11 spaces is required. The variance findings are in the next section.

SZO §9.13 b. allows for modification of parking design standards for parking lots with six or more vehicles by special permit. Where the design of a parking lot differs from the provisions of Sections 9.9, 9.11, and 9.12, provided such design is prepared by a professional engineer or architect in the case of a parking garage or other structure and further provided such design is approved by the City Traffic and Parking Director. The proposal is seeking a special permit to have more than the 20% allowance for the number of by-right compact spaces and to have tandem spaces. Including 9 as opposed to 6 compact spaces in a development with 31 parking spaces is not detrimental. The trend, especially for urban dwellers, is to have small cars. The depth of the compact spaces will be the standard 18 feet but the width will be approximately a foot less than the Somerville requirement of 9 feet.

The tandem parking spaces provide an efficient way to park so that an additional drive aisle is not required. The occupants of a unit that choose to have two cars can coordinate maneuvering the cars. There is sufficient room in the garage to move the car around. If the pair of spaces that are parked in tandem go to one unit, there will one parking spaces for fourteen units, two parking spaces for seven units, an additional space and a handicapped space.

In considering a special permit under §9.13 of the SZO “the SPGA may grant such a special permit only when consistent with the purposes set forth in Section 9.1, and upon reaching the findings and determinations set forth in Section 5.1.4”. As noted above, the granting the requested special permit would not cause detriment to the surrounding neighborhood through any of the criteria as set forth under SZO §9.13, which are as follows:

- 1) increase in traffic volumes;
- 2) increased traffic congestion or queuing of vehicles;
- 3) change in the type(s) of traffic;
- 4) change in traffic patterns and access to the site;
- 5) reduction in on-street parking;
- 6) unsafe conflict of motor vehicle and pedestrian traffic.

The bicycle parking requirement is for four spaces. This will be exceeded with 29 bike parking locations on-site. Fifteen of the spaces will be in a bike room in the garage.

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 to add a two-family house and portions of other units that comply with the affordable housing requirements is consistent with the purpose of the RA district, which is, “[t]o establish and preserve quiet



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neighborhoods of one- and two-family homes, free from other uses except those which are both compatible with and convenient to the residents of such districts.”

The proposal for a mixed-use building with small commercial spaces and a multi-family residential building are compatible with the purpose of the RC district which is, “[t]o establish and preserve a district for multi-family residential and other compatible uses which are of particular use and convenience to the residents of the district.”

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 design complies with the Design Guidelines in SZO §5.2.4. for residence districts.

*1. The building is generally the same size and massing as those existing in the neighborhood.*

The building on Lowell Street is compatible in scale with the newly constructed building at 235 Lowell Street and triple deckers on Lowell Street. The multi-family building has a large floorplate like many of the industrial buildings in the area. The third floor is setback so that it is not perceived on Woodbine Street. The VNA behind the site is at a higher elevation so the third floor will be visible but the overall building will appear lower in height from that building. The two-family house is 2 ½ stories to be compatible with the residential neighborhood that begins at the edge of this property.

*2. Traditional building materials will be used such as wood clapboards, fiber cement panels, and glass storefronts.*

Most of the materials proposed will be traditional; however, metal standing seam is proposed to tie the industrial feel of the area into the development. The storefront at the corner of Lowell and Woodbine Streets will be glass. The siding material is fiber-cement and wood.

*3/4. Since there are no proposed additions these guideline do not apply.*

*5. The building is oriented toward the street and has similar setbacks to the surrounding properties.*

The buildings are oriented towards Lowell and Woodbine Streets with front doors that are clearly visible. Front yard setbacks are similar to adjacent buildings.

*6. The driveway is kept to a minimal width.*

The driveways have been designed to be a minimum widths. The ramp to the underground parking is the minimum 20 foot width for two-way traffic and the driveway for the two-family will be the typical 9 foot width.

*7. Mechanical space location.*

The mixed-use building has a basement for storage. The condensers are proposed to be on the ground in the side yard. The multi-family building will have condensers on the roof of the second floor. The two-family has condensers on the left side yard. The DRC made a recommendation that the rear condenser move out of the path to the shared landscaped area and this will be a condition of approval.

*8. There are no additional guidelines for the RC district and the site is not in an overlay district.*





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

The site will meet the accepted standards and criteria for a functional design in terms of movement of people, cars and bikes.

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 proposal will have to address the increase in infiltration and/or inflow for the water usage of the proposal. There is a 4:1 removal requirement.

Creating a sidewalk on Woodbine Street will make the street much more pedestrian friendly. Also, the building on the corner will be setback and allow for the turn from Woodbine onto Lowell Street to be safer for pedestrians and vehicles.

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 proposal will not have any adverse impact beyond a typical residential development. If the tenant of the commercial spaces is a fast order food establishment, the business would require a special permit and would undergo a public hearing.

The site is not listed on the MassDEP website for having a reportable release. If remediation of the site is required, a License Site Professional will be hired to follow the proper procedures required by the State.

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 conserving the value of land and buildings.

The proposal is consistent with the purposes of Article 9, the provisions for off-street parking, for the special permit for including tandem spaces and compact spaces as part of the parking plan. The proposal with 30 below grade spaces and one at grade space with a bike room and short term bike parking promotes traffic safety from the current situation by assuring adequate places for storing of motor vehicles off the street, and for their orderly access and egress to and from the public street. The proposal with underground parking, that does not provide an excess number of spaces proven by the demand for similar develops, reduces hazards to pedestrians, protects adjoining lots and the general public from nuisances and hazards such as: 1) noise, glare of headlights, dust and fumes resulting from the operation of motor vehicles, 2) glare and heat from parking lots, 3) lack of visual relief from expanses of paving, 4) accelerated run-off of surface water from land covered by impervious materials. The proposal increases the number of locations bicycles can be safely secured in order to promote bicycle use throughout the City as a means to reduce



motor vehicle traffic congestion, and encourages more active lifestyles as a means to improve public health and welfare, and prevents theft and vandalism of bicycles.

The proposal as conditioned is consistent with the criteria established in Article 13, which is required in order to use the density bonus for an additional affordable unit. The City's Housing Staff will consider the following criteria in the ordinance when working with the applicant on the Affordable Housing Implementation Plan: a) that the affordable units provide housing to households with children; and b) that the affordable units are preferably rental units.

The third criteria does not apply because financial subsidies are not being sought. The remaining criteria are met. The proposed development site plan is designed in its site location, proportions, orientation, materials, landscaping and other features as to provide a stable and desirable character, complimentary and integral with the site's natural features and neighborhood context. Finally, the proposed design and uses meets the objectives of SomerVision and the neighborhood plan and the density increase has no material detrimental effect on the character of the neighborhood.

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."*

There are no existing land forms to preserve.

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

The design is compatible in scale with surrounding residential buildings. The buildings are oriented towards the street. Plazas are placed in strategic locations to provide usable open space and there is shared landscaped area between the multi-family and two-family house.

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."*

There are conditions of approval that will require that the City's stormwater management policies are followed.





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 buildings were found not preferably preserved. The style and materials of the buildings evoke the industrial nature of the area.

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 overall appearance of the building and site will improve as a result of this proposal. The building has dark windows and the site has not been well maintained. There are some trees on the site that are visible from Woodbine Street but otherwise there is no visible landscaping that buffers the building. The land in the RA district is an unattractive parking lot for the business.

The proposal includes landscaping that will be seen from the streets. Four new street trees are proposed to be located on the newly built sidewalk on Woodbine Street. There will be landscaping in front of the multi-family buildings that wraps around the right side of the building and landscaping in the front of the two-family house. The rear yards of these buildings will also be landscaped to provide a yard for the residential units.

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.”*

The storefronts on the ground floor will be lit when the businesses are open. The only additional lighting will be residential in nature and will be conditioned to not spill onto neighboring 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 site from Lowell or Woodbine Streets. There is also an emergency access court onsite that will provide space to get to the rear of the property and turn around space for vehicles.

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 location of the two driveways off of Woodbine Street minimizes conflict with existing streets and intersections. If the driveway was located on Lowell Street there would be a negative impact on traffic. In this scenario vehicles would be entering and existing Lowell Street in five locations for the VNA, 235 Lowell Street, the proposed site, Woodbine Street, and 229 Lowell Street within two blocks. The proposal to have the driveway off of Woodbine Street minimizes potential conflict.

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 utility service plans needs to be submitted to Lights and Lines prior to receiving a building permit and utilities will be conditioned 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 lot is currently covered with the hard surfaces of the building and asphalt. The proposal will include landscaping and large portions of pervious materials. There will not be an increase in hard surface ground cover on the site and there will not be negative externalities from machinery emissions. The utilities for the multi-family building will be on the roof away from the residential abutters. The condensers for the two-family will be on the side of the building away from the neighbors. The mixed-use building has four proposed condensers in the side yard along 235 Lowell Street. It is not anticipated that two sets of two residential sized condensers, located towards the back of 235 Lowell Street building where parking is located under the building will have a negative impact. Shadows are not anticipated to be a concern because shadows will primarily fall on the parking lot of the VNA which is to the north. The building is similar in height to neighboring buildings and the footprint is along the street in line with the other buildings on the street.

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

No residential signage will be posted beyond the address. Retail signage outside of that shown on the canopies above each door will be conditioned to require review and approval from Planning Staff.

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.”*

Utility information must be supplied to the City. A preliminary location of a transformer will be in front of the multi-family building in the landscaped bed. Despite it being screened by vegetation, it will likely still be visible; however, this seems to be the best location as it does not interfere with usable open space proposed onsite. Trash and recycling storage for the mixed use and multi-family buildings will be in the garage and bins will be brought out to a truck at pickup times. The two-family will likely keep trash and recycling bins in the basement or outside. A condition of approval will be that the barrels are screened from view from the street.

21. Screening of Parking:

Parking will be screened because it will be located under the building. One car will be parked in the driveway next to the two-family. This is a typical condition and the space could not be screened without pushing it farther into the lot and eliminating landscaped area.

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

There is no housing on the site. The proposal will add housing to a location that will be within close proximity to the future Lowell Street Greenline Station. The proposal will indirectly help with affordability by increasing the supply of housing to meet the demand. The development will directly increase affordable housing because three units will be deed restricted affordable units and there will be a fractional payout to the Affordable Housing Trust Fund.



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.*

The proposed site is marked as a Neighborhood Mixed Use area on the Future Land Context Map and as an area to Enhance in the SomerVision Map. The proposal will improve the experience along Lowell Street and add vibrancy of the area that is less than a quarter mile to the proposed greenline station.

<u>SomerVision Summary</u>	<i>Existing</i>	<i>Proposed</i>
<i>Dwelling Units:</i>	0	22
<i>Affordable Units:</i>	0	3
<i>Commercial Sq. Ft.:</i>	11,712 sf	1,672 sf
<i>Estimated Employment:</i>		3
<i>Parking Spaces:</i>		31

In addition to the above criteria and objectives listed above, the proposed development shall take into account, insofar as is practicable, any existing or proposed plans for the neighborhood which have been or may be adopted by the City of Somerville.

A neighborhood plan for the area around the Lowell Street station is complete and has been endorsed by the Planning Board. A summary of the recommendations include:

- Expand local employment opportunities and create spaces available for the arts by developing infill projects with commercial first floors.
- Reinforce the street edge along Lowell Street with buildings constructed close to the front lot line of abutting properties.
- Implement facade design requirements that include pedestrian scale lighting, high transparency, and appropriate signage.
- Maintain existing character of the station area by limiting both mixed-use and residential infill development to three stories.
- Promote a diversity of building types to be included in infill projects as appropriate.

The subject property is identified in the plan as a transit oriented infill site and the proposal meets the intention for the site as detailed in the plan. The buildings illustrated in the plan are limited to three stories in height. There are three small footprint buildings, rather than one large structure. The easternmost building is designed as a typical detached two-family house to provide a respectful transition between the existing houses along Woodbine Street and the new development. The portion of the site fronting onto Lowell Street is designed as a new multi-story mixed-use building with a 30 foot wide storefront. Behind this building, fronting onto Woodbine Street is a new apartment building with a flexible ground floor space. A small forecourt creates an outdoor space in front of the building as an amenity for the new tenants or visitors to the ground floor space. A key element of the concept is a rethinking of Woodbine Street Extension as a shared space that blends continuously into the forecourt.



The current proposal includes three separate buildings with underground parking which are key elements for the site in the neighborhood plan. The proposal also includes a forecourt and creates a portion of the shared street envisioned for Woodbine Street that is under the control of the applicant.

23. **Impact on Affordable Housing:** *In conjunction with its decision to grant or deny a special permit for a structure of four or more units of housing, the SPGA shall make a finding and determination as to how implementation of the project would increase, decrease, or leave unchanged the number of units of rental and home ownership housing that are affordable to households with low or moderate incomes, as defined by HUD, for different sized households and units.*

There are no existing housing units on the site.

**FINDINGS FOR VARIANCE (SZO §5.5 & §9.5):**

A Variance (§5.5) is sought to reduce the parking required by 11 spaces (§9.5). The parking requirement calculation can be found in Section II, number 2, above.

A variance is also sought for dimensional requirements per §8.5, §7.4 & §8.3 related to the split zoned lot such as FAR, ground coverage and lot area per dwelling unit. The dimensions details are outlined in Section II, number 2, above.

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:* The soils are known to be of poor quality in this area with high ground water. This limits the size of underground parking that can be built.

*The Board’s response:* The shape of the site and the underground water table precludes having multiple levels of underground parking. The Applicant was able to get as much parking as possible below the multi-family building so that there is a large parking lot that is hidden from view. Additional parking would have to be located along the street and this scheme would not be supported from an urban design or safety perspective. Additional curb cuts along this busy street create unsafe situations. Finally, the development would not be attractive with parking visible from the street. The lot has a strange shape with a narrow piece of land that projects from the main portion of the lot to Lowell Street. The setbacks required for this narrow piece of land does not allow for development of the lot in a way that is financially feasible without moving a small amount of the development capacity to the RA portion of the lot.

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:* Proposed design provides as many parking spaces as is practical underground while keeping the vehicular access point on Woodbine Street.

*The Board’s response:* The parking variance will allow for the reasonable use of the land as an attractive mixed use building that meets the dimensional requirements and the parking demand anticipated based on census data and parking usage for similar buildings in the City. Considering the parking data that shows that this census tract has fewer vehicle ownership and a higher percentage of commuting to work without an automobile compared to the state and nation, it is a reasonable use to establish residential and small scale commercial spaces with reduced parking. A condition of approval will be that residents do not park on Woodbine or Centre Streets and there will be



fire lane in front of the building that will prevent retail patrons from parking on the street. Also, a parking study will be required one year after occupancy to ensure that the proposal is not negatively impacting parking in the neighborhood.

The dimensional relief is minimal and balances out visually if looking at the site as a whole. The floor area ratio (FAR) will be 0.35 over that allowed in the RA portion of the lot and the FAR on the RC side is 0.4 below the maximum. The ground coverage is 2% above the maximum in the RA and 6% below that allowed on the RC land. The lot area per dwelling unit in the RA allows for 2.8 units and 3.2 are provided. The RC side is allowed to have 19.9 units with the affordable housing density bonus and 18.8 will be provided. The proposal complies with the lot area per dwelling unit for the whole site – the variance is for the placement of 0.4 units over the RA line.

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:* Placing all but one parking space underground allows the site to be more pedestrian-oriented. The proposal will replace existing industrial use and on-grade parking with a much larger commercial presence and much more compatible residential design.

*The Board’s response:* The proposal will contribute to the revitalization of Lowell Street into a vibrant, walkable, and bikable thoroughfare. With the parking data showing reduced car ownership and increased mode split for travel to work away from the automobile compared to national and state data, there is less demand for parking in this area. Reducing the parking below the requirement will not be injurious to the neighborhood. In fact, providing less parking will reduce the number of vehicles that come to the neighborhood by attracting tenants that are less likely to rely on a car for transportation. Additionally, the neighborhood plan calls for a transit-oriented development that utilizes the exiting public transit, the community path and local services and considers the future rapid transit station that will be within close proximity to the site.

The dimensional relief will not be noticeable. The zoning district line is in an arbitrary location on this property. The shift of a small amount of residential units, ground coverage and floor area over the RA line will not be perceived when the proposal is built. The development responds to the intent of the RA district by locating a two-family on the side of the development that meets the residential neighborhood and the proposal on the RC side does not maximize the full development potential.

**DECISION:**

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Danielle Evans, Elaine Severino and Josh Safdie. Upon making the above findings, Richard Rossetti 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. Upon making the above findings, Richard Rossetti made a motion to approve the request for a Variance. 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 construction of 22 residential units in 3 buildings with 31 parking spaces. 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>Update Oct 22, 2015</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>Mar 27, 2013</td><td>Plans submitted to OSPCD (Existing Conditions)</td></tr><tr><td>Oct 13, 2015</td><td>Modified plans submitted to OSPCD (A0.0 Elevations, A0.1-A.02 3D Views, A1.2 bPlan, A1.3 2<sup>nd</sup> fl plan, A1.4 3<sup>rd</sup> fl plan, A1.5 roof plan, A2.1-A2.2 elevation</td></tr><tr><td>Nov 19, 2015</td><td>Modified plans submitted to OSPCD (T1 cover)</td></tr><tr><td>Jan 21, 2016</td><td>Modified plans submitted to OSPCD (Z1-Z2 zoning, A1.11<sup>st</sup> floor/Site plan)</td></tr></table>				Date (Stamp Date)	Submission	Update Oct 22, 2015	Initial application submitted to the City Clerk’s Office	Mar 27, 2013	Plans submitted to OSPCD (Existing Conditions)	Oct 13, 2015	Modified plans submitted to OSPCD (A0.0 Elevations, A0.1-A.02 3D Views, A1.2 bPlan, A1.3 2 <sup>nd</sup> fl plan, A1.4 3 <sup>rd</sup> fl plan, A1.5 roof plan, A2.1-A2.2 elevation	Nov 19, 2015	Modified plans submitted to OSPCD (T1 cover)	Jan 21, 2016	Modified plans submitted to OSPCD (Z1-Z2 zoning, A1.11 <sup>st</sup> floor/Site plan)
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Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.																
<b>Affordable Housing/Linkage</b>																
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. Housing staff should work the Applicant to consider the criteria in Article 13 for providing unit to households with children and keeping the units as rental.	BP	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	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	
<b>Pre-Construction</b>				
5	If the use of the commercial space requires a special permit and/or has a parking requirement beyond 1 space per 450 sf, relief must be obtained.	Tenanting commercial space	Plng.	
6	The two-family house must be shown to have overlapping units to meet the two-family house definition.	BP	Plng.	
7	The condenser location for the front unit of the two-family house shall not be located in the path to the rear yard.	BP	Plng.	
8	The Applicant must contact the Engineering Department to obtain a street address prior to a building permit being issued.	BP	Eng	
9	New sanitary connection flows over 2,000 GPD require a 4:1 removal of infiltration and/or inflow by the Applicant. This will be achieved by submitting a mitigation payment to the City based on the cost per gallon of I/I to be removed from the sewer system. The Applicant shall work with Engineering to meet this condition before a certificate of occupancy is issued.	CO	Eng.	

10	<p>Because of the history of the site and the intended use, the Applicant shall, prior to issuance of any demolition permit and/or any building permit for the project, provide to the Planning Department and the Inspectional Services Division:</p> <p>a) a copy of the Response Action Outcome (RAO) Statement, signed by a Licensed Site Professional (LSP) and filed with DEP, verifying that a level of no significant risk for the proposed residential use has been achieved at the site; or</p> <p>b) if remediation has not reached the RAO stage, a statement signed by an LSP describing (i) the management of oil and hazardous materials/waste at the site, including release abatement measures intended to achieve a level of no significant risk for residential use at the site, treatment and storage on site, transportation off-site, and disposal at authorized facilities, (ii) a plan for protecting the health and safety of workers at the site, and (iii) a plan for monitoring air quality in the immediate neighborhood.</p>	Demolition Permit	Plng/ISD	
11	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.	
12	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.	
13	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	
14	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	
<b>Construction Impacts</b>				
15	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.	
18	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	



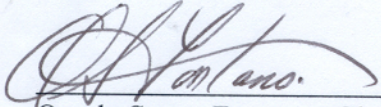
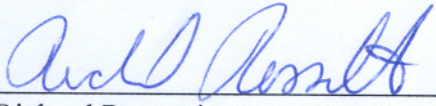
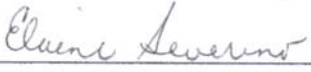
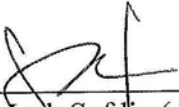
17	All construction materials and equipment must be stored onsite. If occupancy of the street layout is required, such occupancy must be in conformance with the requirements of the Manual on Uniform Traffic Control Devices and the prior approval of the Traffic and Parking Department must be obtained.	During Construction	T&P	
<b>Design</b>				
18	Applicant shall provide final material samples for siding, trim, windows, doors and patio areas to the Design Review Committee for review and comment and to Planning Staff for review and approval prior to construction.	BP	Plng.	
19	An exterior light and electrical receptacle is required for the first floor porches and an electrical receptacle is required for the porches on upper levels.	Final sign off	Wiring Inspector	
<b>Site</b>				
20	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD	
21	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	
22	Trash and recycling for the mixed-use and multi-family building shall be kept in the trash room in the basement and the barrels for the two-family shall be screened from view from the street.	CO	Plng.	
23	Applicant will supply 29 bicycle parking spaces.	CO	Plng.	
<b>Traffic &amp; Parking</b>				
24	The Applicant shall supply Planning Staff with a legal document, satisfactory to Staff, that restricts residents of the development from parking on Woodbine or Centre Streets.	CO	Plng.	

25	<p>One year from the date of the issuance of a certificate of occupancy by the City, the applicant must submit to Traffic and Parking a report prepared by a professional traffic engineer that outlines the current parking conditions of the development at 231 Lowell St. This report must include the monitoring and recording of day and night parking space occupancy/utilization for the parking spaces at 231 Lowell St.</p> <p>If parking demand at this location is below 95% capacity then no further action by the applicant is required.</p> <p>However if parking space utilization is at or exceeds 95% capacity for this location then the applicant must have a professional transportation engineer prepare a Traffic Demand Management (TDM) plan to reduce on site parking. After implementation of the TDM and at a one year interval an additional report reviewing parking conditions at 231 Lowell St must be submitted to Traffic and Parking</p> <p>If parking capacity is still at or above 95% for the parking areas at 231 Lowell St. then the applicant must purpose and implement further remedial strategies to reduce on site parking.</p>	1 year after CO and if required, at one year intervals	T&P	
26	Applicant shall purchase Fire Lane Signage in consultation with T&P and Fire Prevention for the City to install along the site on Woodbine Street.	CO	T&P & FP	
<b>Miscellaneous</b>				
27	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	
28	For developments with 7 or more residential units or commercial development, the Owner/Applicant is required to hire a private company to remove trash and recycling on a regular basis.	Cont.	DPW	
29	The existing fence along the right side property line shall be retained or replaced with a fence that is satisfactory to the property owner that abuts this fence.	CO	Plng.	
<b>Public Safety</b>				
30	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
31	The transformer shall be integrated into the site such that it does not encompass a large portion of the site that was intended for public open space and is screened as much as possible under this condition.	Electrical permits & CO	Lights and Lines	
32	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	

33	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.	
<b>Signage</b>				
34	Signage shall match the general location, size and character as that shown on the shown on the elevation diagrams. Final signage plans shall be submit to Planning Staff approval. Lighting after 10p.m. facing residential property will be turned down or off.	CO/Cont.	Plng.	
<b>Final Sign-Off</b>				
35	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

  
Orsola Susan Fontano, Clerk  
Richard Rossetti  
Danielle Evans  
Elaine Severino, (Alt.)  
Josh Safdie (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.

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 \_\_\_\_\_

