



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2016-93
Site: 44-46 Medford Street
Date of Decision: January 4, 2017
Decision: Petition Approved with Conditions
Date Filed with City Clerk: January 6, 2017

ZBA DECISION

Applicant Name:	Block Properties, LLC
Applicant Address:	129 Newbury Street, Suite 400, Boston, MA 02116
Property Owner Name:	F&L Realty Development, LLC
Property Owner Address:	46 Medford Street, Somerville, MA 02143
Agent Name:	Sean T. O'Donovan, Esq.
Agent Address:	741 Broadway, Somerville, MA 02144

<u>Legal Notice:</u>	Applicant, Block Properties LLC, seek a Special Permit with Site Plan Review under SZO §5.2 for new construction of a mixed-use building with 1,120sf of Commercial use and 12 residential units (including 2 affordable), a Variance under SZO §5.5 and §8.5 for lot area per dwelling unit, and a Special Permit under SZO §9.13 for 3 off-site parking spaces and SZO §9.5 for parking relief.
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<u>Zoning District/Ward:</u>	BA zone/Ward 2
<u>Zoning Approval Sought:</u>	§5.2, §5.5, §8.5, §9.13 & §9.5
<u>Date of Application:</u>	August 4, 2016
<u>Date(s) of Public Hearing:</u>	January 4, 2017
<u>Date of Decision:</u>	January 4, 2017
<u>Vote:</u>	5-0 (Special Permit), 4-1 (Variance)

Appeal #ZBA 2016-93 was opened before the Zoning Board of Appeals at Somerville City Hall on January 4, 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.



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DESCRIPTION:

The proposal for the large lot is a mixed-use 4-story structure with approximately 1,120 net square feet of retail use at the ground floor, 12 dwelling units, 9 automobile and 12 bicycle parking spaces. The existing basement will be retained for storage and mechanical uses. The ground floor has a small retail space at the corner of Medford and Ward Streets, a trash room, circulation and exit requirements, and utility spaces along with the parking spaces. The upper floors are the residential uses in 3 studio units, 7 1- or 2-bedroom units and 2 3-bedroom units. Of the 12 units, one is a required inclusionary unit and one is an additional affordable unit.

The proposal for the small parcel is 3 off-site parking spaces utilizing the existing curb cut and a small green space.

FINDINGS FOR SPECIAL PERMIT WITH SITE PLAN REVIEW (SZO §5.2, §9.5 & §9.13):

In order to grant a special permit, 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 with respect to the required Special Permits.

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

Nature of Application: BA - Commercial Districts.

BA districts are limited in bulk requirements so the proposal is dimensionally conforming. The ground coverage is shown at 66% using the total area of both parcels (8,181sf). However, using only the area of the parcel containing the proposed structure (6,968sf) the coverage is 77% which is still well below the required 80% maximum.

An additional requirement should be noted in relation to side yards where a lot in a business or industrial district abuts a lot or district line of a Residential district, "no building in the business or industrial district shall be erected closer to the residential line than one-third (1/3) the height of the said building, but not less than fifteen (15) feet". The two parcels of the subject property are in separate districts - the small parcel for off-site parking is zoned RB, and the large parcel is zoned BA. The lots are not abutting but are under the same ownership; however the right-of-way of Ward Street provides a 30' setback between the zones.

In considering a special permit under §4.4 or 4.5 of the SZO, the Board finds that the proposed mixed-use structure would not be substantially more detrimental to the neighborhood than the existing structure/use.

All developments within the BA District should comply with the following guidelines to the highest degree practicable;

1. *Give preference to locating on-site, off-street parking at the rear of the lot, behind the building or below street level, providing vehicular access from either a side street or alley where possible.*

The proposal locates the majority of the parking on the ground floor under the main mass of the building. The 9 automobile spaces and 12 bicycle spaces are accessed from the side, Ward Street, and will not be readily visible from the public right-of-way.

2. *Give preference to providing landscaping along the primary street edge.*



The proposal has a publicly-accessible open space as an important part of the site design. A landscaped area will be provided at the northwest corner of Medford and Ward Streets.

In considering a Special Permit under §9.13 of the SZO the Applicant must be able to demonstrate that 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; and
6. unsafe conflict of motor vehicle and pedestrian traffic.

Shared parking will more efficiently utilize the parking that is able to be accommodated on-site. The three spaces located on the small parcel could be shared during daytime hours with the retail use. The spaces within the structure will be for the exclusive use of the residential units during evening hours and overnight. The proposed use would reduce the overall amount of traffic as the occupants can also use public transportation and the ground floor retail will attract local pedestrian traffic. It is anticipated that the traffic that would be generated will be more appropriate to a residential complex and a vibrant mixed-use area as this mix of uses will encourage pedestrian activity.

A Special Permit is also required under SZO §9.5 for parking relief. The parking requirement is 23 and the project proposes 12 spaces. The residential component requires 20 spaces plus 2 additional visitor spaces while the commercial component requires 3 spaces. These three spaces would be shared through approval of a Special Permit; therefore, the Applicant requires a variance for 8 spaces of parking relief.

As the proposal is within approximately ¾-mile from the MBTA Red Line Lechmere station and within ½-mile of the future Green Line Union Square station, Staff finds that a reduction in parking is appropriate at this location.

3. Purpose of District: *The Applicant has to ensure that the project "is consistent with the intent of the specific zoning district as specified in Article 6".*

The proposal is consistent with the purpose of the district, which is, "to establish and preserve business areas bordering main thoroughfares that are attractive to a wide range of uses, including retail business and services, housing, government, professional and medical offices, and places of amusement. While it is anticipated that most users will arrive by motor vehicle, it is intended that the area should be safe for and conducive to pedestrian traffic."

4. Site and Area Compatibility: *The Applicant has to ensure that the project "(i)s designed in a manner that is compatible with the characteristics of the built and unbuilt surrounding area, including land uses."*

Surrounding Neighborhood: The subject property is located on the edge of the Boynton Yards area in a neighborhood that is a mix of residential, commercial and industrial structures. It is an area of transition from the historic industrial uses to auto-oriented and manufacturing uses. As the area is close to the area rezoned for TOD at Boynton Yards as part of the Union Square Overlay, the area is changing and redeveloping again.

Design and Compatibility Impacts of Proposal: The design guidelines under SZO §5.1.5/5.2.4 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.*



2. *Differentiate building entrances from the rest of the primary street elevation, preferably by recessing the entry from the plane of the street wall or by some other articulation of the elevation at the entrance.*
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.*
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.*
5. *Provide roof types and slopes similar to those of existing buildings in the area.*
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.*
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.*
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.*
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.*

The building is designed to maintain a street wall along the primary and secondary street edges. The commercial entrance is on the Medford Street (primary) elevation and is recessed from the storefront for emphasis. The residential entrance is located on Ward Street, as is the parking entrance. The mass is articulated with bays and fenestration to establish a rhythm along the elevations. The materials used, brick base and siding, are similar to the surrounding area.

The Board finds the proposal to be appropriate to the intended character of development within the neighborhood.

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

The proposal meets the accepted standards and criteria for a functional design. The site plan of the project locates the structure at the corner of Medford and Ward Streets with the parking located within the structure on the ground floor behind the commercial space. The design of the site locates trash, bike parking, and the transformer at the rear of the site.

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 approval of a Special Permit with Site Plan Review shall be contingent upon a determination by the City Engineer that no adverse impact on public systems will result from the proposed development. The change in use from a vacant commercial space and residential to a mixed-use would not appear to greatly impact the City sanitary sewer system. The Board has proposed a condition that requires the Applicant to demonstrate that the project is in compliance with the City storm water policy and the Applicant is to submit a storm water management plan.



7. Environmental impacts: *The proposed use, structure or activity will not create adverse environmental impacts, including those that may occur off the site, or such potential adverse impacts will be mitigated in connection with the proposed development, so that the development will be compatible with the surrounding area.*

Due to the mixed-use of the proposed building, minimal negative environmental impacts are foreseen as a direct result of this development. Noise, smoke and vibration would be reduced as a result of the residential use. While there would be appropriate lighting for a residential district, this lighting would be confined as much as possible to the site. Hazardous materials and substances are not part of the proposed use and Staff has conditioned that the appropriate entities be notified to dispose of these materials or substances if unearthed upon demolition or construction.

8. Consistency with Purposes: *The Applicant has to ensure that the project "is consistent with (1) the general purposes of this Ordinance as set forth in Article 1, and (2) the purposes, provisions, and specific objectives applicable to the requested special permit which may be set forth elsewhere in this Ordinance, such as, but not limited to, those purposes at the beginning of the various Articles."*

The proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to provide for and maintain the uniquely integrated structure of uses in the City; to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; to conserve the value of land and buildings; and, to encourage the most appropriate use of land throughout the City; to protect and promote a housing stock that can accommodate the diverse household sizes and life stages of Somerville residents at all income levels, paying particular attention to providing housing affordable to individuals and families with low and moderate incomes.

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 landforms or open space to be preserved. A landscaped area will be provided at the northwest corner of Medford and Ward Streets.

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

There are no existing landforms, vegetation, or natural features to inform the design of the site or building. The proposed 4-story structure is appropriate in massing and design to the surrounding built environment.

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.”

While additional review is required of drainage plans, any approval of the Special Permit with Site Plan Review should be conditional upon approval by the City Engineer of such plans and determination that no adverse impact would result to the drainage system from the design of the project. The Board, therefore, proposes a condition for the Applicant to demonstrate that the project meets the current City storm water policy and that utility and drainage plans be submitted to the Engineering Department for review and approval.

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 HPC found the buildings at 44 and 46 Medford Street ‘Preferably Preserved’ for their historic significance due to their relationship to the meat packing industry, immigration and the child labor photography of Lewis Hine. Architecturally the buildings had been altered throughout the 20th century, lessening their impact as authentic pre-1874 workers housing constructed in relationship to employment in the slaughterhouses.

The HPC is working with the Applicants to develop a Memorandum of Agreement that would include a memorial of a type agreed upon with the Commission with interpretive material concerning the historic importance of the slaughterhouses, associated housing, and the railroad to Somerville as well as the photography of Lewis Hine rather than a modern re-interpretation of the architecture to fit the neighborhood. The marker would be located across Ward Street in the green space next to the parking area, readily accessible to all.

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.”*

This proposal provides an opportunity to redevelop and improve part of the neighborhood by creating a new mixed-use building using modern materials that are respectful of the materials historically prevalent in the area. While this is a higher density residential development in comparison to some of the surrounding properties, any additional planting, beyond the landscaped publicly-accessible open space area, would be inappropriate for the industrial heritage. The building is designed to incorporate well into the fabric of the neighborhood.

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 lighting will be appropriate to the proposed retail and residential uses, conform to dimensions specified in the SZO. All exterior spaces and lobby areas will be well-lit to provide visual interest and activity to the street as well as provide visual surveillance for safety. Staff proposes a condition that all exterior lighting, to the extent possible, must be confined to the subject project, cast downward and must not intrude, interfere, or 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.”*



The Fire Department has reviewed the proposal and sees no difficulties with public safety access as the corner location provides abundant access to the site.

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.”*

Vehicles entering and exiting the site from the garage would do so in a forward manner onto and off Ward Street. The three off-site parking spaces, on the small parcel, would back onto Ward Street which has little vehicular traffic.

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 shall tie into existing City services for electric, telephone and cable. These utility lines shall be placed underground. The site will require a transformer, which will likely be located at the rear of the small parcel next to the off-site parking spaces. As the utility poles in the immediate area are close to capacity, a “Will-Serve” letter has been provided by the electric utility company.

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.”*

This proposal does not include any machinery that would create adverse impacts. The requirements for ground coverage, pervious surfaces, and landscape have all been met more than adequately.

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.”*

Signage for the commercial space will be conditioned to be located in the sign band of the storefront or building addresses at each of the entrances. A condition of this report is that commercial signage be reviewed by Planning Staff prior to installation.

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.”*

The plans indicate that the trash and recycle area would be located at the rear of the building within the parking area. The transformer will be screened from view with bollards in front and planting as permitted by code. A/C condensers will be located on the roof and screened.

21. Screening of Parking:

Most of the parking for this proposal is located within the structure and will not be visible from either the primary or secondary frontage. The three off-site spaces will be accessed from the secondary frontage of Ward Street, as are the existing spaces currently, and will be screened from the primary frontage of Medford Street by the landscaped open space.

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

The proposal provides two new affordable housing units.



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.*

<u>SomerVision Summary</u>	<u>Existing</u>	<u>Proposed</u>
<i>Dwelling Units:</i>	4	12
<i>Affordable Units:</i>	0	2
<i>Commercial Sq. Ft.:</i>	1,120 (estimated)	1,120
<i>Estimated Employment:</i>	unknown	unknown
<i>Parking Spaces:</i>	5	12
<i>Publicly Accessible Open Space:</i>	0	500

The proposal complies with the SomerVision plan through the addition of dwelling units and retail space. The parcel will provide bike parking and increase the overall pedestrian quality of this urban area. The proposal will decrease the impervious nature of the existing lot and provide a better use for the site and the area.

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 homeownership housing that are affordable to households with low or moderate incomes, as defined by HUD, for different sized households and units.*

This project will provide two new affordable housing units in perpetuity.

FINDINGS FOR VARIANCE (SZO §5.5 & §8.5):

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."*
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."*
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."*

The Board cannot provide the findings necessary to grant a variance for a reduction in the Lot Area per Dwelling Unit.

The Applicant's assumptions, from Sheet Z1.1 of the submitted drawing package, are:

8181sf lot ÷ 875sf min./unit = 9 units max. before inclusionary bonus.



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9 units X 12.5% = 1 affordable unit req'd
 Proposed 2 affordable units = 1 affordable unit more than req'd
 1 affordable unit more than req'd X 2 bonus market rate units per such unit = 2 bonus market rate units
 9 units max. (w/ 1 inclusionary unit) + 1 additional affordable unit + 2 bonus market rate units = 12 units
 allowed

There are some extenuating factors as this lot is an unusual circumstance. The legal description shows as 2 separate parcels divided by Ward Street which contradicts the definition of a lot as defined by the SZO §2.2.85 - "A bounded area of land with appropriate frontage on and undivided by a public way intended for improvement through development as a building site". However, the area used as the basis for the calculation shown above (8,181sf) is the combined area of both parcels. At a meeting with Staff during the review of the application, it was recommended that only the parcel that will be occupied by the building be used for calculation purposes (6,968sf).

In addition, the revised Somerville Zoning Ordinance Article 13 (adopted in May 2016) Table 13.3.4.A shows that a project of 9 units requires 17.5% of inclusionary units, instead of the 12.5% shown in the calculation above, which would be 2 units required.

The corrected calculation would allow 7 units ($6,968 \div 875 = 7.96$) instead of 9. Additional affordable units could still be provided in accordance with Section 13.5. The number of bonus units is capped at 20% of the number of units permissible under Article 8 which means that only 1 bonus may be awarded ($7 \text{ units} \times 20\% = 1.4$). These 3 "bonus" units (1 affordable and 2 market rate) bring the project total to 10 units (1 inclusionary, 1 additional affordable, and 8 market rate) without the need for a variance.

As a side note, Article 16B Mandatory Mixed-Use Ratio for Areas Critical for the City's Economic Development before the Board of Alderman requires 68% of the occupied square footage of the building be used for commercial uses (specifically office, research and development, or biotechnology). This site is within the proposed boundary of this Article. If the currently proposed language passes, then this project will need to be withdrawn and redesigned with a completely different program.



DECISION:

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Danielle Evans, Elaine Severino and Josh Safdie with Anne Brockelman absent. 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 **4-1** to **APPROVE** the request with Josh Safdie voting in opposition. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	Approval is for the Special Permit with Site Plan Review. This approval is based upon the following application materials and the plans submitted by the Applicant:	CO / BP	ISD/ Planning							
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>August 4, 2016</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>November 28, 2016</td><td>Modified plans submitted to OSPCD (T1, Survey Plan,Z1.1-1.3, A0.1, A0.1a, A1.1-1.3, and A2.1-2.4)</td></tr></table>				Date (Stamp Date)	Submission	August 4, 2016	Initial application submitted to the City Clerk’s Office	November 28, 2016	Modified plans submitted to OSPCD (T1, Survey Plan,Z1.1-1.3, A0.1, A0.1a, A1.1-1.3, and A2.1-2.4)
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Any changes to the approved plans and elevations that are not <i>de minimis</i> must receive SPGA approval.										
Affordable Housing/Linkage										
2	Affordable Housing Implementation Plan (AHIP) should be approved by the OSPCD Housing Division and executed prior to issuance of Building Permit. Affordable units shall be provided on-site.	BP	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							



5	Additional requirements for projects with current tenants: A Tenant Relocation Plan should be approved by the OSPCD Housing Division and executed prior to issuance of Building Permit.	BP	Housing	
6	Additional requirements for projects converting to condominiums or removing rental units from the market: If a rental unit is going to be removed as a result of this project, it must comply with City of Somerville Code of Ordinances Chapter 7, Article IV, Condominium Conversion and Removal of Rental Units prior to issuance of Building Permit. No Building Permit shall be issued until the OSPCD Housing Division has confirmed compliance.	BP	Housing	
7	Linkage payments will be required to be paid to the Somerville Housing Trust Fund before a CO is issued.	CO	Housing	
Pre-Construction				
8	The Applicant must contact the Engineering Department to obtain a street address prior to a building permit being issued.	BP	Engineering	
9	The Applicant shall complete the Site Plan Review Checklist and supply the information to the Engineering Office. The plans must comply with the City's Stormwater Management Policy.	BP	Engineering	
10	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	Engineering	
11	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	Engineering	
12	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	
13	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	Engineering	
Construction Impacts				



14	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	Planning	
15	Approval is subject to the Applicant's and/or successor's right, title and interest in the property.	Cont.	Planning	Deed submitted & application formed signed
16	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	
Design				
18	Applicant shall provide final material samples and colors for siding, trim, windows, and doors to Planning Staff for review and approval prior to construction.	BP	Planning	
19	Applicant shall provide a Landscape Plan for the Ward Street open space showing wall/fences, paving materials, colors, and plantings to Planning Staff for review and approval prior to construction.	BP	Planning	
Site				
20	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards and in accordance with SZO §10.2.2 and §10.6.2.	Perpetual	Planning / ISD	
21	There shall be a minimum of one tree for each 1,000 sf of required landscaped area under SZO §10.3.	Perpetual	Planning / ISD	
22	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	
23	All new sidewalks will be installed by the Applicant in accordance with the specifications of the Highway Superintendent. Specifically, all driveway aprons shall be concrete;	CO	Planning	
24	Snow plowed from the development shall be limited to an on-site storage area on the parking area across Ward Street from the building.	Cont.	ISD	
Traffic & Parking				
25	Design of the Ward Street open space must include screening of the parking areas from Medford Street by specified walls, fences, planting or other means as shown on the required Landscape Plan.	BP	Planning	
Miscellaneous				



26	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	
27	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.			
Public Safety				
28	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
29	Any transformers should be located as not to impact the building or landscaped area, and shall be fully screened to the extent permitted by code.	Electrical permits & CO		
30	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/BOH	
31	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	Planning	
32	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	Planning /OSE	
Signage				
33	Signage will be limited in size and location to that shown in the elevation diagrams, in accordance with Article 12 of the SZO, and lighting after 10p.m. facing residential property will be turned down or off.	CO/Cont.	Planning	
Final Sign-Off				
34	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	Planning	

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 _____

