



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

PLANNING DIVISION

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**Case #: ZBA 2015-65**  
**Site: 400-406 Mystic Avenue**  
**Date of Decision: August 3, 2016**  
**Decision: *Petition Approved with Conditions***  
**Date Filed with City Clerk: August 11, 2016**

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**ZBA DECISION**

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<b>Applicant Name:</b>	Cedarwood Development, LLC
<b>Applicant Address:</b>	202 West Broadway, South Boston, MA 02127
<b>Property Owner Name:</b>	A&M Foreign Motors, LLC
<b>Property Owner Address:</b>	400 Mystic Avenue, Somerville, MA 02143
<b>Agent Name:</b>	Richard G. DiGirolamo, Esq.
<b>Agent Address:</b>	424 Broadway, Somerville, MA 02145

<u>Legal Notice:</u>	Applicant, Cedarwood Development, & Owner, A&M Foreign Motors, LLC, seek a Special Permit with Site Plan Review to establish 27 residential units per SZO §7.11.1. Inclusionary housing (5.8 units) and density bonuses apply per 13.3.4.A, 13.3.4.B & 13.5. One of the existing nonconforming structures on the lot will be substantially altered per §4.4.1 to construct a 36,217 sf building with commercial on the ground floor and residences above. A Special Permit is required to share parking spaces between the uses and reduce the number of parking spaces per §9.13.
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<u>Zoning District/Ward:</u>	BB zone/Ward 4
<u>Zoning Approval Sought:</u>	§7.11.1, §13.3.4.B, §13.5 & §4.41
<u>Date of Application:</u>	August 12, 2015
<u>Date(s) of Public Hearing:</u>	6/22, 7/13 & 8/3/16
<u>Date of Decision:</u>	August 3, 2016
<u>Vote:</u>	4-0

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Appeal #ZBA 2015-65 was opened before the Zoning Board of Appeals at the Somerville High School on June 22, 2016. Notice of the Public Hearing was given to persons affected and was published and posted, all as required by



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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 construct a 31,820 square foot mixed use building with commercial on the ground floor and residences above. There will be three commercial spaces that total 2,974 square feet. The residential units will range in size from 614 to 1,329 square feet.

There will be 30 parking spaces that will be in a surface parking lot accessed from Grant Street. The second floor of the building extends over the majority of the parking lot.

The following changes have been made to the plan originally submitted to the Board:

- 1) Garage door moved inward, under the building, to provide 6 spaces that will act as shared spaces that are directly accessible from the street.
- 2) As a result of the garage door location change the trash room and bike parking area has moved .
- 3) Bike racks are proposed in the side yard on Grant Street for visitors and the commercial uses.
- 4) As a result of the affordable housing zoning amendment that the Board of Alderman passed on May 9, 2016 the number of affordable units and overall number of units increased from 20 units with 2.5 affordable units to 27 units with 5.8 affordable units.

Total parking count has not changed. There are 30 spaces, 24 of which will serve the residences within the garage and 6 for the commercial users, visitors and residences at night.

### **FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1, & 9.13.e) FOR THE ALTERATION OF A NONCONFORMING STRUCTURE AND SHARED PARKING:**

In order to grant a special permit, the SPGA must make certain findings and determinations as outlined in §5.1.4 of the SZO. This section of the report goes through §5.1.4 in detail.

#### **1. Information Supplied:**

The Board finds that the information provided by the Applicant conforms to the requirements of §5.1.2 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."**

All three structures are currently nonconforming with respect to the front yard setback. The proposal will retain portions of these structures to maintain the nonconforming front yard setback to construct a 36,217 sf building with commercial on the ground floor and residences above. The findings related to use are in the next section of this report. The current structures have 0 to 7 foot setbacks. The proposal will have a 7 foot setback and the requirement in the district is 15 feet. This alteration to a nonconforming structure 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 reduced setback was requested by the Design Review Committee to give the site a more urban feel, keep the pedestrian experience interesting and provide more visibility of and accessibility to the businesses. The rest of the dimensions will be conforming to the requirements of the SZO.

Parking standards may be modified by special permit per §9.13.g. Applicants of projects incorporating inclusionary housing per Article 13 may apply for a reduced total number of parking spaces provided that they submit documentary evidence that parking is adequate to serve the development.

The ordinance requires 57 parking spaces: 41 residential spaces, 4 visitor spaces and 12 commercial spaces. A total of 30 spaces will be on the site. Six will be shared between the residential, visitors and commercial uses.

The Applicant submitted a parking memo from a professional traffic engineer that states that the likely demand for residential parking spaces in this proposed development will be significantly lower than the 1.5 parking space requirement. A survey of four similar properties in the city shows that the average demand is 0.46. The results of the survey can be found the Parking Memorandum from Design Consultants, Inc dated July 8, 2016.

The memo also provides documentation of on-street parking utilization on Mystic Avenue, Grant Street, and Taylor Street on different days and times. There were 4 parking spaces available within 250 feet of the project site during the weekday evening period, 15 parking spaces available during the Saturday afternoon period, and 12 parking spaces available during the Saturday evening period. This further reduces the amount of required parking on site, allowing residents to park on street in the vicinity of the redeveloped site.

Notwithstanding the normal provisions of Sections 9.5, 9.6, 9.7 and 9.13.g, where two or more activities or uses provide the required parking in a common parking facility, the number of parking spaces ordinarily required may be reduced below the sum of the spaces required for the separate activities or uses, if it can be demonstrated that the hours, days, or peak parking or loading demand for the uses are so different that a lower total will provide adequately for all uses or activities served by the parking facility, and that the location of the parking facility in relation to the uses proposed to be served by it is appropriate. The peak demand for the residences is in the evening and night the peak demand for the commercial is during the day.

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”. 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;
- 6) unsafe conflict of motor vehicle and pedestrian traffic.

The likely low demand for on-site parking spaces, availability of on-street parking spaces and shared parking on-site all contribute to a parking requirement reduction that will not cause detriment to the neighborhood considering the criteria above. Shared parking would allow for the large parking lot to be more efficiently used so that parking spaces do not sit vacant and take up space that can be used for landscaping, utilities, and additional bicycle parking.



The bicycle parking requirement will be met. 5 spaces are required and 30 will be provided in the parking lot on a rack and on hooks, in bike rooms by the front entrance and in the side yard on Grant Street.

No loading is required.

3. 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 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 purpose of the Business B district, which is, "[t]o establish and preserve general commercial and high density residential areas consisting of multi-family developments, shopping centers, commercial strips and automobile related establishments where customers reach individual businesses primarily by automobile." The multi-family proposal with commercial on the ground floor and a parking lot in the rear meets the intent of the BB 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 characteristics of the built and unbuilt surrounding area, including land uses."*

Shared parking improves the design of the site and creates space for landscaping and more practical space for utilities than was originally proposed. A more detailed review of the design is addressed in Finding 4 in the next section of this report.

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

The proposal will add housing to the area and will not create adverse impacts on existing affordable house. The existing site has a two-family house that is not restricted as affordable housing. The proposal will directly increase the supply of housing by providing 5.8 deed restricted affordable unit. The proposal will indirectly help with affordability by increasing the supply of housing to meet the demand.

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

This area is marked as an area to be enhanced in the SomerVision Map. The proposal will improve the condition of the site and add people to patron the businesses and enhance the vibrancy of the area.

<u>SomerVision Summary</u>	<i>Existing</i>	<i>Proposed</i>
<i>Dwelling Units:</i>	2	27
<i>Affordable Units:</i>	0	5.8



<i>Commercial Sq Ft:</i>	4,646 sf	2,974 sf
<i>Estimated Employment:</i>	unknown	Approximately 6

**FINDINGS FOR SPECIAL PERMIT with SITE PLAN REVIEW (SZO §7.11.1):**

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.”*

In order to establish 27 residential units a Special Permit with Site Plan Review is required per SZO §7.11.1. Inclusionary housing and density bonuses apply per 13.3.4.A, 13.3.4.B & 13.5.

Generally commercial uses that are less than 5,000 are allowed by-right in the BB district and this proposal has only 2,974 square feet. The commercial space does not yet have specific uses identified because the tenants have not been identified. If the tenants of the commercial spaces require a Special Permit they will need to come back to the ZBA to seek approval. A retail use in this location will keep an active pedestrian oriented building along this block.

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”.*

See finding 3 above.

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”.*

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

- a. *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.*

With the special permit approval for alteration to a nonconforming building to retain a 7 foot front yard setback this guideline will be met. The building creates a strong presence along Mystic Avenue.

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

There is articulation in the building with bays, balconies, canopies and entrance location. There are four distinct entrances to the building: one for each commercial spaces and one for the residential units. The commercial entrances are recessed.



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

The building has several bays that break up the massing of the building.

- d. *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.*

There are many material and color changes on the building. The DRC suggested that the color variety should be toned down. The window types distinguish the commercial spaces from the residential units.

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

The proposed roof type is flat and many buildings in the area have the flat roofs.

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

The proposal does call for brick and cementitious panels.

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

The parking lot will be behind the building and will not be visible from Mystic Avenue. The parking visible from Grant Street will be screened by the wall of the building and landscaping.

- h. *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.*

The transformer will be located along Grant Street where it is accessible for the utility company and does not interfere with the landscaped area. The air conditioner units will be conditioned to not be in the landscaped area.

- i. *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.*

None.

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

The site has a functional design with the shared parking arrangement. There is now space for a transformer that will likely be approved by the utility company and a trash enclosure and bike parking are in logical locations.

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 not create adverse impacts on the public services. This proposal is a mixed-use building that will have the typical demands on public facilities. The drainage and applicable sewer regulations will be followed. The existing network will be able to handle the additional vehicular and pedestrian trips to and from the site.





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 and small scale retail development.

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."*

See finding 3 in the section above.

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, design and use with other buildings on Mystic Avenue.

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."*

The grade, drain and utility plan will be submitted for the site prior to the issuance of a building permit. The City Engineer will ensure that the site meets the City's stormwater management policy.

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 deemed 402 and 406 Mystic Avenue as not 'significant'.

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."*

There will be landscaping on all sides of the building that will enhance the existing sites that do not have any substantial vegetation or pervious area.

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 are lit when the businesses are open. The only additional lighting will be residential in nature and be by the front door.

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 access is possible from Mystic Avenue or Grant Street.

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 driveway location in the back of the lot off of Grant Street minimizes traffic congestion on Mystic Avenue. Traffic and Parking was not supportive of making Grant Street a two-way street from the site driveway to Mystic Avenue because it can cause confusion. Vehicles accessing the site from the north or west will have to drive down Fellsway West to Jaques Street and then down Grant Street.

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 construction. The electric, telephone, cable TV and other such lines and equipment shall be placed underground from the source or connection.

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."*

There will not be an increase in hard surface ground cover on the site and there will not be negative externalities from machinery emissions.

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 will be located on the transom window above the commercial entrances. Planning Staff will review the final signage design since it is not yet developed without a tenant.





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 transformer will be located so that the utility company can access it and it does not impact the landscaped area. The dumpster will be screened with a wood fence. The air condition condenser units will be conditioned to not interfere with the landscaped area.

21. Screening of Parking:

The parking will be located in a surface parking lot behind the commercial space on the first floor. The second floor of the building will mostly cover the parking lot. It will not be visible from Mystic Avenue. The parking visible from Grant Street will be screened by the wall of the building and landscaping.

The Board asked that the applicant explore underground parking at the site because the parking lot comprises the majority of the site. The Applicant submitted a report from a geotechnical consultant and an estimate of the work to put in the underground parking. With the soil conditions and ground water table at this location the cost estimate to build underground parking was 3.2 million dollars. This cost makes the project financially infeasible. The shared parking proposal reduced the parking lot area and improves the condition of the site from the original proposal.

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

See finding in section above.

23. 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.*

See finding in section above.



**DECISION:**

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti and Elaine Severino with Danielle Evans and Josh Safdie absent. Upon making the above findings, Richard Rossetti made a motion to approve the request for a Special Permit. Elaine Severino seconded the motion. Wherefore the Zoning Board of Appeals voted **4-0** to **APPROVE** the request. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes																
1	Approval is for the substantial demolition of nonconforming structures to construction of a 36,217 sf mixed use building with 27 residential units and 30 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>Aug 12, 2015 (orig)</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>Nov 20, 2014</td><td>EX - Existing Neighborhood Images, S – Site Context,</td></tr><tr><td>Feb 11, 2016</td><td>Modified plans submitted to OSPCD (Landscape, Fence Materials &amp; Paving Boards)</td></tr><tr><td>Feb 29, 2016</td><td>Modified plans submitted to OSPCD (Existing Conditions, C200 Details)</td></tr><tr><td>Apr 18, 2016</td><td>Modified plans submitted to OSPCD (A-300 Elevations, AV-1-3 Perspectives)</td></tr><tr><td>Jun 1, 2016</td><td>Modified plans submitted to OSPCD (A-100 Floor Plan, C100 Special Permit Site Plan, A-020 Arch Site Plan, A-021 Area Plans, A-101-103 Floor Plans, A-300)</td></tr><tr><td>May 5, 2016 / Feb 11</td><td>Modified plans submitted to OSPCD (Landscape Plan)</td></tr></table>				Date (Stamp Date)	Submission	Aug 12, 2015 (orig)	Initial application submitted to the City Clerk's Office	Nov 20, 2014	EX - Existing Neighborhood Images, S – Site Context,	Feb 11, 2016	Modified plans submitted to OSPCD (Landscape, Fence Materials & Paving Boards)	Feb 29, 2016	Modified plans submitted to OSPCD (Existing Conditions, C200 Details)	Apr 18, 2016	Modified plans submitted to OSPCD (A-300 Elevations, AV-1-3 Perspectives)	Jun 1, 2016	Modified plans submitted to OSPCD (A-100 Floor Plan, C100 Special Permit Site Plan, A-020 Arch Site Plan, A-021 Area Plans, A-101-103 Floor Plans, A-300)	May 5, 2016 / Feb 11	Modified plans submitted to OSPCD (Landscape Plan)
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Any changes to the approved site plans or elevations that are not <i>de minimis</i> must receive SPGA approval.																				
Affordable Housing/Linkage																				



2	Affordable Housing Implementation Plan (AHIP) should be approved by the OSPCD Housing Division and executed prior to issuance of Building Permit. Affordable units shall be provided on-site.	BP	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	The Applicant must contact the Engineering Department to obtain a street address prior to a building permit being issued.	BP	Eng	
6	A full site/civil plan set in conformance with the checklist, stormwater management report as well as compliance with the stormwater management policy must be submitted to this office. The Applicants should meet with the City Engineer to review the requirements. Plans and report must be prepared and stamped by a Professional Engineer licensed in the state of MA.	BP	Eng.	
7	New sanitary connection flows over 2,000 GPD require a removal of infiltration and/or inflow by the Applicant. This will be achieved by submitting a mitigation payment, established by the City Engineers Office, to the City based on the cost per gallon of I/I to be removed from the sewer system and a removal ratio of 4:1. If a different ratio of removal or mitigation payment amount is adopted by the Board of Aldermen prior to the Applicant receiving a Certificate of Occupancy, payment will be adjusted to the BOA rate. The Applicant shall work with Engineering and meet this condition before a certificate of occupancy is issued.	CO	Eng.	

8	<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	
9	The Applicant shall develop a demolition plan in consultation with the City of Somerville Inspectional Services Division. Full compliance with proper demolition procedures shall be required, including timely advance notification to abutters of demolition date and timing, good rodent control measures (i.e. rodent baiting), minimization of dust, noise, odor, and debris outfall, and sensitivity to existing landscaping on adjacent sites.	Demolition Permitting	ISD	
10	The Applicant must contact the Superintendent of Highway Lights and Line and 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. Also, utility work must coordinate with MassDOTs resurfacing of Mystic Ave planned for the spring of 2016.	BP	Eng	
<b>Construction Impacts</b>				
11	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.	
12	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	



13	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>				
14	Applicant shall provide final material samples for siding, trim, windows, and doors to Planning Staff for review and approval prior to construction.	BP	Plng.	
15	An exterior light and electrical receptacle is required for the first level of the porch and an electrical receptacle is required for the upper level porches.	Final sign off	Wiring Inspector	
16	The applicant shall make best efforts to mitigate air and noise pollution by using augmented air filtration systems and triple-glazed windows where appropriate. The applicant shall work with the Sustainable Neighborhoods Initiative Program Coordinator on these mitigation techniques.	BP	Housing	
17	At least one Electric Vehicle (EV) charging stations shall be installed in the parking lot.	CO	OSE	
<b>Site</b>				
18	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD	
19	There shall be a minimum of one tree for each 1,000 sf of required landscaped area under SZO §10.3.	CO	Plng.	
20	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	
21	All new sidewalks will be installed by the Applicant in accordance with the specifications of the Highway Superintendent. Specifically, all driveway aprons shall be concrete;	CO	Plng.	
22	Applicant will screen the dumpster with fencing that blocks any view of the dumpster itself.	CO	Plng.	
23	Applicant will supply at least 23 bicycle parking spaces, which can be satisfied with u-type bicycle rack.	CO	Plng.	
<b>Miscellaneous</b>				
24	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	
25	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	

26	If the commercial tenants seek parking for their employees beyond the 6 spaces outside of the garage, up to 10 parking spaces in the garage shall be offered to them for use during business hours.	BP	T&P	
<b>Public Safety</b>				
27	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
28	Any air condition units should be located as not to impact the landscaped area and not be located adjacent to residential abutters.	Electrical permits & CO		
29	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	
30	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.	
31	The Applicant shall provide notice of intent to strictly comply with applicable State and Federal regulations regarding air quality including without limitation continuous dust control during demolition and construction.	CO	Plng/OSE	
<b>Signage</b>				
32	Signage shall be reviewed and approved by Planning Staff.	CO/Cont.	Plng.	
<b>Final Sign-Off</b>				
33	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*  
Elaine Severino  
Anne Brockelman (Alt.)

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 \_\_\_\_\_

