



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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MAYOR

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Case #: ZBA # 2011-79
Site: 485 Mystic Valley Parkway
Date of Decision: January 18, 2012
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: February 1, 2012

ZBA DECISION

Applicant Name:	Somerville Housing Authority
Applicant Address:	30 Memorial Road, Somerville, MA 02145
Property Owner Name:	Somerville Housing Authority
Property Owner Address:	30 Memorial Road, Somerville, MA 02145
Agent Name:	Peter L. Freeman, Freeman Law Group, LLC
Agent Address:	86 Willow Street, Yarmouth Port, MA 02675

Legal Notice:

Applicant and Owner Somerville Housing Authority seeks a Comprehensive Permit under M.G.L. Chapter 40B for an Inclusionary Housing Development. The proposal would create 60 affordable one-bedroom residential dwelling units for seniors and person with disabilities in two buildings. The project would consist of the redevelopment and conversion of the existing Mystic Water Works into a 25 affordable housing unit rental apartment building and the demolition of the existing office and garage outbuilding to be replaced with a newly constructed 35 affordable housing unit rental apartment building. The Applicant is requesting waivers from various sections of the City's ordinances and requirements, including but not limited to waivers from the following sections of the SZO: §4.4.1, §4.5.3, §7.2, §7.3, §7.9, §7.11, §8.5.B, §8.5.C, §8.5.E, §8.5.F, §8.5.I, §9.4, §9.5.1.b, §9.6.1, §9.9, §9.11, §9.15, §10.5, and §10.6.

<u>Zoning District/Ward:</u>	RA zone/Ward 7
<u>Zoning Approval Sought:</u>	§4.4.1, §4.5.3, §7.2, §7.3, §7.9, §7.11, §8.5.B, §8.5.C, §8.5.E, §8.5.F, §8.5.I, §9.4, §9.5.1.b, §9.6.1, §9.9, §9.11, §9.15, §10.5, and §10.6
<u>Date of Application:</u>	October 17, 2011
<u>Date(s) of Public Hearing:</u>	11/30, 1/4, 1/18



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Date of Decision: January 18, 2012
Vote: 5-0

Appeal #ZBA 2011-79 was opened before the Zoning Board of Appeals at Somerville City Hall on November 30, 2011. 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 three hearing(s) of deliberation, the Zoning Board of Appeals took a vote.

DESCRIPTION:

The Applicant is proposing to redevelop and convert the existing Mystic Pump House into 25 affordable housing units for seniors and persons with disabilities. The existing office/garage building would be torn down and in its place would be a new 35 unit apartment building also for seniors and persons with disabilities. All of the 60 units will be one-bedroom units designated as low to moderate income rental units under state guidelines. The proposal would include 17 parking spaces with 15 spaces located in a lot across Capen Street and two spaces near the main entrances to the two buildings.

The existing Mystic Pump House would be divided into two floors with 12 units on the first floor and 13 units on the second floor. There would also be some common gathering space at the north end of each floor. The basement would contain tenant storage space, a trash room, a laundry room, and the mechanical room. There would only be minimal exterior repairs to the façade of the pump house including repairs to the trim and windows. The new construction building would be four stories high but it would be built into the slope at the back of the property and therefore only three stories would be visible on the rear façade. The first floor of the building would contain the lobby, laundry room, trash room, mechanical room, and five dwelling units. There would be 10 units on the second floor along with a lobby, meeting room, and exercise room. The third and fourth floors would have 10 units each as well and the third floor would provide access out onto a terrace space over the lobby and meeting room on the second floor. The façade of the new building would consist of pre-patinated copper, fiber cement siding, aluminum storefront, and brick.

RESPONSIBILITY OF THE ZONING BOARD OF APPEALS:

M.G.L. Chapter 40B, Sec. 20-23, allows municipalities to approve exceptions from local ordinances and regulations where such ordinances and regulations make the development of low and moderate income housing "uneconomic." An Applicant can request that a municipality's Zoning Board of Appeals grant a single Comprehensive Permit in lieu of separate permits and approvals that would otherwise be required. Under this law, Applicants are eligible to apply for a Comprehensive Permit.

In nearly every community in Massachusetts there is a need for affordable housing. The Comprehensive Permit Law expresses a strong public policy in favor of waiving local restrictions, when appropriate to facilitate the construction or substantial rehabilitation of low and moderate income subsidized housing. The statute requires that a Comprehensive Permit be granted when it is "consistent with local needs" and describes a balancing test. "Consistency with local needs" is determined by balancing the need of the community for affordable housing with the need for certain zoning protections at the site.

Consistent with local needs:

- Requirements and regulations reasonable in view of the regional need for low and moderate income housing considered, with the number of low-income persons in the city or town affected, (and)

(compared to)



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- The need to protect the health or safety of the occupants of the proposed housing or of the residents of the city or town, to promote better site and building design in relation to the surroundings, or to preserve open spaces, (and) if such requirements and regulations are applied as equally as possible to both subsidized and unsubsidized housing. Requirements or regulations shall be consistent with local needs when imposed by a board of zoning appeals after a comprehensive hearing in a city or town where (1) low or moderate income housing exists which is in excess of ten percent of the housing units reported in the latest federal decennial census of the city or town or on sites comprising one and one half percent or more of the total land area zoned for residential, commercial or industrial use or (2) the application before the board would result in the commencement of construction of such housing on sites comprising more than three tenths of one percent of such land area or ten acres, whichever is larger, in any one calendar year; provided, however, that land area owned by the United States, the commonwealth or any political subdivision thereof, the metropolitan district commission or any public authority shall be excluded from the total land area referred to above when making such determination of consistency with local needs.

The balancing test for a Comprehensive Permit differs from the standard test for a Special Permit, which requires the SPGA to make findings and determinations under the following provisions:

- Compliance with Standards;
- Consistency with Purposes; and
- Site and Area Compatibility (SZO §5.1.4)

It should be noted that the balancing test also differs from the authorization and conditions for Variances, which may only be authorized by the Zoning Board of Appeals for reasons of practical difficulty and substantial hardship (SZO §5.5.3). In order to determine if the proposed project meets the balancing test, and even though the Special Permit with Site Plan Review and Special Permit findings under the SZO are not required under Chapter 40B (and since the SZO does not have a specific section regarding the findings for Comprehensive Permits), it would be useful to analyze the project under both the Special Permit with Site Plan Review and Special Permit findings. Therefore, detailed findings for both a Special Permit with Site Plan Review and for a Special Permit are made below.

There are also three requirements under State regulations (760 CMR 31.01 - Jurisdictional Requirements) in order for a project to be eligible to apply for a Comprehensive Permit. These specific findings are made in detail below.

FINDINGS FOR COMPREHENSIVE PERMIT:

Eligible to apply for a Comprehensive Permit

There are three requirements under State regulations (760 CMR 31.01 - Jurisdictional Requirements) in order for a project to be eligible to apply for a Comprehensive Permit. These specific findings are made in detail below. These requirements are as follows:

- First, the applicant must be a public agency, non-profit organization, or limited dividend organization.

The Applicant, the Somerville Housing Authority, is a municipal entity and thus a Public Agency. Therefore, pursuant to the statute, and the regulations, 760 CMR 56.04(1)(a), the Somerville Housing Authority is an eligible Applicant for a Comprehensive Permit.

- Second, the project must be fundable, although it would not have to necessarily be funded, by a subsidizing agency.

The Applicant has submitted a Project Eligibility Letter from the Commonwealth of Massachusetts Department of Housing and Community Development under the Low Income Housing Tax Credit Program that confirms the project's eligibility for receiving a state governmental subsidy and the suitability of the site. Therefore, the Applicant fulfills the requirement of 760 CMR 56.04(1)(b), which

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states: "The project shall be fundable under a subsidizing agency under a low and moderate income subsidy program."

- Third, the applicant must have control of the site.

The Somerville Housing Authority has obtained legislative approval for conveyance of land owned by the Commonwealth of Massachusetts from the Department of Capital Asset Management (DCAM), in consultation with the Department of Conservation and Recreation (DCR) and the Massachusetts Water Resource Authority (MWRA) subject to Article 97 of the Amendments to the Constitution of the Commonwealth (Article 97) as laid out in Chapter 245 of the Acts of 2010 approved by the Governor on August 5, 2010. DCAM has now conveyed the locus to the Somerville Housing Authority. Therefore, the Applicant controls the land as required by 760 CMR 56.04(1)(c).

Although Planning Staff believes the City has at least 1.5% of its land area devoted to affordable housing, meeting the "consistent with local needs" requirement set forth by DHCD, the Board still finds that this particular application should be approved based on the findings set forth below. Approving this application, which is compatible with and complimentary to this neighborhood, will help further the City's goals of increasing the amount of affordable housing available to Somerville residents, especially the needs of elderly residents. Acceptance by the Zoning Board of Appeals of this M.G.L. Chapter 40B Comprehensive Permit does not constitute any admission of facts that Somerville does not have adequate housing per M.G.L. Chapter 40B, and this Comprehensive Permit is being accepted due to the needs for affordable elderly housing, the protection of the historic building at the property, and the advancement of community goals, not due to the mandates of M.G.L. Chapter 40B.

The re-use of this long abandoned site for much needed senior apartments and apartments for persons with disabilities is beneficial to the community. The site's proximity to Capen Court will enable the project's residents to benefit from nearby services and help to make this site an ideal one for the proposed use. The renovation of the historic Mystic Pump House building to the standards of the Secretary of the Interior under the federal Historic Tax Credit Program will also add to the community.

Balancing Test Finding

The Zoning Board of Appeals finds that the proposal is consistent with local needs in a way which is balanced by the needs of the community for affordable housing with the needs for certain zoning protections at the site.

Special Permit with Site Plan Review Findings

Located within a RA zoning district this application would normally require a Special Permit with Site Plan Review (SPSR). The SPSR findings are not required; however, the Zoning Board of Appeals used the findings to make the determination that the project balances the need of the community for affordable housing with the need for certain zoning protections at the site. The findings and determinations are outlined in §5.2.5 of the SZO. This section of the report goes through §5.2.5 in more 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 considering a Comprehensive Permit under M.G.L. Chapter 40B, the Board finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing site plan and structure. The development at the site is currently dimensionally conforming with the exception of the front yard setback which is nonconforming by six inches. However, when the new structure is completed, several dimensional aspects will become nonconforming including lot area per dwelling unit, building height, and rear yard setback.



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Parking, which is currently conforming, would also become nonconforming when the proposal is implemented. The Applicant is proposing to provide 17 off-street parking spaces at the site, which would be 0.28 spaces per dwelling unit. Fifteen of these spaces would be in the parking lot across Capen Street and two of the spaces would be located by the main entrance to the new 35 unit building. The SZO would normally require 45 parking spaces for 60 senior citizen housing units (0.75 spaces per dwelling unit) or would permit 24 spaces (0.40 spaces per unit) via special permit approval. However, §9.13.f. of the SZO states that where it can be demonstrated that a use or establishment needs a lesser number of parking spaces than is required by the ordinance, such as housing for the handicapped or where there is an instance of a low rate of car ownership or use, the number of required parking spaces can be reduced by up to 20% by special permit. This proposal, had it not been seeking approval under a Comprehensive Permit, would most likely meet this requirement, which would further lower the required number of parking spaces. Lastly, it should also be noted that under legislative approval of conveyance under Section 2 of Chapter 245 of the Acts of 2010, this development is restricted to affordable senior housing and will also include housing for disabled persons. Therefore, the reduction in required parking spaces for this project is reasonable.

Approving this application, which is compatible with and complimentary to this neighborhood, will help further the City's goals of increasing the amount of affordable housing available to Somerville residents, especially the needs of elderly residents.

3. Purpose of District: The project must be "consistent with the intent of the specific zoning district as specified in Article 6."

The proposal is consistent with the purpose of the district (6.1.1. RA - Residence Districts), which is, "To establish and preserve quiet 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." While this particular proposal is not a one-, two-, or even a three-family residential structure, it is compatible with these types of residential uses. This proposed housing for seniors and persons with disabilities is very similar to the adjacent development at Capen Court which is an affordable senior living facility operated by an affiliate of the Applicant and also contains an assisted living facility developed by the Visiting Nurse Association. The project's proximity to these facilities makes it consistent with the surrounding uses and will enable its residents to benefit from nearby services.

4. Site and Area Compatibility: The project must be "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 buildings are compatible with those prevalent in the surrounding area."

The project was designed to be compatible with the characteristics of the built environment and the existing land uses of the area. The form and massing of the existing Mystic Pump House building are not being changed and only minor modifications are being made to the exterior of the building. The new 35 unit building's design, scale, massing, and materials will be compatible with the setting and the historical Mystic Pump House. Additionally, the design and proposed color scheme of the new building will make it distinct but compatible to the historic pump house, as well as with the structures in the surrounding area. While the new building is actually four stories in height, the structure is built into the slope at the rear of the property and only three stories will be visible on the building's rear façade.

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

The site meets the accepted standards for a functional design. Only minor modifications would be made to the existing curb cuts at the site. The curb cut with access between the buildings on Capen Street would remain but would be turned into a pick up/drop off area for the two buildings. This would allow cars to return back out to the rotary or to loop around and continue back up Capen Street. The existing curb cut that is furthest north on Mystic Valley Parkway would be retained but would only be used for emergency vehicle access. The existing curb cut in front of the old main entrance to the pump house would be closed as part of this proposal. With the retention of the existing curb cut setup and the existing building layout, the area between the two buildings can be



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used for a well landscaped pedestrian courtyard. Additionally, since the majority of the parking spaces for the project are located across Capen Street, there is a clear separation between the pedestrian and vehicular environments at the site. The Traffic Study that was submitted by the Applicant indicated that the traffic generated by the proposed project would not have a negative impact on the area.

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 the Comprehensive Permit shall be contingent upon the City Engineer’s determination that no adverse impacts on public systems will result from the proposed renovation. The project will require modifications to the existing curb cuts and use of Alewife Brook Parkway and Mystic Valley Parkway. The project will be accessed from Capen Street, via the Alewife Brook Parkway/Capen Street intersection. An emergency vehicle access lane will be provided using an existing curb cut with direct access to Mystic Valley Parkway on the northern portion of the site. The proposed project will tie into the municipal sewer system and municipal water system.

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.”

No adverse environmental impacts are anticipated from this project as both structures at the property will be used for residential housing for seniors and persons with disabilities. No new noise, glare, smoke, vibration, nor emissions of noxious materials nor pollution of water ways or ground water are anticipated as part of the proposal. The project site had been regulated under M.G.L. Chapter 21E as it was the site of a release of gasoline in 1991. The site was given a status of no further action required by the Commonwealth of Massachusetts Department of Environmental Protection (DEP) in 1995 following Phase II investigations as Release Tracking Number 3-0004146 and a permanent solution has been achieved. The project required an Environmental Notification Form under the Massachusetts Environmental Policy Act (MEPA) and it was determined that this project did not require the preparation of an Environmental Impact Report. The Applicant submitted a Certificate of the Secretary of Energy and Environmental Affairs which indicated this.

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 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 purposes 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 promoting “the health, safety, and welfare of the inhabitants of the City of Somerville; to provide for and maintain the uniquely integrated structure of uses in the City; to protect health; to secure safety from fire, panic and other dangers; to prevent the overcrowding of land; to conserve the value of land and buildings; to preserve the historical and architectural resources of the City; to encourage the most appropriate use of land throughout the City; to encourage housing for persons of all income levels; and to preserve and increase the amenities of the municipality.”

9. Preservation of Landform and Open Space: The Applicant has to ensure that “the existing land form is preserved in its natural state, insofar as practicable, by minimizing grading and the erosion or stripping of steep slopes, and by maintaining man-made features that enhance the land form, such as stone walls, with minimal alteration or disruption. In addition, all open spaces should be designed and planted to enhance the attractiveness of the neighborhood. Whenever possible, the development parcel should be laid out so that some of the landscaped areas are visible to the neighborhood.”



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The pump house building will remain in the same location as it currently sits and would not disrupt the grading or existing land forms on the site. The new four story 35 unit building that would replace the old office/garage building would be situated in the topography change at the back of the property. This would require some excavation into the slope at the rear of the property, but the new structure would stabilize the slope as it will be built into the topography. The courtyard space between the two buildings would remain at the same grade and would be greatly enhanced through the addition of substantial landscaping.

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 project would not alter the form or massing of the existing Mystic Pump House building and would generally respect the existing topography and grading of the site. The primary change as part of the project would be the demolition of the existing office/garage building and the construction of the new four story 35 unit building in its place. This new building would maintain the orientation of the original office/garage structure that was there and would also respect the natural features at the site as it would be set into the topography change at the back of the property.

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 preliminary review of drainage plans by the City Engineer indicated that he was satisfied with them, any approval of the Comprehensive Permit should be conditional upon the City Engineer’s approval of such plans and determination that no adverse impact will result to the drainage system from the project’s design. The Applicant has indicated that stormwater discharges associated with the project will be mitigated through compliance with DEP’s Stormwater Management Regulations. The project will use best management practices (BMPs) to control stormwater quality and quantity. Proposed stormwater flows will continue to discharge to the existing closed drainage system that eventually flows to the Mystic River. The project incorporates the use of grass pavers and/or stamped concrete for the emergency vehicle access lane and the courtyard to reduce the overall impervious area on-site.

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

The Applicant met with the Somerville Historic Preservation Commission on December 13, 2011 and the Commission provided comments to the Board that were favorable to the proposal. The site presently contains the Mystic Pump House, a property individually listed on the State and National Registers of Historic Places and a contributing resource within several Historic Districts. The exterior of the Mystic Pump House will



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be completely rehabilitated and the interior will be reconfigured preserving some existing features. The garage/office outbuilding is a noncontributing structure. The project has been reviewed by the Massachusetts Historical Commission and the Applicant is seeking state and federal historic tax credits. The building's design, scale, massing, and materials will be compatible with the setting and the historical Mystic Pump House.

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 project would not alter the form or massing of the existing Mystic Pump House building but the project would renovate, reuse, and preserve the pump house which would be a great benefit to the community. The existing old office/garage building behind the pump house would be replaced with a new four story, compatible construction building, as approved by the Massachusetts Historical Commission, thereby preserving and maintaining a National Historic structure and local historic districts. At the same time the project would be revitalizing a building and site that has been vacant and underutilized for a long period of time. The residential nature of the project is also in the context of the surrounding land uses of the 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 lighting will be residential in nature and conditioned to not interfere with 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 and personnel would have access to the buildings directly from Mystic Valley Parkway and from the pick up/drop off area off of Capen Street. There is also an 18 foot wide emergency access vehicle lane that runs between the two buildings. Emergency vehicles could access this drive through the existing curb cut on Mystic Valley Parkway or through the pick up/drop off area.

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 Applicant is not proposing to make any changes with regard to the location of intersections of access drives for this project. Only minor modifications would be made to the existing curb cuts at the site. The curb cut with access between the buildings on Capen Street would remain but would be turned into a pick up/drop off area for the two buildings. This would allow cars to return back out to the rotary or to loop around and continue back up Capen Street. The existing curb cut that is furthest north on Mystic Valley Parkway would be retained but would only be used for emergency vehicle access. The existing curb cut in front of the old main entrance to the pump house would be closed as part of this proposal. With the retention of the existing curb cut setup and the existing building layout, the area between the two buildings can be used for a well landscaped pedestrian courtyard. Additionally, since the majority of the parking spaces for the project are located across Capen Street, there is a clear separation between the pedestrian and vehicular environments at the site. The Traffic Study that was submitted by the Applicant indicated that the traffic generated by the proposed project would not have a negative impact on the area.

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 is proposing to tie into the existing City services for electric, telephone and cable. Any new lines



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would be placed underground in accordance with the SZO and the policies of the Superintendent of Lights and Lines.

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.”

Minimal negative impacts are anticipated as a result of the proposed housing for seniors and persons with disabilities. No new impacts with regard to light, air, noise, wind, etc. are anticipated from this proposal. The largest impact of the proposal would be the increase in the number of people at the site compared to the existing situation at the property, vacant buildings. The 60 one-bedroom affordable housing units would bring in a maximum of 60 additional residents to the area and whoever may visit them. The Mystic Pump House, a National Historic structure, and a separate non-contributing structure on the site are currently unused and vacant. The Commonwealth of Massachusetts determined that the property is surplus property suitable for disposition. In response to the City of Somerville’s desire and request to use the site for affordable housing, the state legislature unanimously authorized the conveyance of the property to the Somerville Housing Authority. The state through DCAM has now conveyed the property to the Applicant. The site will now undergo rehabilitation which includes the reuse and preservation of the Mystic Pump House, demolition of the non-contributing garage/office structure, and new compatible construction under the approval of the Massachusetts Historical Commission thereby preserving and maintaining a National Historic structure and local historic districts and revitalizing a building and site that has been vacant and unutilized for a long time.

The re-use of the site for much needed senior apartments and apartments for persons with disabilities is beneficial to the community. In addition, the site’s proximity to Capen Court will enable the project’s residents to benefit from nearby services and help to make this site an ideal one for the proposed use. The renovation and rehabilitation of the historic Mystic Pump House building to the architectural and historic standards of the Secretary of the Interior under the federal Historic Tax Credit program will also add to the community. The Traffic Study submitted by the Applicant also indicated that traffic generated by the project will not have a negative impact on the surrounding area.

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.”

Due to the residential nature of the buildings, signage is not anticipated on the site. Any signage in the future would have to conform to the sign standards for residential districts.

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.”

Trash rooms will be located inside of each of the buildings for the project. However, if it is determined that trash and/or recycling areas need to be located outside of the buildings these areas should be screened in some manner. The Board has included a condition which requires that outdoor trash and recycling bins (if necessary) shall be stored in a location where they are screened from view by plantings or fencing. The same is true for transformers located on the site in which a condition requires that transformers be fully screened and located as to not impact the landscaped areas.



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21. Screening of Parking:

The area where the 15 space parking lot is being proposed is currently operating as an informal parking area with virtually no screening from Alewife Brook Parkway. The Applicant is proposing to add substantial vegetative screening between this proposed parking area and the parkway. Shrubs will be added along the two sides of the parking area closest to the Alewife Brook Parkway and three trees will be planted in the area near the corner of the intersection of Capen Street and Alewife Brook Parkway. This vegetative screening is a substantial upgrade from the current parking lot screening situation. Additionally the two parking spaces on the other side of Capen Street near the main entrances to the two buildings will also be screened as there will be shrubs planted in the pick up/drop off circle. The shrubs in this circle will help to shield the view of cars parked in these two spaces from the parkway.

Special Permit Findings

Located within a RA zoning district this application would normally require a Special Permit (SP). The SP findings are not required; however, the Zoning Board of Appeals used the findings to make the determination that the project balances the need of the community for affordable housing with the need for certain zoning protections at the site. The findings and determinations are outlined in §5.1.2 of the SZO. This section of the report goes through §5.1.2 in more 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."

Please see item 2 in Section II for the compliance with standards finding which are the same for the SP and SPSR.

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."

Please see items 3 and 8 in Section II for the consistency with purposes finding which meet the finding for this item in the SP.

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."

Please see item 4 in Section II for the site and area compatibility finding which is the same for the SP and SPSR.

5. Adverse 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.

Please see item 7 in Section II for the adverse environmental impact finding which is the same for the SP and SPSR.

6. Vehicular and pedestrian circulation: The circulation patterns for motor vehicles and pedestrians which would result from the use or structure will not result in conditions that create traffic congestion or the potential for traffic accidents on the site or in the surrounding area.



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The traffic and parking situation resulting from the proposed use would most likely not negatively impact the area. The Applicant is not proposing to make any changes with regard to the location of intersections of access drives for this project. Minor modifications would be made to the existing curb cuts at the site. The curb cut with access between the buildings on Capen Street would remain but would be turned into a pick up/drop off area for the two buildings. This would allow cars to return back out to rotary or to loop around and continue up Capen Street. The existing curb cut that is furthest north on Mystic Valley Parkway would be retained but would only be used for emergency vehicle access. The existing curb cut in front of the old main entrance to the pump house would be closed as part of this proposal. The Traffic Study that was submitted by the Applicant indicated that the traffic generated by the proposed project would not have a negative impact on the area. Pedestrian access around the site would be improved with the implementation of numerous sidewalks around and through the site. One additional improvement that would greatly benefit pedestrian circulation at the site would be the installation of a series of crosswalks from the parking lot across Capen Street to the pick up/drop off island and then continuing on to the entrances to each of the buildings. The Board required the implementation of these crosswalks as a condition of the Comprehensive Permit.

DECISION:

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Danielle Evans and Scott Darling. Upon making the above findings, Susan Fontano made a motion to approve the request for a Comprehensive Permit including waivers from the following regulations:

Somerville Zoning Ordinance: §4.4.1, §4.5.3, §7.2, §7.3, §7.9, §7.11, §8.5.B, §8.5.C, §8.5.E, §8.5.F, §8.5.I, §9.4, §9.5.1.b, §9.6.1, §9.9, §9.11, §9.15, §10.2, §10.5, and §10.6

Code of Ordinances:

Chapter 7, Article 11- Historic Districts: § 7-21, §7-28, §7-29

Chapter 12, Article 12- Tree Preservation Ordinance: §12-101, 103 & 104

Scott Darling seconded the motion. Wherefore the Zoning Board of Appeals voted **5-0** to **APPROVE** the request. In addition the following conditions were attached:



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#	Condition	Timeframe for Compliance	Verified (initial)	Notes												
1	Approval is to create 60 affordable one-bedroom residential dwelling units for seniors and persons with disabilities in two buildings under M.G.L. Chapter 40B, with 25 of the units to be in the renovated Mystic Pump House building and 35 units in the newly constructed building. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/Plng.													
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>(October 17, 2011)</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>(November 22., 2011)</td><td>Comprehensive Permit Submission Set – Architectural & Structural Drawings</td></tr><tr><td>(November 22, 2011)</td><td>Comprehensive Permit Submission Set – Civil & Landscape Drawings</td></tr><tr><td>March 5, 2011 (January 12, 2012)</td><td>Existing Conditions Plan</td></tr><tr><td>January 12, 2012 (January 12, 2012)</td><td>Post-Construction Hydrology Plan</td></tr></table>				Date (Stamp Date)	Submission	(October 17, 2011)	Initial application submitted to the City Clerk’s Office	(November 22., 2011)	Comprehensive Permit Submission Set – Architectural & Structural Drawings	(November 22, 2011)	Comprehensive Permit Submission Set – Civil & Landscape Drawings	March 5, 2011 (January 12, 2012)	Existing Conditions Plan	January 12, 2012 (January 12, 2012)	Post-Construction Hydrology Plan
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	March 5, 2011 (January 12, 2012)				Existing Conditions Plan											
January 12, 2012 (January 12, 2012)	Post-Construction Hydrology Plan															
Any changes to the approved plans or elevations that are not <i>de minimis</i> must receive SPGA approval.																
2	The Applicant will be required to demonstrate that the project meets the current City of Somerville stormwater policy. Utility, grading, and drainage plans must be submitted to the Engineering Department for review and approval.	BP	Eng.													
3	The Applicant shall use the address “485-487 Mystic Valley Parkway” for the property.	CO	Eng.													
4	Soils testing shall be completed at the locations proposed for stormwater infiltration. A minimum of one test shall be completed and soils testing procedures and infiltration rates shall be determined using methodology outlined in the current MassDEP Stormwater Regulations. Results of the test shall be provided to the Engineering Department.	BP	Eng.													
5	All construction materials and equipment must be stored on-site. 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													



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6	The Applicant /Owner, its successors and/or assigns, shall meet the Fire Prevention Bureau's requirements.	CO	FP	
7	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	
8	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.	Perpetual	ISD	
9	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards.	Perpetual	Plng. / ISD	
10	The Applicant shall work with Planning Staff and the Electrical Service Provider to relocate the transformer to a location between the two buildings that is less visible from Mystic Valley Parkway subject to the Electrical Service Provider's approval.	BP	Plng.	
11	Any transformers should be located so as not to significantly impact the landscaped area and shall be fully screened subject to the Electrical Service Provider's approval.	BP	Plng.	
12	Trash and recycling bins that are kept outside shall be screened by fencing or vegetation that blocks any view of them.	Perpetual	Plng.	
13	The Applicant shall install crosswalks connecting the 15 space parking lot to the pick up/drop off island and from the island to the sidewalk on the side of the street where the residential buildings are located.	CO	DPW	
14	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.	Perpetual	Plng.	
15	All sixty (60) of the units shall be rented to eligible tenants as described in the Project Eligibility Letter from DHCD dated October 17, 2011.	CO	Housing	
16	The Applicant shall enter into the standard DHCD Regulatory Agreement and Affordable Housing Restriction under the Low Income Housing Tax Credit Program which shall be recorded with the Middlesex County Registry of Deeds.	CO	Housing/Plng.	
17	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.	

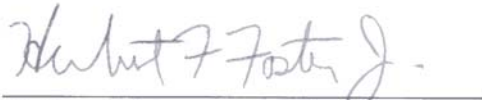


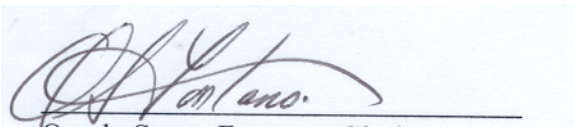
18	The Comprehensive Permit may be transferred from the Applicant to a single purpose limited liability company or other entity formed by the Applicant in order to obtain the tax credits under the Low Income Housing Tax Credit Program and/or the Historic Tax Credit Program.	Perpetual	-	
19	This Comprehensive Permit shall expire three years from the date hereof, subject to tolling in the event of any appeal, unless construction on the Project has commenced within such period. The Applicant may apply to the Board for reasonable extensions to this Comprehensive Permit for good cause.	Lifetime of Permit	-	

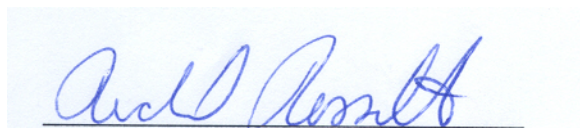



Attest, by the Zoning Board of Appeals:

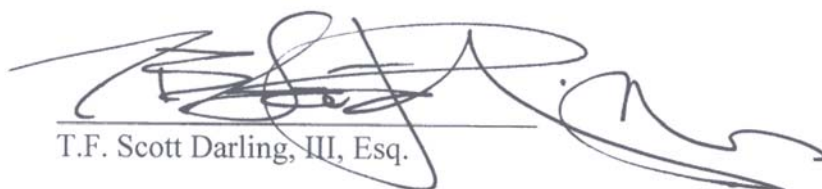
Herbert Foster, *Chairman*
Orsola Susan Fontano, *Clerk*
Richard Rossetti
Danielle Evans
T.F. Scott Darling, III, Esq.


Herbert F. Foster, Jr., Chairman


Orsola Susan Fontano, Clerk


Richard Rossetti


Danielle Evans


T.F. Scott Darling, III, Esq.

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.



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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 _____



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