



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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**Case #: ZBA 2016-116**  
**Site: 337 Somerville Avenue**  
**Date of Decision: January 4, 2017**  
**Decision: Petition Approved with Conditions**  
**Date Filed with City Clerk: January 9, 2017**

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**ZBA DECISION**

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<b>Applicant Name:</b>	BwB-Square, LLC
<b>Applicant Address:</b>	30 Bow Street, Somerville, MA 02143
<b>Property Owner Name:</b>	GNJ Real Estate Holdings, LLC
<b>Property Owner Address:</b>	34 Indian Rock Drive, Saugus, MA 01906
<b>Agent Name:</b>	Richard G. DiGirolamo, Esq.
<b>Agent Address:</b>	424 Broadway, Somerville, MA 02145

Legal Notice: Applicant BwB-Square LLC seek to alter a nonconforming structure in a CCD-55 zoning district pursuant to SZO 4.4.1 and SZO 6.1.22.D.5.A. Alterations include new windows along Somerville Ave, new egress door and signage. Special permit is also sought for restaurant space over 1,500sf in a CCD-55 zone under SZO 7.13.D. Applicant will separately seek relief from the Zoning Board of Appeals for catering uses brewing facility and coffee roasting, and restaurant uses in a NB zoning district per SZO 7.11.

<u>Zoning District/Ward:</u>	NB & CCD 55 zones/Ward 2
<u>Zoning Approval Sought:</u>	§4.4.1, §6.1.22.D.5.A, §7.13.D & §7.11
<u>Date of Application:</u>	July 27, 2016
<u>Date(s) of Public Hearing:</u>	10/5/16 – 1/4/17
<u>Date of Decision:</u>	January 4, 2017
<u>Vote:</u>	5-0

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Appeal #ZBA 2016-116 was opened before the Zoning Board of Appeals at Somerville City Hall on October 5, 2016. Notice of the Public Hearing was given to persons affected and was published and posted, all as required by M.G.L. c. 40A, sec. 11 and the Somerville Zoning Ordinance. After one hearing of deliberation, the Zoning Board of Appeals took a vote.

**DESCRIPTION:**

The applicant proposes minimal changes to the buildings facing Somerville Avenue. These buildings will be renovated and improved, with a new use placed in the vacant retail space along Somerville Avenue. Changes to this structure, which is the portion within the CCD-55 district) include new sign band, egress door and windows. The rear structure will be renovated with comprehensive interior retrofits for offices, arts uses, retail, and restaurants utilizing the existing net floor area of the structure. An exterior steel walk way will provide access to the second floor portion of the rear building and provide a colonnade shelter for the first floor, as well as space for signage and exterior lighting. The use will be changing from storage/office to include a mix of retail, maker space (including a small brewery/coffee roasting), specialty food sales, catering, services, and gallery/performance space (detailed below). The existing loading dock area will be converted into an outdoor seating/event and display area for the tenants. A large space in the rear structure is proposed to be used as a micro brewing facility and coffee roaster. There will be no alcohol consumption on site.

A use breakdown for both the NB and CCD-55 district is shown in the table below:

Use/Zone	Restaurant	Office	Catering	Gallery	Specialty Food	Artist/Fab	Performance	Retail	Services
<b>NB</b>	4064sf.	1937sf.	1909sf.	949	1119	2023	2391	1960	1122
<b>CCD-55</b>	2819sf.	4821sf.	0	0	0	0	0	0	0

The applicant also proposes approximately 2,500sf of brewing facility and coffee roasting with Consumption limited to alcohol made on site.

**FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1 ,SZO §6.1.22.D.5.A, §7.13.D, SZO §7.11):**

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."*

**Section 4.4.1 states that “[I]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 proposed alterations and uses would not be substantially more detrimental to the neighborhood than the existing structure and use. The project will revitalize a severely underused space in Union Square while providing opportunities for business startup companies and artistic enterprises. The structural changes are primarily on the interior and should have minimal impacts on abutters as the exterior alterations are limited to the courtyard side.

The project was reviewed by the Design Review Committee. The DRC supported the project and had minimal suggestions/questions on material and lighting selection.

**Specific District Standards and Guidelines. All developments within the NB district that require a special permit with design review or special permit with site plan review should comply with the following guidelines to the highest degree practicable.**

**1. When a fourth floor is included, provide a minimum five (5) foot deep setback from the front lot line building wall, such as a balcony or deck, for the purpose of promoting a scale appropriate to surrounding neighborhoods.**

The existing structure in NB zone is a preexisting two story on the rear and side lot lines. It is not being increased in length or height. Exterior alterations are outside of setbacks. And do not fundamentally alter the structure.

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

The existing structure is located behind street facing buildings on Somerville Ave. The courtyard space was originally used for shipping access and a few employee parking spaces. There will be no additional parking created on site.

**SZO §9.13 allows for sites with nonconforming parking to apply for a Special Permit to modify parking requirements if the total number of spaces is less than six. In considering a special permit under §9.13 of the SZO the Applicant must be able to demonstrate that granting the requested special permit would not cause detriment to the surrounding neighborhood through any of the criteria as set forth under SZO §9.13, which are as follows:**

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

The proposed project is entirely within the AOD, pursuant to SZO 9.4.1.e.i, “..no additional parking or loading spaces shall be required for any permitted non-residential use within the floor area that lawfully existed, or for which a building permit or special permit was issued, before the first publication of notice of the public hearing on this ordinance on November 19, 2008. Compliance with parking requirements shall be required for any additions to the building subsequent to this date. Therefore, due to the AOD, there is no additional parking required for this project.



**6.1.22.G CCD. All new developments shall meet the following standards:**

**1. Penthouses and Mechanical Equipment.** All elevator and stairwell penthouses, roof-mounted mechanical equipment (including enclosure, if any) and other similar rooftop installations shall be set back behind a plane inclined at 45 degrees from the vertical, beginning at the maximum height of the building, along all street lines and rear lot line and shall be screened pursuant to the screening provisions in Section 14.3. Ventilation for restaurants and other businesses producing odors should vent away from residential districts. Equipment shall be designated to comply [with] the City's Noise Ordinance during operation. The first fifteen (15) feet in height of such equipment shall be exempt from the calculation of maximum height; if such equipment is greater than fifteen (15) feet in height, the additional height shall count toward the building's height.

The project proposal calls for rooftop condensers and skylights. The condensers shall be conditionally screened by a staff approved material and setback from the edge of the building.

**2. Service Areas and Loading Spaces.** Ground level mechanical equipment, utility and trash enclosures, loading docks and other utilitarian and service elements shall not abut the street edge(s) of the parcel and shall be visually and acoustically screened (sufficient to conform to the City's Noise Ordinance during operation). Access to these areas shall not interrupt pedestrian and sidewalk treatments. The SPGA may limit the hours of delivery so as to minimize any adverse impacts the service and loading aspects of proposed use may have on the surrounding neighborhood. Generally, loading times should take local traffic patterns into consideration.

Deliveries and loading areas will be in the rear of the building in a courtyard. They should not be visible from Somerville ave nor block existing on-street parking or pedestrian access to the site.

**3. Pedestrian Oriented Requirements.** To promote pedestrian activity, buildings shall be designed with separate front entrance doors to lobbies, cultural spaces, retail and business, and other sources of pedestrian activity. These entrances shall be oriented to existing public sidewalks and other open space (as opposed to a central "mall" entrance).

Both existing and proposed entrances are on Somerville Ave with a pedestrian focus.

**4. Lighting.** Lighting shall be appropriate to the historic and pedestrian-oriented character of surrounding neighborhoods and buildings, and shall enhance safety and security while minimizing glare and light trespass.

Proposed lighting on Somerville Ave will mirror the existing signage at Sally O'Brian's.

**5. Transition to Abutting Residential District.** The minimum side or rear yard setback of a property abutting or spanning a residential district line (RA, RB, RC) shall be 20 feet from the district line with outermost 10 feet of the setback to consist exclusively of vegetative landscaping. The building shall have a 15 foot Upper Level Setback at a Tapering Height of 35 feet from the property line(s) abutting the residential district. The building shall be designed so that its massing is concentrated along the commercial corridor and away from properties in residential zoning districts to the extent possible.

The CCD-55 portion of this project does not directly abut a residential district.

**6. Parking Design.** Refer to Section 9.17 for parking requirements. Parking and loading areas shall be hidden from view from public ways. They may be located at the side or rear of a lot or in concealed structures shall be suitably screened both visually and acoustically from the street and abutters (sufficient to conform to the City's Noise Ordinance during operation). Any views into parking structures shall be minimized through use of landscaping or architectural treatment.



The proposed project is entirely within the AOD, pursuant to SZO 9.4.1.e.i, “.no additional parking or loading spaces shall be required for any permitted non-residential use within the floor area that lawfully existed, or for which a building permit or special permit was issued, before the first publication of notice of the public hearing on this ordinance on November 19, 2008. Compliance with parking requirements shall be required for any additions to the building subsequent to this date.” Therefore, no additional parking is required.

**7. Payment in Lieu of Parking. With the approval of the SPGA, the applicant may make either a cash payment in lieu of providing the required parking, or a partial cash payment combined with a partial provision of the required vehicle or bicycle parking. Applicants wishing to make use of this option are strongly encouraged to meet with the Planning Director prior to formal submission of an application to help determine project compliance. Payment must be made in an accordance with an adopted plan for payment-in-lieu of parking, and must be applied to the nearest planned or existing municipal facility to the site in question.**

No additional parking is required to trigger payment in Lieu of Parking.

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 The purposes of the Ordinance are to promote the health, safety, and welfare of the inhabitants of the City of Somerville; to provide for and maintain the uniquely integrated structure of uses in the City; to lessen congestion in the streets; to protect health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; to conserve the value of land and buildings; to preserve the historical and architectural resources of the City; to adequately protect the natural environment; to encourage the most appropriate use of land throughout the City; to protect and promote a housing stock that can accommodate the diverse household sizes and life stages of Somerville residents at all income levels, paying particular attention to providing housing affordable to individuals and families with low and moderate incomes; and to preserve and increase the amenities of the municipality.

The proposal is consistent with the purpose of the district, which is, as follows:

**6.1.4. NB - Neighborhood Business Districts.**

**A. Purpose. To establish and preserve areas for small-scale retail stores, services and offices which are located in close proximity to residential areas and which do not have undesirable impacts on the surrounding neighborhoods.**

The proposed project’s main goal is to provide areas for small scale retail, offices, and food which is located near residential neighborhoods.

The Board recommends limiting the total of any given use on the site, to ensure a collection of mixed uses. The recommended maximums are as follows:

Restaurant: 5,500sf.  
Office: 2,500sf.



Catering:	2,500sf.
Gallery:	9,999sf.
Specialty food sales and production:	4,999sf.
Artist /Fab Space:	9,999sf.
Performance:	2,500sf.
Retail Space:	4,000sf.
Services:	1,500sf.
Brewing (with or without food service):	2,500sf.

The area within the NB district on this site was proposed to be converted into the Fabrication district under the proposed zoning in 2015. The Planning Division intends to maintain the recommendation that the future zoning in this site be the fabrication district zoning. For this reason, when a number of residential developers reviewed this site with the Planning Division, the Board proposed not recommending special permits that would permit extensive residential use and/or demolition of this unique space. This applicant has presented a plan that is, generally, consistent with the proposed fabrication zoning in the 2015 overhaul draft (as well as the forthcoming overhaul proposal).

The proposal, as conditioned, makes sure that the types of art spaces and small businesses that were intended by the fabrication district, as well as the small scale businesses anticipated by the NB district, will continue to have a place on this site, while preserving the unique and flexible commercial/industrial structures for flexible uses. These types of business units are a great market solution to the issue of affordable commercial space, as they lower barriers of entry for aspiring businesses and allow people to "graduate" to larger spaces either within the complex or elsewhere in Somerville. Fundamentally this project will contribute to many of the City's economic development and job creation goals.

#### **6.1.22 Corridor Commercial Districts (CCDs).**

**A. Purpose. The Corridor Commercial Districts have been established to promote appropriate infill development along heavily traveled transportation corridors, especially where those corridors meet at named Squares. The district recognizes that such corridors present opportunities for an active mix of uses while also addressing development challenges posed by smaller lots and nearby existing residential development and the need to be accessible by multiple modes of transportation. The major objectives of the districts are to:**

- 1. Encourage active mid-rise commercial and residential uses that contribute to a multi-modal-friendly street;**
- 2. Increase commercial investment in high-profile, accessible areas including retail that is largely neighborhood-serving in multi-tenant, mixed use buildings;**
- 3. Preserve and complement historic structures; 4. Discourage inappropriate auto-oriented, significant trip-generating uses along transit corridors; and,**
- 5. Promote pedestrian and bicycle activity.**

**The CCD has two sub-districts, which are distinguished solely by their respective height and density regulations. These regulations are shown in Section 8.5 Table of Dimensional Requirements.**

**•CCD-55. This sub-district shall provide for mixed-use or commercial development at a mid-rise scale.**

Proposed uses are within two-story structures along Somerville Ave., which is a busy multi-modal corridor. More vibrant commercial space is being created on street level to house a new restaurant fronting directly onto the street. There are no structures being demolished or radically altered so as to be unrecognizable to people familiar with the



area.

### Arts Overlay District (AOD)

The proposed project is also entirely within the AOD. The project will include artistic uses as a portion of the uses within the space in the building.

#### 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."*

The surrounding neighborhood includes single and multi family homes, apartment buildings, and one-to-three story commercial buildings of a variety of uses and architectural styles.

*The application should meet design guidelines under the CCD district which are as follows:*

**6.1.22.H. Design Guidelines for the CCDs. These guidelines are not intended to inhibit design creativity or discourage innovative architectural design solutions. Rather, they provide general standards for building massing, siting and articulation. It is understood that Buildings and Structures may not be able to comply with all of the following Guidelines. For projects located in both the Arts Overlay District and the Corridor Commercial Districts, the following CCD Design Guidelines shall apply.**

- 1. Building(s) should complete the streetwall along the primary street edge(s).**
- 2. Massing and height of buildings should be articulated in a manner compatible with the physical character of the surrounding districts, particularly where a building abuts a residential or historically designated property. Whenever possible, historical variety in the scale, rhythm, and relationship of buildings to pedestrian public ways should be preserved.**
- 3. A transition in height should be established between residential or historically designated properties and new development.**
- 4. Thirty-foot-wide commercial bays with independent entrances onto the street are typical in Somerville and should be repeated in new developments to create visual and pedestrian interest. Varied architecture should be created and flat facades avoided by using recessed or projected entryways, bays, canopies, awnings, residential balconies on 2nd floor or above, and other architectural elements. Non-residential ground floor façades should have a minimum seventy-five (75) percent transparent material, and second floor facades should have a minimum of forty (40) percent transparent material. These openings should provide views into the building and should not be blocked by interior storage, nonartistic displays, or greater than thirty (30) percent internally mounted signage.**
- 5. Exterior building materials for all visible portions of the building should be high quality, durable, and aesthetically appropriate. Particular attention should be paid where properties abut residential districts and historically designated property. Predominant exterior building materials should include an appropriate combination of brick, glass, wood, artistically used metal, stone, or stucco. Precast concrete panels, EIFS-type finishes, and large expanses of glass or corrugated sheet metal are generally discouraged. Bare or painted concrete as the only exterior facade material shall not be allowed.**



**6. Visible rear and side façades should maintain a similar character to the front façade of the building and the intended character of the surrounding district.**

**7. Signage and awning design should respect buildings' context (e.g., scale, design, style, colors, materials), be oriented to pedestrians, and be subordinate to the overall building composition. Creative shapes must be carefully designed and coordinated with the overall appearance of the building. The design should also maintain an existing "signage line" and respect the character, scale, and locations of adjacent signs and awnings. Large, interior-lit or back-lit signs or awnings, neon "open" signs, vinyl or plastic materials and overly bright colors are generally discouraged. To add interest and character to the retail environment signs or awnings may convey interesting elements or logos without excessive wording. They should be limited to advertising the business name and its main goods or services, with minimal or no national brand names or logos. Type styles should enhance readability of the sign and provide information simply and legibly. Use awnings to create pleasant shaded spaces in front of a building. Signs and awnings should enhance important architectural details and not conceal or obliterate them.**

**8. Retail, restaurant and other pedestrian-oriented uses are encouraged, particularly on the Ground Floor. As noted in 6.1.22.E, residential uses shall not be permitted on the Ground Floor street frontage along major streets unless they are located in structures that are historically residential on the Ground Floor.**

**9. Individual Artist Live/Work Spaces should be designed as closely as possible in accordance with the "Design Guidelines for Artist Housing" produced by the Somerville Arts Council.**

**10. Residential units should be of varying sizes to accommodate a range of family sizes. Generally dwelling units within a structure should not have an average size of less than 1,000 square feet.**

**11. A sidewalk depth of at least ten (10) feet from the street curb to building is strongly encouraged for developments fronting major streets.**

The project meets these requirements to the extent that they are relevant to the particular project. No structures are being demolished or radically altered so as to be unrecognizable to people familiar with the area, and the sidewalk is not being altered. The existing structure fronts directly onto the sidewalk and will be receiving cosmetic upgrades. The structure will have a new entrance to serve a new restaurant and upstairs offices. Lighting and signage will match Sally O'brian's. there are no proposed residential units or change to the sidewalk. The existing structure fits into the surrounding context and the proposed new entrance will have negligible impact.

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.*

As proposed the project should not cause any adverse environmental impacts – the courtyards are currently paved over with no green space. There are plans for a drywell that will need to be approved per engineering to mitigate runoff. Proposed plans show a paver courtyard with some planters. Lights will be LED and be contained to the interior spaces. The courtyards are intended to be used for outdoor seating and public spaces with plans for events. While there will be an increase in noise the daily activities should not be a nuisance.

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.*

Proposed uses will increase pedestrian and cyclist activities on the site considerably more than the current uses. Access is direct from Somerville Ave via the easement between PA lounge and 347 Somerville Ave. There is proposed screening in the easement to mitigate visual impact on the abutters. There is currently no parking or vehicular uses at the site. The proposal will not permit any additional vehicles into the rear of the site.

6. Fast food establishments:

*In special permit applications for fast-order, take-out or automobile oriented food service establishments, there shall be establishment of a need for such a facility in the neighborhood or in the City, and impacts on traffic circulation, parking and visual, physical, or historical characteristics of the particular location shall not be detrimental.*

No fast food is currently proposed on site. Restaurants will have seating directly adjacent to their storefront, and all seating is in the rear of the building in the common courtyard.

7. Housing Impact:

*Will not create adverse impacts on the stock of existing affordable housing.*

The project does not provide any housing.

8. 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.*

<i><u>SomerVision Summary</u></i>	<i>Existing</i>	<i>Proposed</i>
<i>Dwelling Units:</i>	0	0
<i>Affordable Units:</i>	0	0
<i>Commercial Sq. Ft.:</i>	29,828	29,709
<i>Estimated Employment:</i>	Unknown	Unknown, more than 30
<i>Parking Spaces:</i>	0	
<i>Publicly Accessible Open Space:</i>	0	



These types of business units are a great market solution to the issue of affordable commercial space, as they lower barriers of entry for aspiring businesses and allow people to "graduate" to larger spaces either within the complex or elsewhere in Somerville. Fundamentally this project will contribute to many of the SomerVision's economic development and job creation goals.

9. Impact on Affordable Housing:

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

No residential units are proposed as a part of this proposal. If the project triggers linkage under Section 15 of the SZO, the applicant will enter into an agreement to make linkage payments.



**DECISION:**

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Danielle Evans, Elaine Severino and Josh Safdie with Anne Brockelman absent. Upon making the above findings, Richard Rossetti made a motion to approve the request for a Special Permit. Elaine Severino seconded the motion. Wherefore the Zoning Board of Appeals voted **5-0** to **APPROVE** the request. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes								
	<p>This approval is based upon the following application materials and the plans submitted by the Applicant:</p> <table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>6.30.2016</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>6.26.2016</td> <td>Modified plans submitted to OSPCD</td> </tr> <tr> <td>6.26.2016</td> <td>Modified plans submitted to OSPCD</td> </tr> </tbody> </table> <p>Any changes to the approved site plan and drawings that are not <i>de minimis</i> must receive SPGA approval.</p>	Date (Stamp Date)	Submission	6.30.2016	Initial application submitted to the City Clerk’s Office	6.26.2016	Modified plans submitted to OSPCD	6.26.2016	Modified plans submitted to OSPCD	BP/CO	ISD/PIng.	
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<b>Use</b>												
1.	<p>Uses are limited as followed: uses are capped at a total number of square feet listed below, although individual uses may be moved within the floor area in the developable parcel and buildings. Change of use within allowed use groups shall not require special permit unless the total square footage crosses the zoning threshold requiring relief:</p> <p>Restaurant: 5,500sf.                      Office: 2,500sf.                      Catering: 2,500sf.                      Gallery: 9,999sf.                      Specialty food sales and production: 4,999sf.                      Artist /Fab Space: 9,999sf.                      Performance: 2,500sf.                      Retail Space: 4,000sf.                      Services: 1,500sf.                      Brewing(with or without food service): 2,500sf.</p>											
2.	<p>Temporary food permits will be limited to no more than 6 events per year in the brewing establishment. Note: If an event is held and a Somerville caterer is hired then they may cater the event without a temporary permit. The catering license is issued based on the business owning equipment that keeps the food safe and having more than one Servsafe certified person on staff. The application for a temporary food permit shall include a floor plan showing the square footage and location of where food will be served. The area shall be limited to 25 % of the gross floor area of the drinking establishment.</p>	CO/Cont	ISD/Health									



3.	If there is live music in the drinking establishment it shall be limited to 25 % of the gross floor area of the drinking establishment. The frequency shall not exceed any restrictions on the entertainment license.	CO/Cont	ISD	
4.	Any alcohol served in the brewing establishment must be made onsite. An expansion of the brewing establishment into a 'bar' use shall require a special permit to establish this use.	CO	Plng	
5.	The Brewing establishment shall cease any outside activities at 10pm.	Cont.	ISD	
<b>Pre-Construction</b>				
6.	The Applicant shall complete the Site Plan Review Checklist and supply the information to the Engineering Office. The plans must comply with the City's Stormwater Management Policy.	BP	Eng.	
7.	Outside events shall be cleared with ISD/Fire prior to occurrence, and shall terminate at 11pm.	CO	ISD/Fire	
8.	The Applicant shall submit a drainage report, stamped by a registered PE in Massachusetts that demonstrates compliance with the City's storm water policy.	BP	Eng.	
9.	The Applicant must contact the Engineering Department to coordinate the timeline for cutting or opening the street and/or sidewalk for utility connections or other construction. There is a moratorium on opening streets from November 1st to April 1st and there is a list of streets that have additional opening restrictions.	BP	Eng	
10	New sanitary connection flows over 2,000 GPD require a removal of infiltration and/or inflow by the Applicant. This will be achieved by submitting a mitigation payment, established by the City Engineers Office, to the City based on the cost per gallon of I/I to be removed from the sewer system and a removal ratio of 4:1. If a different ratio of removal or mitigation payment amount is adopted by the Board of Aldermen prior to the Applicant receiving a Certificate of Occupancy, payment will be adjusted to the BOA rate. The Applicant shall work with Engineering and meet this condition before a certificate of occupancy is issued.	BP	Eng.	
11	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	
<b>Construction Impacts</b>				
12	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.	
13	The Applicant shall at their expense replace any existing equipment (including, but not limited to street sign poles, signs, traffic signal poles, traffic signal equipment, wheel chair ramps, granite curbing, etc) and the entire sidewalk immediately abutting the subject property if damaged as a result of construction activity. All new sidewalks and driveways must be constructed to DPW standard.	CO	DPW	



14	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>				
15	Applicant shall provide final material samples for siding, trim, and windows to Planning Staff for review and approval prior to construction.	BP	Plng.	
16	Any rooftop mechanical shall be screened from view by a material approved by Planning Staff	CO	Plng/ISD	
<b>Site</b>				
17	The paving in the courtyard shall be replaced with pervious material to the fullest extent possible	CO	Plng. / ISD	
18	There shall be a minimum of one tree for each 1,000 sf of required landscaped area under SZO §10.3.	CO	Plng	
19	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	
20	Any new driveway apron shall be concrete;	CO	Plng.	
21	At least three trees shall be planted and maintained according to National Nurseryman's Standards, and in accordance with SZO §10.2.2 and §10.6.2; if there is no suitable location a payment to the City's street tree stabilization fund shall be made for three appropriate street trees.	CO	Plng.	
22	Applicant will screen the dumpster with an approved fencing material that blocks any view of the dumpster itself.	CO	Plng.	
23	Applicant will supply 10 bicycle parking spaces, which can be satisfied with U shaped type bicycle rack. Applicant shall install bike parking on-site. Design of the bicycle parking shall be reviewed and approved by Planning Staff prior to installation.	BP	Plng.	
24	Snow plowed from the site, in excess of 2 inches in depth, shall be removed.	Cont.	ISD.	
<b>Traffic &amp; Parking</b>				
25	Parking is not allowed on site except for deliveries.	Cont	ISD	
<b>Miscellaneous</b>				
26	Any other applicable licenses shall be obtained for all uses on site, included but not limited to CV, entertainment, and liquor.	CO	Clerk/ISD	
27	Expansion or change of use within stalls shall require a new CO indicating location of change, use, and size of space. No new special permit shall be required as long as uses are within the thresholds established in the conditions above.	Cont	Plng/ISD	
28	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	



29	If the project triggers linkage under Section 15 of the SZO, the applicant will enter into an agreement to make linkage payments	PB	OSPCD Housing	
<b>Public Safety</b>				
30	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
31	Any transformers should be located as not to impact the historic building or landscaped area, and shall be fully screened.	Electrical permits & CO	ISD/ electrical	
32	Notification must be made, within the time period required under applicable regulations, to the Massachusetts Department of Environmental Protection (DEP) if there is any release of oil, hazardous materials, or regulated hazardous substances at the site. The City's OSE office, Fire Department and the Board of Health shall also be notified.	At time of release	OSE/FP/ BOH	
33	The suspected underground fuel tanks on this site must be removed under the supervision of the Fire Prevention Bureau. Permits will be required for these removals.	CO	FP	
34	<i>Compliance with Noise Control Ordinance.</i> Prior to the issuance of a Certificate of Use and Occupancy Permit for the installation of the wireless telecommunications facility, the Applicant shall submit to the Inspectional Services Division, with a copy to the Zoning Board of Appeals, a sound level measurement certified as accurate by a professional acoustician and shall perform such sound level measurements six months after issuance of the certificate of occupancy, with subsequent sound level measurements annually on or before the anniversary date of the original six month measurement to document that all of the Applicant's installed equipment complies and continues to comply with the decibel level standards established by the City of Somerville, Noise Control Ordinance. The Applicant shall provide the results of such measurements and certify that the facility complies with the decibel level standards established by the City of Somerville, Noise Control Ordinance, with a copy to the Zoning Board of Appeals.	Cont.	ISD/ Police	
35	The rear egress to Bow Street shall be used only in an emergency and shall be the size of a standard emergency egress door. Alteration of the size or use of this exit shall require a modification to this special permit. The applicant shall provide an emergency access easement across the adjacent property to which this door provides an exit. The easement shall be limited to emergency purposes only. This egress door to the Boyes Watson driveway shall trigger an alarm if/when open and should be emergency egress only.	CO/Cont	Plng.	
36	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.	
37	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>				



38	Any signage change along Somerville Ave must be no greater in relative size than the signage over Sally O'Brian's, it shall use a similar design and lighting strategy, and shall be submitted to staff for review and approval prior to installation.	CO/Cont	Plng/ISD	
39	A sign or signs identifying the collection of activity in the rear of the site may be placed on the site, but that sign or signs shall not have any internal illumination, and its location and size shall be subject to Planning Division approval.	CO/Cont	ISD	
40	Signage for each interior space, including tenants as they change, shall be based upon a sign design guide that shall be reviewed and approved by the Planning Division. Individual signs shall be limited to 10 square feet each, and be lit by external lights only.	CO/Cont	ISD	
<b>Final Sign-Off</b>				
41	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.	
42	Applicant shall add a gate as well as a security system with cameras. The operations of this system shall be reviewed with planning staff and with immediate adjacent neighbors. Security operations shall be subject to planning staff approval.	CO	Plng.	
43	Applicants shall establish all required easements with adjacent property owners for access to Somerville Avenue. Easements shall be completed before certificate of occupancy.	CO	Plng.	
44	All site designs shall be reviewed by planning with an overall effort to provide more landscape areas than are shown on the plan, and to ensure that more of these shall be green areas with either grass or trees.	BP	Plng.	



Attest, by the Zoning Board of Appeals:

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

Attest, by the Administrative Assistant:

\_\_\_\_\_

Dawn M. Pereira

Copies of this decision are filed in the Somerville City Clerk's office.  
Copies of all plans referred to in this decision and a detailed record of the  
SPGA proceedings are filed in the Somerville Planning Dept.

**CLERK'S CERTIFICATE**

Any appeal of this decision must be filed within twenty days after the date this notice is filed in the Office of the City Clerk, and must be filed in accordance with M.G.L. c. 40A, sec. 17 and SZO sec. 3.2.10.

In accordance with M.G.L. c. 40 A, sec. 11, no variance shall take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title.

Also in accordance with M.G.L. c. 40 A, sec. 11, a special permit shall not take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and either that no appeal has been filed or the appeal has been filed within such time, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The person exercising rights under a duly appealed Special Permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone.

The owner or applicant shall pay the fee for recording or registering. Furthermore, a permit from the Division of Inspectional Services shall be required in order to proceed with any project favorably decided upon by this decision, and upon request, the Applicant shall present evidence to the Building Official that this decision is properly recorded.

This is a true and correct copy of the decision filed on \_\_\_\_\_ in the Office of the City Clerk, and twenty days have elapsed, and

FOR VARIANCE(S) WITHIN

\_\_\_\_\_ there have been no appeals filed in the Office of the City Clerk, or  
\_\_\_\_\_ any appeals that were filed have been finally dismissed or denied.

FOR SPECIAL PERMIT(S) WITHIN

\_\_\_\_\_ there have been no appeals filed in the Office of the City Clerk, or  
\_\_\_\_\_ there has been an appeal filed.

Signed \_\_\_\_\_ City Clerk Date \_\_\_\_\_

