



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

MICHAEL F. GLAVIN  
EXECUTIVE DIRECTOR

PLANNING DIVISION

***ZONING BOARD OF APPEALS MEMBERS***

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ANNE BROCKELMAN, (ALT.)

**Case #: ZBA 2016-06**  
**Site: 285 Washington Street**  
**Date of Decision: April 6, 2016**  
**Decision: *Petition Approved with Conditions***  
**Date Filed with City Clerk: April 20, 2016**

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**ZBA DECISION**

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<b>Applicant Name:</b>	RPI Washington Hawkins, LLC
<b>Applicant Address:</b>	27 Mica Lane, Suite 201, Wellesley, MA 02481
<b>Property Owner Name:</b>	RPI Washington Hawkins, LLC
<b>Property Owner Address:</b>	27 Mica Lane, Suite 201, Wellesley, MA 02481
<b>Agent Name:</b>	Adam Dash, Esq.
<b>Agent Address:</b>	48 Grove Street, Suite 304, Somerville, MA 02144

<u>Legal Notice:</u>	Applicant & Owner RPI Washington Hawkins LLC seek a Special Permit under SZO §4.4.1 to alter a nonconforming structure in 2 phases to add an approximately 1,000 sf addition and make other exterior alterations and under §4.5.1 to change nonconforming uses to non-medical office under §7.11.7.1.c*.
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<u>Zoning District/Ward:</u>	NB/RC zone/Ward 2
<u>Zoning Approval Sought:</u>	§4.4.1, §4.5.1 & §7.11.1.1.c
<u>Date of Application:</u>	January 28, 2016
<u>Date(s) of Public Hearing:</u>	3/2, 3/16 & 4/6/16
<u>Date of Decision:</u>	April 6, 2016
<u>Vote:</u>	5-0

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Appeal #ZBA 2016-06 was opened before the Zoning Board of Appeals at Somerville City Hall on March 2, 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 two hearings of deliberation, the Zoning Board of Appeals took a vote.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143  
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**DESCRIPTION:**

The proposal is to rehabilitate and alter the existing structure in two phases. Phase one will involve reorienting and adding exterior doors and steps, removing the brick portion of the middle building at the corner, moving the rear loading dock to allow for better flow in the rear parking area, adding a lower level lightwell with direct access, and interior changes. The net square feet of the existing building will be reduced by 1,381 in phase one. Phase two will involve adding landscaping, an elevator and new interior stairs, replacing windows, repointing the brick exterior, leveling the floors, adding four covered parking spaces, adding 14 bicycle parking spaces, adding two modest additions, and making interior changes. The addition in phase two the building will add 980 net square feet to the building from what exists today. The addition will provide space to expand the nonconforming uses in the building. The breakdown of the uses for this mixed-use building can be found in finding 2 in the staff report.

Access to the site is via a passageway called Olive Square that extends from Lake Street to the subject property through an easement. There is also an easement that extends onto the northwestern part of the property that provides access to the Union Place Townhouses.

**FINDINGS FOR SPECIAL PERMIT:**

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."

*Dimensions*

The applicant is seeking a Special Permit under SZO §4.4.1 to alter a nonconforming structure in two phases. The dimensional table for each phase is on the zoning compliance page of the plan set.

The structure is currently nonconforming with respect to the following dimensional requirements: landscaped area, pervious area for RC lot, and right side setback.

The proposal will impact the following nonconforming dimensions: façade alterations in the required setbacks and landscaped and pervious surface for phase two. There is currently no landscaping onsite. There will be an increase in the landscaped area by 10% or 2,500 square feet. The requirement in the NB district is 10% and the requirement in the RC is 25%. The pervious surface will be 12%. There is no requirement for pervious surface in the NB district and in the RB district there is a 35% requirement.

Phase two includes a 980 square foot addition with conforming setbacks and the FAR will continue to be conforming.

Alterations to a nonconforming structure requires the Applicant to obtain special permits under §4.4.1 of the Somerville Zoning Ordinance (SZO). Section 4.4.1 states that "[l]awfully existing nonconforming structures other than one- and two-family dwellings may be enlarged, extended, renovated or altered only by special permit authorized by the SPGA in accordance with the procedures of Article 5. The SPGA must find that such extension, enlargement, renovation or alteration is not substantially more detrimental to the neighborhood than the existing



nonconforming building. In making the finding that the enlargement, extension, renovation or alteration will not be substantially more detrimental, the SPGA may consider, without limitation, impacts upon the following: traffic volumes, traffic congestion, adequacy of municipal water supply and sewer capacity, noise, odor, scale, on-street parking, shading, visual effects and neighborhood character.”

In considering a special permit under §4.4 of the SZO, the Board finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The alterations will allow the building to be more easily accessible for pedestrians entering from Washington Street via a ramp to a more inviting entrance on Hawkins Street or by stairs to this entrance on Hawkins Street. There will also be a larger man door farther down Hawkins and the garage doors will be replaced with glass doors. These changes will greatly improve the appearance of the building and make it more transparent. The addition in phase two will not be visible from the street and has been designed with setbacks that minimally impact the neighbors.

#### *Dimensions & Uses for Lots in Different Districts*

The building and uses are on the parcel that is in the NB district. The RC parcel is used for passive uses in phase two as is allowed per SZO §7.4. The RC lot square footage is used for the FAR calculation and since the RC and NB districts have the same maximum FAR the square footage contribution towards determining the FAR allowance in each district does not have to be calculated separately.

#### *Uses*

The existing uses are not proposed to change in phase one besides a small decrease in office space.

In phase two business services stays roughly the same size, retail and office increases, wholesale distribution decreases and the art studio and exhibit space is eliminated. The office and retail is requested to be limited to 5,000 square feet each which is allowed by-right in the NB district. The wholesale business and wholesale storage use is a nonconforming use that is proposed to change and expand to other nonconforming uses to fill the remaining square footage of the building. The change use and proposed addition are allowed by Special Permit per SZO §4.5.1 and §4.5.3. The remaining space will be filled by: Artisan Production, Arts Exhibition, Arts Sales & Services, Design Services, Shared Workspace & Arts Education, Broadcast, Recording Studio, Industrial Manufacturing (5,000 sf or less), Wholesale Trade & Distribution and Work/live creative studio.

In considering a special permit under § 4.5 of the SZO, the Board finds that the uses proposed would not be substantially more detrimental to the neighborhood than the existing use. The proposed nonconforming uses are consistent with the City’s future vision for the subject property. This site is in a Fabrication District in the zoning overhaul that was proposed to the Board of Alderman in January of 2015 and is currently under review. The purpose of the district is to accommodate a range of building types and mix of uses that supports the local arts & creative economy. The purpose is to retain space for uses that have been called out in SomerVision and the zoning overhaul community meetings as vital to keep in existing industrial spaces. The proposed nonconforming uses are allowed in the future Fabrication District.

Below is a table of the current uses and those requested for phase 1 and 2.

Uses:	SZO	Existing (sf)	Proposed Phase 1 (sf)	Revised Proposed Phase 2 (sf)
Business Service	§7.11.8	3,467	3,467	3,351
Retail	§7.11.9	1,585	1,453	4,995
Office	§7.11.7	4,396	3,521	4,999
Art studio	§7.11.6.8	7,030	7,030	0
Art studio open to the public	§7.11.6.8	2,203	2,203	0



Wholesale Trade & Distribution	§7.11.13	11,486	11,112	5,980
Fabrication: Artisan Production, Arts Exhibition, Arts Sales & Services, Design Services, Shared Workspace & Arts Education, Broadcast, Recording Studio, Industrial Manufacturing (5,000 sf or less), and Work/live creative studio	§7.11.6.8 & §7.11.14 as limited by descriptions below	-	-	11,822
Total		30,167	28,786	31,147

*Artisan Production* Individuals and firms involved in the on-site production of hand-fabricated or hand-manufactured parts and/ or custom or craft consumer goods through the use of hand tools or small-scale, light mechanical equipment. The artisan production subcategory includes apparel manufacturing, breweries, cabinetry, chocolatiers, confectionery, furniture making, glass working, jewelry making, metal working, pottery, sculpture, wood working, and their substantial equivalents. Showrooms and the ancillary sales of goods produced on-site are permitted.

*Arts Exhibition* The production, rehearsal, or live performance of cultural entertainment or artistic expression such as singing, dancing, comedy, literary readings, performance art, musical theater, live plays, and concerts. The arts exhibition subcategory includes venues such as assembly halls, auditoriums, cinemas, concert halls, dinner theaters, gallery space, performance halls, rehearsal & preproduction studios, live theaters, and their substantial equivalents along with the administrative offices, booking agencies, and ticket sales of performing arts organizations.

*Arts Sales & Services* The display and retail sale, lease, or rental of finished artwork, art supplies, musical instruments, multi-media, or publications and activities that provide various arts related services to individuals, groups, or businesses including galleries, supply stores, printing shops, set design studios, and their substantial equivalents. The following standards apply: Outdoor display of products and merchandise is permitted according to the following: a). Outdoor display is permitted in any storefront frontage or on a public sidewalk subject to all City Ordinances as an ancillary activity. b). Outdoor display must be removed and placed inside a fully-enclosed building at the end of each business day. c). Display areas extending more than eight feet from the facade are prohibited. d). A minimum four (4) foot wide clear path of access must be maintained to the principal entrance. e). Display areas are permitted to occupy no more than 30% of the frontage area. f). Display areas must comply with the sidewalk standards of Article 8 Public Realm Standards.

*Design Services* Individuals and firms that provide design services to individuals, groups, or businesses including architectural design, fashion design, graphic design, interior design, industrial design, landscape architecture, product development, software development, urban design, and their substantial equivalents.

*Shared Workspaces & Arts Education* The transfer of knowledge or skills related to the creative enterprises through teaching, training, or research; organizations providing collaborative workplace facilities and business planning, finance, mentoring, and other business or administrative support services to creative enterprises; and multi-purpose facilities dedicated to providing space for multiple creative enterprises. The arts education and shared workspace subcategory includes arts centers, creative incubators, culinary incubators, design & fabrication centers, fabrication laboratories, and their substantial equivalents.



*Broadcast and/or Recording Studio* Uses that provide studios for audio or video production, recording, filming, or broadcasting of radio or television programs over-the-air, cable, or satellite. Telecommunications transmission towers are regulated according to the provisions of §6.C. Wireless Communication Structures.

*Industrial Manufacturing* Uses that process, fabricate, assemble, treat, or package finished parts or products without the production or use in large quantities of hazardous or explosive materials. Due to the nature of operations and products, little or no noise, offensive odors, undue vibration or glare, and/ or environmental pollution is produced, and, therefore, there is minimal impact on surrounding properties. Operations may include the storage of materials and the loading and unloading of new materials and finished products. Activities common to this subcategory include, but are not limited to, food and beverage production, electronics and other electrical equipment assembly, furniture and other woodworking, printing and publishing operations, and computer hardware manufacturing, and the fabrication of metal products except machinery and transportation equipment.

*Work/Live Creative Studio* Creative studio space consisting of not more than one (1) room, including an area for accessory living, where the work needs of creative industry activities within the same building take precedence over any “quiet expectations” of the residents and neighbors residing in work/live creative studios within the same building. The following standards apply: i. Kitchen, dining, and bathroom facilities, excluding work sinks, must be shared between the tenants of each floor. ii. Floor area for accessory living space is limited to 200 sq. ft. or 30% of the total floor space of a Work/ Live Studio, whichever is less. iii. The occupant(s) of the Work/Live Creative Studio must be a certified Artist with the Somerville Arts Council. iv. In its discretion to approve or deny a special permit authorizing a work/live creative studio use, the review board shall consider the following: a). The review considerations for all Special Permits as specified in §10.D.1.e. Review Criteria. b). Width of doorways and hallways to accommodate the moving of large objects. c). Weight capacity of elevators to accommodate heavy equipment. d). Access to natural light within each studio with a preference towards northern exposure. e). Sound transmission co-efficients to prevent the transmission of sounds from equipment or repetitive tasks. f). Ventilation and air handling techniques to ensure the safety and health of residents, visitors, and neighbors. g). Ceiling heights that allow for the creation of large works and equipment, including machinery and lighting. h). Weight-bearing capacity of the floor. i). Ability to install flooring for specific users such as dancers or performers.

### *Parking*

The site is nonconforming with parking because there are only 19 parking spaces, 4 of which are compact.

The use mix is not changing during phase one and the square footage of the building is only changing slightly. Therefore the parking requirements decrease by two spaces and no parking relief is required per SZO §9.4.

Phase two will require 45 spaces, which is a decrease from the requirement in phase one. Nevertheless, the SZO requires that the number of required spaces for the addition are provided. The required parking for the 980 square foot addition with the most stringent parking requirement of the uses proposed (1 space per 500 sf) is 2. This requirement will be satisfied. There will be 4-2 additional parking spaces for a total of 21 spaces, 4 of which will be compact.

Parking Required	SZO	Existing (sf) / Parking		Proposed phase 1 (sf) / Parking		Revised Proposed phase 2 (sf) / Parking	
Business Service	§7.11.8	3,467	6.3	3,467	6.3	3,351	6
Retail	§7.11.9	1,585	3.2	1,453	2.9	4,995	10
Office	§7.11.7	4,396	8.7	3,521	7	4,999	10
Art studio	§7.11.6.8	7,030	17.5	7,030	17.5	-	0
Art studio open to the public	§7.11.6.8	2,203	5.5	2,203	5.5	-	0



Wholesale Trade & Distribution	§7.11.13	11,486	14	11,112	13.9	5,980	7.5
Fabrication: Artisan Production, Arts Exhibition, Arts Sales & Services, Design Services, Shared Workspace & Arts Education, Broadcast, Recording Studio, Industrial Manufacturing (5,000 sf or less), and Work/live creative studio	§7.11.6.8 & §7.11.14 as limited by descriptions in this report	-	0	-	0	11,822	11.8
Total		30,167	55.2	28,786	53.1	31,147	45.3

The design standards for the Neighborhood Business District call for 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. This standard is met at this site. The parking is accessed from Lake Street through a passageway to the parking lot located behind the building.

The bicycle parking space requirement does not change from 5 required spaces. There are currently no bicycle parking spaces and 14 are proposed as part of phase two.

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

The proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to providing for and maintaining the uniquely integrated structure of uses in the City and encouraging the most appropriate use of land throughout the City.

The building alterations and proposed uses as conditioned conform to the purpose of the Neighborhood Business District in establishing and preserving 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.

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 proposal will improve the overall appearance and functionality of the building. The design keeps the form of the buildings intact and respects the historic character of the buildings. The brick addition that was tacked onto the Hawkins Street side of the clapboard building will be removed and replaced with a ramp to make the building accessible and a glass storefront that will make it more transparent. Other improvements were discussed in finding 2 above.

The access to the site will not change as a result of the proposal. The change to the loading dock location will make the parking lot more functional. Trucks using the loading dock will still be able to turn around an exit in a forward direction. The trash and recycling for the facility will be located in an enclosed trash area near the loading dock. This location is away from the residential neighbors and not visible from the right of way.

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





There is no housing onsite.

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

This location is an area that is called out to be enhanced in the SomerVision map. The proposal will make the building more accessible by pedestrians and enhance the pedestrian experience with the additional fenestration and renovations to the building. The additional square footage will add to the commercial tax base and jobs goals of SomerVision.

SomerVision Summary	Existing	Proposed
Commercial Sq. Ft.:	30,167	Phase 1 – 28,786 Phase 2 – 31,147
Estimated Employment:	?	?
Parking Spaces:	19	23

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

There is no housing as part of this proposal.



**DECISION:**

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

#	Condition	Timeframe for Compliance	Verified (initial)	Notes												
1	Approval is for the two-phased project for the alteration and addition to the building with uses specified in the conditions below. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/PIng.													
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>Jan 28, 2016</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>Jan 28, 2016</td><td>Plans submitted to OSPCD (T1 title page, Z1.0-Z1.2 zoning compliance phase 1, EX04 Existing Elevations, EX05 Existing Parking Condition, EX06-07 Existing Photos, A0.2 Color Elevations, A0.3-A0.5, A1.0-A1.2 Phase 1 floor plans, A1.3, 1.5 Phase 2 floor plans, A2.1 Elevations Phase 1, A2.2 Elevations Phase 2)</td></tr><tr><td>Oct 12, 2016</td><td>Plans submitted to OSPCD (Existing Floor Plans EX01-03)</td></tr><tr><td>Feb 3, 2014</td><td>Plans submitted to OSPCD (existing conditions)</td></tr><tr><td>Mar 23, 2016</td><td>Plans submitted to OSPCD (Z1.3-Z1.5 zoning compliance phase 1, A1.4 Phase 2 1<sup>st</sup> floor plan/site plan)</td></tr></table>				Date (Stamp Date)	Submission	Jan 28, 2016	Initial application submitted to the City Clerk's Office	Jan 28, 2016	Plans submitted to OSPCD (T1 title page, Z1.0-Z1.2 zoning compliance phase 1, EX04 Existing Elevations, EX05 Existing Parking Condition, EX06-07 Existing Photos, A0.2 Color Elevations, A0.3-A0.5, A1.0-A1.2 Phase 1 floor plans, A1.3, 1.5 Phase 2 floor plans, A2.1 Elevations Phase 1, A2.2 Elevations Phase 2)	Oct 12, 2016	Plans submitted to OSPCD (Existing Floor Plans EX01-03)	Feb 3, 2014	Plans submitted to OSPCD (existing conditions)	Mar 23, 2016	Plans submitted to OSPCD (Z1.3-Z1.5 zoning compliance phase 1, A1.4 Phase 2 1 <sup>st</sup> floor plan/site plan)
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Any changes to the approved plan, elevations or use that are not de minimis must receive SPGA approval.																



2	Upon execution of the special permit (start of phase 1), uses shall be permitted as listed in the table that accompanies Finding #2. Business services, retail, office, and wholesale space shall not exceed the maximums identified in the table at any time. Fabrication uses, as defined in this decision under Finding #2, shall occupy a minimum of the 11,822 square feet identified in Finding #2 for phase 2, but may exceed that minimum at any time.	CO	Plng.	
3	Phase I construction may receive a building permit and certificate of occupancy prior to the start of phase 2, if constructed according to the approved plans and applicable conditions for phase 1. In order for a future zoning amendment to not impact phase 1 of this approval, the construction must commence within six months of the issuance of a building permit for phase 1. In order for a future zoning amendment to not impact phase 2 of this approval, construction must commence and be continued through completion as continuously and expeditiously as is reasonable.	CO	Plng.	
Linkage				
4	Linkage payments will be required to be paid for the square footage over 30,000 sf to the Somerville Housing Trust Fund before a CO is issued.	CO	Plng.	
Pre-Construction				
5	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	
6	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.	
7	The Engineering Department shall review and approve of the documents submitted as are required by the site plan review checklist for projects greater than 250 square feet prior to the issuance of a Building Permit for Phase 2.	BP for phase 2	Eng.	
8	The Applicant shall hold a meeting and invite the abutters of Olive Square and Planning Staff to discuss the construction schedule impacts on Olive Square.	Prior to issuance of BP for Phase 1 & 2		
Construction Impacts				



9	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.	
10	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	
11	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	
Site				
12	A landscape plan shall be submitted to Planning Staff for review and approval. Consideration shall be made to choose plants that will screen parking spaces 5, 6, 13 and 14 from residential abutters.	<u>Prior to site work</u>	<u>Plng.</u>	
13	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD	
14	Applicant will screen the dumpster with fencing that blocks any view of the dumpster itself.	CO	Plng.	
15	For Phase 2, applicant will supply 14 bicycle parking spaces, which can be satisfied with 7 U- type bicycle racks.	CO	Plng.	
16	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	
Public Safety				
17	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
18	Notification must be made, within the time period required under applicable regulations, to the Massachusetts Department of Environmental Protection (DEP) if there is any release of oil, hazardous materials, or regulated hazardous substances at the site. The City's OSE office, Fire Department and the Board of Health shall also be notified.	At time of release	OSE/FP/B OH	
19	An exterior lighting plan shall be required to be submitted to Planning Staff for review and approval. 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.	<u>Prior to site work / continuous</u>	Plng.	
20	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	
Signage				



21	Signage shall conform to the sign standards in the SZO and be submitted to Planning Staff for review and approval.	Installation of sign	Plng.	
Final Sign-Off				
22	The Applicant shall contact Planning Staff at least five working days in advance of a request for a final inspection by Inspectional Services to ensure the proposal was constructed in accordance with the plans and information submitted and the conditions attached to this approval.	Final sign off	Plng.	



Attest, by the Zoning Board of Appeals:

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

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.
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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 \_\_\_\_\_

