



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

***ZONING BOARD OF APPEALS***

HERBERT F. FOSTER, JR., *CHAIRMAN*  
ORSOLA SUSAN FONTANO, *CLERK*  
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T. F. SCOTT DARLING, III, ESQ.  
DANIELLE FILLIS  
ELAINE SEVERINO (ALT.)  
JOSH SAFDIE (ALT.)

**Case #: ZBA 2008-61**  
**Site: 369-371 Beacon Street**  
**Date of Decision: January 20, 2010**  
**Decision: *Petition Approved with Conditions***  
**Date Filed with City Clerk: January 26, 2010**

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**ZBA DECISION**

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<b>Applicant Name:</b>	Beacon Street Hotel
<b>Applicant Address:</b>	369-371 Beacon Street, Somerville, MA 02143
<b>Property Owner Name:</b>	George Makrigiannis
<b>Property Owner Address:</b>	168 Auburn St, Cambridge, MA 02139
<b>Agent Name:</b>	Richard G. DiGirolamo, Esq.
<b>Agent Address:</b>	424 Broadway, Somerville, MA 02145

<u>Legal Notice:</u>	Applicant Beacon Street Hotel & Owner George Makrigiannis seek a special permit with Site Plan Review (SZO §7.11.10.5.b) in order to construct and establish a hotel of more than 10,000 gross sq.ft. BA zone. Ward 2.
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<u>Zoning District/Ward:</u>	BA / 2
<u>Zoning Approval Sought:</u>	§7.11.10.5.b
<u>Date of Application:</u>	November 3, 2008
<u>Date(s) of Public Hearing:</u>	1/21/09 – 1/20/10
<u>Date of Decision:</u>	January 20, 2010
<u>Vote:</u>	5-0

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Appeal #ZBA 2008-61 was opened before the Zoning Board of Appeals at Somerville City Hall on January 21, 2009. 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.



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## **DESCRIPTION:**

The applicant is proposing to demolish the existing gas station and construct a 35 room hotel and restaurant with a combined 19,318 nsf. The proposed restaurant would be 1,760 sf and located on the first floor of the building. The structure would be four stories and 50 ft in height at its highest point under the SZO. The section of the structure that lies within 30 ft of the abutting neighboring residential district would be scaled down to three stories and 40 ft in height. Where the lot comes to a point near the Beacon Street overpass, the building has a rounded façade and features a small outdoor seating area that would be a few feet below the street level, but accessible from the sidewalk. The hotel entrance would be located near the rounded section of the structure and the restaurant entrance would be located near the edge of the building on the right side of the front façade.

On the far right side of the property would be a ramp leading to a below grade parking area, loading zone and trash area. The parking area will be serviced by valet and include 28 spaces that would be mechanically stacked two cars high. A small pickup and drop off area is proposed to cut into the sidewalk before Beacon Street turns up towards Somerville Avenue. This area would be long enough to allow two cars to stand and load or unload passengers, while allowing a 7 ft wide sidewalk to exist and to allow a 4.3 ft wide bicycle lane to be located between the standing cars and the street traffic lanes.

## **FINDINGS FOR SPECIAL PERMIT (SZO §):**

In considering the requested special permits with site plan review the Planning Board must consider and make findings and determinations as 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 Applicant must comply "with the information requirements in Section §5.2.3;" The information provided by the Applicant allows for a comprehensive review of the proposed development and is in general compliance with the requirements set forth under §5.2.3 of the SZO. Additional information regarding drainage systems will be necessary before any building permits are issued.
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". Within the BA zoning district all developments that require a special permit with design review or special permit with site plan review should comply with the following two guidelines to the highest degree practicable.

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

This proposal features 28 parking spaces below street level that would be accessed from Beacon Street. Access directly from Beacon Street is the only option to provide vehicle access as the property has no other street frontage. This purpose of this guideline is to encourage parking to be located in an area that is not visible from the public way and the Board finds that this proposal meets this objective.

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

The landscaping proposed for this site is situated predominantly along the primary street edge, some in front of the building and a landscaped open space area on a triangular piece of land along Beacon Street near the railroad overpass. The existing site features no landscaping and the Board finds the increase landscaping and open space to be visually and physically beneficial to the neighborhood.

2. Purpose of the District: The Applicant has to ensure that the project "is consistent with the intent of the specific zoning district as specified in Article 6". The project site is located within a Business A district. The BA district seeks "to establish and preserve business areas bordering main thoroughfares that are attractive to a wide range of uses, including retail business and services, housing, government, professional and medical offices, and



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places of amusement. While it is anticipated that most users will arrive by motor vehicle, it is intended that the area should be safe for and conducive to pedestrian traffic.”

The Board finds that a hotel and restaurant is consistent with the general purpose of the BA district as a business area and would provide much needed lodging options to the Porter Square area and the city as a whole. Its location near the intersection of two main thoroughfares, Beacon Street and Somerville Avenue, also are consistent with goals of the zone. While the BA zone was created with the anticipation that most users would drive to the area, the Board finds that the mix of transportation options in the area including: the commuter rail and Red Line stations in Porter Square less than 1,000 ft away, several bus stops, and defined bike lanes would encourage users to travel to the site by means other than automobile. The variety of transportation options makes this an ideal location for a hotel and restaurant use that would require good accessibility. The increased pedestrian and bike traffic should improve the safety of the area with more "eyes on the street" and the 7 ft minimum sidewalk, better designed and with one less curb cut, would provide increased safety for pedestrians.

3. Site and Area Compatibility: The Applicant has to ensure that the project "Is 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.”

Since the lot has previously been developed, prior natural features have been significantly altered. The site has been used as a gas and automobile service station for approximately 80 years and the current building was constructed around the late 1950's. This structure is a single story garage with minimal architectural interest. The structure is situated in the middle of a paved lot and is accessed by two curb cuts. This structure is not typical or compatible with the type of development in the area which features predominantly 2.5 and 3-story structures with higher lot coverage percentages.

Though the proposed structure seems larger in terms of scale and massing, the property is significantly larger than most other properties in the area. As a function of lot size, the hotel proposal would be more compatible with surrounding uses. This property does abut an RB zoning district line, which is a residential district. The BA zone allows twice the FAR of an RB zone and an increased height of 10 ft. Therefore, this structure is larger than would be allowed in the neighboring district. However, the Board finds that the three-story, multi-family structure on the opposite side of Beacon Street, which is of a similar mass and scale to the proposed structure, does not negatively affect the street. The Board finds that the multi-family structure, which is on a lot similar in shape to the proposed site, acts to define the intersection and is visually appealing, while helping to create a sense of place in the area. The Board finds that the proposed hotel would act in a similar fashion to define the intersection and also visually signify the boundary of the Porter Square commercial area, while providing a transition into the lower scale residential and commercial corridor of Beacon Street with the step down in height along the residential zoning district boundary.

This development is at the far eastern boundary of the Porter Square commercial area. The Board finds that a hotel and restaurant would be suitable for this area due to the transportation infrastructure that exists, the lack of other lodging in the area, and Porter Square which attracts tourists and visitors coming to the area for its history, schools, business opportunities etc. The City is looking to the area between the subject property and the center of the square as an area that could support future commercial development that is vital to the health of the City. Over the summer, the City worked internally and with neighborhood groups to develop a vision and eventually a rezoning for the area around Porter Square to take advantage of the transportation infrastructure that exists and to strengthen the City's commercial base. Ideas have included a variety of Transit Oriented Development zones as well as potentially covering the tracks from the Beacon Street overpass to the MBTA station to create development opportunities. As an extension of the Porter Square commercial district, the proposed hotel structure can be viewed as compatible with the scale, massing and detailing of commercial buildings in the area.

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



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Based upon the comments received from the various City Departments, the project meets accepted standards and criteria for the functional design of facilities, structures, and site construction. Any necessary mitigation or minor design changes have been incorporated into the recommended conditions section of this report.

5. 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."

Additional review is still required for the proposed drainage systems. However, this can be completed subsequent to the zoning review, with a condition of approval requiring provision of a drainage plan satisfactory to the City Engineer prior to the issuance of any permits. The approval of the SPSR shall be contingent upon the City Engineer's or the City consultant's determination that no adverse impacts on public systems will result from the development.

6. 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."

Because of the nature of the proposed use and the area in which it is projected to be built, adverse environmental impacts are not anticipated. In addition, it is not expected that this facility will produce a level of emissions that would be higher than are now experienced in the area due to any increased traffic generated by the hotel/restaurant. By nature, a hotel will not produce an emission of noxious or hazardous materials or substances pollute water or transmit communications interference. The restaurant will be conditioned in this report to vent up and away from neighboring residences. Also, during construction, efforts will be made to mitigate dust and control air quality, and to minimize noise. Once completed the building would serve as an acoustical buffer for the traffic noise generated by the cars on Somerville Avenue and by the MBTA trains. The building and its articulated rear façade would disperse the sound coming from these areas. This should benefit the neighbors and the residential areas to the south and east of the project.

The applicant has submitted a shadow study that depicts minimal shadow impacts on surrounding structures. Most of the shadow cast by the building affects the MBTA property, since the railroad tracks are situated almost directly north of the site.

As there have been underground tanks used at the site for many decades, remediation of the site will be required under Massachusetts Department of Environmental Protection (DEP) regulations. The applicant has retained Loitherstein Environmental Engineering Inc. to address environmental issues with the site. In December 2009, a Phase IV -Ready Implementation Plan (RIP) was submitted to MassDEP outlining the Comprehensive Remedial Action to be provided. Remedial activities will be conducted in conjunction with the site work for the hotel, which could begin as early as Spring 2010.

7. Consistency with Purposes: "Is consistent with: 1) the purposes of this Ordinance, particularly those set forth in Article 1 and Article 5; and 2) the purposes, provisions, and specific objectives applicable to the requested special permit with site plan review which may be set forth elsewhere in this Ordinance, such as, but not limited to, those at the beginning of the various sections."

As the required findings of Article 5 have been made, and the proposal satisfies the purposes of Article 1, including Purpose, Interpretation and Scope, and of Article 6, as already described, the Planning Board finds the proposal to be consistent with the purposes of the SZO.



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."

As previously discussed, this proposal will increase the amount of landscaping and open space on the property to approximately 10% where there is currently none. The landscaping will increase the attractiveness of the neighborhood by adding several trees and a seating area. This area will provide shaded seating during the summer and also work to screen the views of the MBTA tracks and Somerville Avenue. The increased pervious surface will improve the drainage conditions currently on the site.

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."

As previously mentioned, the natural landform has been altered. The Applicant has made efforts to design a structure that works with the irregularly shaped parcel while creating a visually appealing structure from all sides. The rounded section of the building leads to the landscaping and open space which flows into the sidewalk and Beacon Street overpass. The façade of the structure that faces the tracks undulates and has a series of angled walls that face west toward Porter Square and will provide additional sunlight into the hotel rooms. There are trees and other vegetative elements proposed for the rear wall that will improve the views from the neighborhood across Somerville Avenue.

11. Stormwater Drainage: The Applicant must demonstrate that "special attention has been given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Stormwater shall be removed from all roofs, canopies, and powered area, and routed through a well-engineered system designed with appropriate stormwater management techniques. Skimming devices, oil, and grease traps, and similar facilities at the collection or discharge points for paved surface runoff should be used, to retain oils, greases, and particles. Surface water on all paved areas shall be collected and/or routed so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create puddles in the paved area. In larger developments, where practical, the routing of runoff through sheet flow, swales or other means increasing filtration and percolation is strongly encouraged, as is use of retention or detention ponds. In instances of below grade parking (such as garages) or low lying areas prone to flooding, installation of pumps or other devices to prevent backflow through drains or catch basins may be required."

While additional review is required of drainage plans, any approval of the SPSR should be conditional upon the City Engineer's or the City consultant's approval of such plans and determination that no adverse impact will result to the drainage system from the project's design.

12. 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 proposed location for the new construction is in an area that will be highly visible from both Beacon Street and Somerville Avenue. The applicant has proposed trees and vegetation for the façade along Somerville Avenue to partly screen the structure and visually reduce its scale along that side. The appearance of the area would be improved with the removal of the existing gas station and expanse of concrete. The new structure is



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of a contemporary design that is broken down into sections using color and materials to reduce the visual scale and massing of the structure. The rounded section, the use of glass and undulating façade all add to the appearance of the structure that the Board finds an improvement over the current conditions.

13. 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 applicant will be required to submit an exterior site lighting plan that demonstrates sufficient lighting for public surveillance. The exterior lighting intensity by condition will have little to no effect on the properties surrounding the facility.

14. 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;"

Both the City's Traffic and Parking Department and the Fire Prevention Bureau have commented on the plans. No outstanding concerns have been communicated to the Planning Board.

15. 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 existing layout of the site includes two curb cuts onto Beacon Street. The curb cut closest to Somerville Avenue is approximately 150 ft from the intersection. The proposal will reduce the number of curb cuts providing access to the site to one and relocate it at the furthest point from the intersection at about 250 ft. The Beacon Street right of way is wide enough at this point to allow the applicant to incorporate a pick up and drop off area large enough for two cars in the area before Beacon Street turns towards the Somerville Avenue intersection.

A Traffic Study has been submitted to the Traffic and Parking Department. According to Traffic and Parking, the number of trips (vehicle) generated by the new use would be a nominal amount and the Level of Service (vehicle delays and length of queues) at the signalized and non-signalized intersections will operate at the same Level Of Service with or without the project. Conditions will be added to this report that will require the applicant to provide a parking kiosk and money for street line painting to address concerns Traffic and Parking has about the creation of traffic congestion due to lack of available parking.

The Board finds that the proposal including Traffic and Parking mitigation requirements would work to minimize traffic congestion in the area.

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

17. 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;"

As previously mentioned, no negative impacts are anticipated as a result of the proposed uses.



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18. Signage: The Applicant must ensure that "the size, location, design, color, texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall reflect the scale and character of the proposed buildings;"

Signage will be limited in size and location to that shown in the elevation diagrams. All proposed signage meets with the SZO regulations regarding size, type and placement. The Board finds that the design of the signage reflects the character of the building and would not be visually intrusive to the neighborhood. Any alterations to the proposed signs that do not meet SZO requirements would need SPGA approval.

19. Screening of Service Facilities: The Applicant must ensure that "exposed transformers and other machinery, storage, service and truck loading areas, dumpsters, utility buildings, and similar structures shall be effectively screened by plantings or other screening methods so that they are not directly visible from either the proposed development or the surrounding properties."

The Applicant indicated in the plans that a trash room would be located below grade adjacent to the ramp leading to the parking area beneath the structure. This will provide easy access for trucks to haul away trash while reducing grade level views of the dumpsters. The trash area will still be required to be screened by a condition to eliminate any views of the dumpster from the public way. Any transformers should be located as not to impact the design of the building or landscaped area, and so as to allow for full screening.

20. Screening of Parking: As previously discussed, parking is below grade and not visible from the public way.

#### **DECISION:**

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Elaine Severino and Josh Safdie with Scott Darling recused and Danielle Fillis absent. Upon making the above findings, Susan Fontano made a motion to approve the request for a special permit. Josh Safdie 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
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1	Approval is for the construction of a 19,318 nsf, 35 room hotel and restaurant. This approval is based upon the following application materials and the plans submitted by the Applicant and/or its Agent:		Plng.													
	<table><tr><th>Date</th><th>Submission</th></tr><tr><td>11/3/08</td><td>Initial application submitted to the City Clerks Office</td></tr><tr><td>1/22/09 (12/15/09)</td><td>A4 - Shadow Study</td></tr><tr><td>3/30/09 (12/15/09)</td><td>Proposed Beacon Street Signing and Striping Plan (Pickup/Dropoff)</td></tr><tr><td>8/3/09 (12/15/09)</td><td>Plans submitted to OSPCD (A0-A3)</td></tr><tr><td>12/15/09 (12/15/09)</td><td>Elevation</td></tr></table>	Date	Submission	11/3/08	Initial application submitted to the City Clerks Office	1/22/09 (12/15/09)	A4 - Shadow Study	3/30/09 (12/15/09)	Proposed Beacon Street Signing and Striping Plan (Pickup/Dropoff)	8/3/09 (12/15/09)	Plans submitted to OSPCD (A0-A3)	12/15/09 (12/15/09)	Elevation			
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	8/3/09 (12/15/09)	Plans submitted to OSPCD (A0-A3)														
12/15/09 (12/15/09)	Elevation															
Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive ZBA approval.																
2	The applicant shall install signage to be approved by Planning Staff that clearly demarcates the below grade parking access area and the pick up and drop off area, including a time limitation.	CO	Plng													
3	All new utility lines shall be placed underground in accordance with the SZO and the policies of the Superintendent of Lights and Lines.	CO	ISD													
4	The applicant shall establish the existing foundation conditions of structures abutting the subject property, if desired by the abutting owners, and at 757 Somerville Avenue. The applicant shall repair any damage as a result of hotel construction.	CO	ISD													
5	All deliveries shall be made to the loading dock below street grade and shall not occur between the hours of 7pm and 7am Monday thru Friday or between the hours of 7pm and 9am on Saturday and Sunday.	Perpetual	ISD													
6	Delivery trucks shall be limited to mid-sized vehicles and shall at no time occupy the pick up and drop off area.	Perpetual	ISD													
7	The seating area for the restaurant shall be closed to the general public from 11pm to 6am.	Perpetual	ISD													
8	Public access to the landscaped plaza area directly from the sidewalk shall be maintained. The plaza shall have direct handicapped access from the public way.	Perpetual	ISD													
9	The Applicant shall develop a demolition plan in	Demolition	ISD													





	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.	Permitting		
10	Landscaping shall be installed and maintained in compliance with the American Nurserymen's Association.	Perpetual	Plng. / ISD	
11	The applicant shall provide a "Drainage Plan" and an "Inspection and Maintenance Plan" for the drainage system. This report shall be prepared and stamped by a registered professional civil engineer and approved by the Engineering Staff and/or city consultant.	Building Permit	Eng.	
12	The Applicant, 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 any storm water systems, ensuring they are clean, well kept and in good and safe working order.	Perpetual	ISD	
13	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 of concrete subject to DPW approval.	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 Constructio n	T&P	
15	To the maximum extent feasible applicant will utilize strategies during demolition and construction to mitigate dust and control air quality, to minimize noise and to implement a waste recycling program for the removed debris.	During Demolition & Constructio n	OSE/ISD	
16	The underground fuel tanks on this site must be removed under the supervision of the Fire Prevention Bureau and in accordance with DEP regulations. Permits will be required for these removals. If any unanticipated tanks are found during excavation, all work on-site must immediately cease and the Somerville Fire Department must be contacted.	CO	FP	
17	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	CO	OSE /BOH	



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	hazardous substances at the site. The City's OSE office and the Board of Health shall also be notified.			
18	The applicant shall submit an exterior site lighting plan to be approved by Planning Staff that demonstrates sufficient lighting for public surveillance. The exterior lighting intensity shall have little to no effect on the properties surrounding the facility.	CO	Plng.	
19	The applicant/developer shall implement green management practices for the hotel. The applicant/developer shall meet with Planning Staff prior to filing with ISD for a building permit and prior to filing with ISD for a final sign off to identify and discuss the sustainable practices to be implemented. Staff approval of these measures is required.	PB	Plng.	
20	The Applicant shall contact Planning Staff at least five working days in advance of a request for a final sign-off on the building permit to ensure the proposal was constructed in accordance with the plans and information submitted and the conditions attached to this approval.	CO	Plng.	
21	The applicant shall provide a cash payment of \$5000 to Traffic and Parking for installation of pavement markings and signs, and shall supply a multi-space parking meter kiosk to be approved by Traffic and Parking.	CO	T&P	
22	The applicant shall provide the funding for a taxi stand on Somerville Avenue that is satisfactory to Traffic and Parking.	CO	T&P	
23	The applicant shall be responsible for obtaining any required permits and approvals and for funding the construction of the pick-up and drop-off areas. Construction of the pick-up and drop-off area is subject to DPW approval.	CO	DPW	
24	There shall be no cook tops, stoves or conventional ovens installed in the units.	CO	ISD	
25	The required parking for the restaurant use under Article 9 of the SZO using the calculation based on number of seats and employees shall not exceed four (4) parking spaces as defined by the SZO after allowed reductions for hotel accessory use.	CO	ISD/Plng	
26	The restaurant shall vent up and away from neighboring residences.	CO	Plng	



Attest, by the Zoning Board of Appeals:

Herbert Foster, *Chairman*  
Orsola Susan Fontano, *Clerk*  
Richard Rossetti  
Elaine Severino (Alt.)  
Josh Safdie (Alt.)

Attest, by the Administrative Assistant:

\_\_\_\_\_  
Dawn M. Pereira

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

### **CLERK'S CERTIFICATE**

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

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

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

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

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

FOR VARIANCE(S) WITHIN

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

FOR SPECIAL PERMIT(S) WITHIN

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

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



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