



CITY OF SOMERVILLE, MASSACHUSETTS
ZONING BOARD OF APPEALS
JOSEPH A. CURTATONE
MAYOR

MEMBERS

Herbert F. Foster, Jr., Chairman
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Case #: ZBA 2005-70-R0209
Site: 191 Highland Avenue
Date of Decision: March 4, 2009

Decision: Revision Approved with Conditions
Date Filed with City Clerk: March 10, 2009

ZBA DECISION

Applicant Name:	The Center for Arts at the Armory
Applicant Address:	191 Highland Avenue, Somerville, MA 02143
Property Owner Name:	Joseph Sater
Property Owner Address:	472 Massachusetts Avenue, Somerville, MA 02138
Agent Name:	N/A

<u>Legal Notice:</u>	Applicant The Center for Arts at the Armory & Owner Joseph Sater seek to revise conditions #20 & #24 of a 2005 special permit which established a multi-use complex within the existing Armory building, and seek clarification of how to satisfy conditions #22 and #23.
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<u>Zoning District/Ward:</u>	RA/RC zone/Ward 5
<u>Zoning Approval Sought:</u>	Revision to Special Permit# 2005-70
<u>Date of Application:</u>	February 12, 2009
<u>Date(s) of Public Hearing:</u>	March 4, 2009
<u>Date of Decision:</u>	March 4, 2009
<u>Vote:</u>	4-1

Appeal #ZBA 2005-70-R0209 was opened before the Zoning Board of Appeals at Somerville City Hall on March 4, 2009. After one hearing of deliberation, the Zoning Board of Appeals took a vote.

DESCRIPTION:

The Applicant, The Center for Arts at the Armory, is a non-profit arts organization, which is one tenant of the building. They program arts, cultural, and community events within the auditorium space and may facilitate event planning in the café space.

The first request is to modify condition 20 from the 2005 permit, which restrict the auditorium's use to evening hours (7pm-10pm weekdays, 7pm-11pm weekends), in order to permit daytime use of the hall. The current hours of operation as prescribed by condition 20 are:

Offices	9AM – 5PM
Music Studio	11AM–10PM weekdays
	11AM–11PM weekends
Café	9AM – 10PM weekdays

	9AM – 11PM weekends
Performance Space/ Assembly Space	7PM–10PM weekdays
	7PM -11PM weekends
Galleries	10AM – 8PM
Dance Company	
a) Daytime Classes	10AM – 2PM
b) After school classes	2PM – 5PM
c) Evening Classes	6PM – 8PM

The applicant's request is to make the hours of the Armory overall to 8AM-10PM for weekdays, and 8AM-11PM for weekends. This would not extend the hours into the evening. In the process of programming events, the Center has discovered that there is a high demand for daytime use of the auditorium among potential performance groups. For example, the first group to rent the space, the Actors' Shakespeare Project, frequently holds matinee performances and has planned several for this space. In addition, certain classes, such as yoga, seek to offer early morning sessions, which are beneficial to persons who start work at 9AM.

The second request is to modify condition 24 from the 2005 permit, which states that "The Owner/Applicant must work with his/her tenants to ensure that there will be no multiple events held at the Armory and that scheduled events will not overlap." The Applicant is seeking to modify this to allow multiple events, so long as the occupancy of the assembly spaces does not exceed the limit prescribed for the auditorium by condition 37: no more than 395 people for an "at capacity" event, which may not occur more than 10 times per month; and no more than 325 for all other events. For example, the Actors' Shakespeare Project (ASP) has a self-imposed limit of 199 guests per show. As proposed by the Applicant, the ASP could have an event of 199 persons in the auditorium and the café could have a separate event at the same time, provided that the combined capacity of both events did not exceed the 325/395 person limit. (N.B., a very small event in the auditorium would not necessarily permit the balance of persons to occupy the café, which is itself subject to a 52 person occupancy limit.) (**NOTE:** The request to modify this condition was withdrawn at the hearing.)

The final request is not to modify, but to clarify for the record, the intent of conditions 22 and 23, which address how and when the Applicant might seek beer and wine licenses.

Condition 22 reads: "The Owner/Applicant or his designee shall only seek a one-day permit/license from the City of Somerville, which shall only allow the serving of beer and wine on an event-to-event basis. Any change to this arrangement will require the approval of the Zoning Board of Appeals and the Licensing Commission."

Condition 23 reads: "The parties, within six months of the completion of construction of the Armory, will meet and review an application by the Owner/Applicant or designee for a full beer and wine license. The Owner/Applicant agrees that should a permanent beer and wine license be granted, beer and wine would only be served at performance space events and for those performances in the café space."

Based on the content of condition 23, it appears that condition 22 would only apply for the first six months after construction, after which condition 23 would become applicable. The Applicant requests that the Zoning Board of Appeals state for the record how condition 22 should be satisfied by the Applicant, should the Applicant seek a beer and wine license six months after completion of construction.

3. Nature of Application: The site is presently occupied under a Temporary Certificate of Occupancy, pending satisfaction of all conditions of approval. According to the Inspectional Services Division, life safety conditions have been met. Planning Staff have visited the site and concluded that the building has been constructed in accordance with approved plans. There are certain outstanding conditions related to exterior site work, which cannot properly be executed during winter. No final certificate of occupancy may be issued until these conditions have been met, and the Superintendent of ISD may revoke the temporary certificate of occupancy if the conditions are not met by the time the temporary certificate expires. As the site is not under a final certificate of occupancy and

work on some spaces of the building remains underway, the Applicant may seek a revision to the permit under SZO §5.3.8.

4. Impacts of Proposal: The Board has reviewed early drafts of staff reports and draft conditions, and have found that the conditions sought to be modified and clarified appear not to have changed throughout the public meeting and hearing processes. It appears that the conditions were crafted outside of the public hearing process, perhaps during the many community meetings that accompanied the 2004 and 2005 permit requests. The record is not explicit about whether it was the Board's (or even the community's) intent to specifically prohibit daytime use of the auditorium. However, feedback from participants in that early process, including City employees, current members of the Armory's Neighborhood Advisory Committee (which includes abutters), and abutters who have been in contact with staff indicates that the original intent of that conditions was simply to restrict how late the auditorium could remain active. (**NOTE:** Questions remained about the original intent of condition 24 and the potential impacts of approving that change hastily; the Board accepted the Applicant's request to withdraw that request without prejudice in order to allow the vote on the other requests to proceed.)

With that understanding, it appears the Applicant's needs could be met without compromising protection of abutters. The hours of operation may in fact present no concern to abutters. The overlapping of events may be appropriate, but the Board finds that closer review of this proposed revision is needed prior to a vote.

FINDINGS FOR SPECIAL PERMIT REVISION

There are not specific required findings for a revision to a special permit. Rather, the Board reviews the original findings for the specific zoning relief requested and identify any findings that have changed as a result of the proposed revision. Below, the Board has reviewed the four central findings required of all special permit applications under SZO §5.1.4. Following the Applicant's withdrawal of the request to modify condition #24, the Board made the following findings:

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." The requested modifications to the permits are found to be consistent with the granting of the original permit and compliant with the standards of the ordinance.
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 Board finds that the proposal would remain 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 provide for and maintain the uniquely integrated structure of uses in the City; to conserve the value of land and buildings; to preserve the historical and architectural resources of the City; to encourage the most appropriate use of land throughout the City; and to preserve and increase the amenities of the municipality. Furthermore, the Board finds that the proposal would remain consistent with the purposes of the RA and RC districts, which are, respectively: To establish and preserve quiet neighborhoods of one- and two-family homes, free from other uses except those which are both compatible with and convenient to the residents of such districts; and to establish and preserve a district for multi-family residential and other compatible uses which are of particular use and convenience to the residents of the district.

The Board finds that the development would remain subject to a multitude of conditions that would mitigate adverse impacts to the residential community. Furthermore, the Board finds that, with mitigation of potential impacts as conditioned, the development is in fact an enhancement of the neighboring community, and that the requested revisions are critical to the success and even survival of this burgeoning cultural center.

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."

No changes are proposed to the built form or the site plan as approved. The land use would not change from the prior approval, and the operations of the use would only change minimally, with little if any impact as conditioned.

DECISION:

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Danielle Fillis and Scott Darling. After the Applicant's revision to their original request, withdrawing proposed revisions to condition #24, and upon making the above findings, Susan Fontano made a motion to approve the request for revision to prior permits (revising condition #26 and clarifying conditions #22 & #23). Scott Darling seconded the motion. Wherefore the Zoning Board of Appeals voted **4-1** to **APPROVE** the request, with Richard Rossetti voting in opposition. In addition the following conditions and definitions of terms were attached:

Condition	Timeframe for Compliance	Verified (initial)	Notes									
<p>The site has previously received a Special Permit to alter a non-conforming structure to build an addition to the top of the existing Armory building; a Special Permit with Design Review and a Special Permit to establish a restaurant/public performance space within the building, accompanied by as-of-right uses including four units of artists' housing, craft studios, offices, an art gallery, and a non-profit dance studio; a special permit to alter a non-conforming structure to relocate an elevator and enlarge an existing egress door; a special permit for shared parking to use parking spaces located on three other lots; addition of skylights; and other revisions to the 2004 special permit.</p> <p>With this application, the applicant is granted modifications to Conditions 20 and 24 hereunder, with clarifications added to Conditions 22 and 23 hereunder. Certain conditions have been modified to reflect subsequent revisions, and certain conditions from the various applicable permits have been combined with those of the 2005 permit; however, the numbering of the 41 conditions from the 2005 permit has not changed. Conditions attached to this approval will supersede all conditions of all earlier permits.</p>												
<p>1. Approval is based upon the following:</p> <table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>Application materials stamped in at the City Clerk's Office on July 6, 2005-</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>September 29, 2005 (showing 44 on-site parking spaces); revised parking calculations dated October 4 and October 5, 2005.</td><td>Modified plans submitted to OSPCD</td></tr><tr><td>5/30/07 (5/31/07)</td><td>Modified plans submitted to OSPCD (Plans prepared by "SsD")</td></tr></table> <p>Any changes to the approved site plan, elevations, or use that are not <i>de minimis</i> must receive ZBA approval.</p>		Date (Stamp Date)	Submission	Application materials stamped in at the City Clerk's Office on July 6, 2005-	Initial application submitted to the City Clerk's Office	September 29, 2005 (showing 44 on-site parking spaces); revised parking calculations dated October 4 and October 5, 2005.	Modified plans submitted to OSPCD	5/30/07 (5/31/07)	Modified plans submitted to OSPCD (Plans prepared by "SsD")	Met	ISD/PLNG	<ul style="list-style-type: none">▪ 4 skylights added per 2004 revisions▪ Original A001 (zoning chart), A101, & A102 (floor plans) superseded by 2007 plans.▪ Pipes installed on side per code req'ts have received historic approval.
Date (Stamp Date)	Submission											
Application materials stamped in at the City Clerk's Office on July 6, 2005-	Initial application submitted to the City Clerk's Office											
September 29, 2005 (showing 44 on-site parking spaces); revised parking calculations dated October 4 and October 5, 2005.	Modified plans submitted to OSPCD											
5/30/07 (5/31/07)	Modified plans submitted to OSPCD (Plans prepared by "SsD")											
<p>2. The Applicant must receive the approval of Mass Historic and the Somerville Historic Preservation Commission prior to the</p>		CO	6/1/05 letter	Original work meets condition.								

Condition	Timeframe for Compliance	Verified (initial)	Notes
commencement of the newly proposed alterations to the Armory.		Brona Simon	Additional approval pending for handicap ramp.
3. All signage dimensions, materials and proposed lighting, including the height of any proposed signs, must be submitted to the Inspectional Services Department prior to installation, to determine compliance with Article 12 of the SZO. Neon or internally illuminated signage must not be used at the site.	Sign Permit	ISD/PLNG	Not yet applicable
4. The Applicant shall work with the immediate abutters to select the proper fencing to install along the sides of the subject property. If needed, the fencing should be made of sound attenuating material and installed at a height that provides the neighbors with a reasonable amount of privacy, even if the fencing is higher than the maximum six feet (6') height of the SZO. The Applicant shall submit a plan indicating the location, elevation, and material of the proposed fencing to the Planning Staff for review.	CO	PLNG	
5. The Applicant shall submit a plan indicating the location of the proposed trash storage enclosure and its screening to the Planning Staff for review. The screening, if determined by the Planning Staff, shall be higher than the six feet (6') maximum in the SZO. The trash enclosure area shall have a roof to mitigate the potential for airborne waste.	Cont.	PLNG	Trash located inside building. If relocated outside of building, enclosure required.
6. The Applicant shall submit to the Planning Staff a detailed landscape plan indicating the location and type of planting materials for review. All landscaping on site shall be installed and maintained according to National Nurseryman's Standards.	Met	PLNG	Plan submitted. Landscaping installed.
7. All construction vehicles and equipment shall be located on-site or in the rear parking area, but not on the public right-of-way. If the Applicant requires on-street (including encumbrance of the sidewalk) workspace for the renovations, the Applicant shall seek the approval of the Traffic & Parking Department prior to occupancy of the street layout in any way. All on-street work zones shall conform to the Manual on Uniform Traffic Control Devices (MUTCD).	Met	T&P	
8. Any damage to the public right-of-way caused by the renovation of the site shall be repaired or replaced by the Applicant (eg. sidewalks, signage, curbing, street trees), meeting the standards of the Traffic & Parking Department and Highway Department.	CO	T&P/DPW	
9. Exterior lighting must not impact neighbors. Any glare shall be directed onto the site and away from the abutting properties. The Applicant shall submit an exterior lighting plan to the Planning Staff and Lights and Lines Department for review.	CO	PLNG/Lights and Lines	
10. The Applicant shall provide bicycle parking at the site. Bicycle parking shall be designed and located in consultation with the City's bike coordinator.	CO	Bike Co.	
11. The two parallel parking spaces adjacent to the on-site driveway must be designated as parking spaces for the two third floor live work units. These spaces must also be clearly signed for	CO	T&P	

Condition	Timeframe for Compliance	Verified (initial)	Notes
direction of travel parking only.			
12. Prior to the issuance of a Certificate of Occupancy, a Certificate of Compliance for the building must be obtained from the Fire Prevention Bureau.	CO	FP	
13. Prior to the issuance of a Certificate of Occupancy for the café/performance space use the Owner/Applicant must receive all relevant licenses/certificates from the various City departments.	CO	Clerk	Entertainment license received.
14. Prior to the issuance of a Certificate of Occupancy for the café use the Owner/Applicant must submit to Traffic and Parking Department, Inspectional Services Department and the Planning Department, a description of the tenant and the number of employees.	CO	T&P, ISD, PLNG	
15. For “at capacity” events, the Applicant/Owner must promote walking and public transit, and should investigate shuttle operations from a public transit hub such as Davis Square. While in order to encourage occupants of the building to walk, take public transit, ride-share, or use shuttle-buses; the Applicant must post a notice and provide flyers close to the main entrance of the building giving information on these alternative means of transport.	Cont.	PLNG	
16. Unused parking spaces (e.g. office parking spaces after office hours) must be made available for other users in order to reduce on-street parking impacts. Parking spaces should be clearly marked as to their uses (e.g. “Reserved for residents,” “Reserved for office tenants 8AM – 6 PM”).	CO/Cont.	T&P/ PLNG	
17. To ensure that parking spaces required for “at capacity” events are available, the Applicant/Owner must have written agreements with the office, art/craft work studios, and gallery employees that their parking spaces will be vacated one hour prior to an “at capacity” event in the general assembly area of the former drill hall. Any special events in any other spaces are also subject to this parking arrangement in order to help accommodate the anticipated occupancy.	CO	PLNG	
18. Within six months of receiving an occupancy permit the Applicant must submit to the Planning Department and Traffic and Parking Department a report, prepared by a professional traffic engineer, that outlines the measures taken to comply with the traffic and parking related conditions attached to this approval. This report must include at a minimum details on the following:	6 Mos. Post CO	PLNG, T&P	
a) Periodic monitoring and recording of parking occupancy in the Armory parking lot for a period of six months after the Armory is fully operational.	6 Mos. Post CO	PLNG, T&P	
b) Turning movement counts at the Armory driveway during evening hours (5 PM to 8 PM) on two week nights without “at capacity” events and two week nights with “at capacity” events.	6 Mos. Post CO	PLNG, T&P	
c) Turning movement counts at the Armory driveway during evening hours (5 PM to 8 PM) on two weekend nights without “at capacity” events and two weekend nights with “at capacity” events.	6 Mos. Post CO	PLNG, T&P	
d) Monitor and record parking occupancy in the Armory parking lot, the Belmont Street parking lot, and on adjacent streets,	6 Mos. Post	PLNG,	

Condition	Timeframe for Compliance	Verified (initial)	Notes
for three “at capacity” events within the first six months of Armory operation. This also requires conducting a parking occupancy survey of the adjacent streets when there is no “at capacity” events in order to establish a baseline.	CO	T&P	
<p>19. Prior to the first “at capacity” event in the General Assembly space in the former Drill Hall, the Applicant/Owner must have his traffic engineer review the anticipated trip generation to determine whether the number, or the timing of the traffic demand, would affect traffic operations in the immediate area.</p> <p>Within six months of receiving an occupancy permit the Applicant must submit to the Planning Department and Traffic and Parking Department a Transportation Demand Management (TDM) plan, prepared by a professional traffic engineer that outlines the measures taken to reduce single occupancy vehicle trips to the site. This TDM plan should include, but not be limited to; car pooling/ride sharing, bicycle and pedestrian encouragement, mass transit subsidies for employees, shuttle bus services and zip car provisions. A similar TDM plan will then be required annually to ensure the Applicant is fulfilling his obligations to help offset on-street parking pressures that might be experienced in the neighborhood.</p>	6 Mos. Post CO	PLNG, T&P	
20. The hours of operation shall be:	Cont.	ISD	
8AM-10PM weekdays			
8AM-11PM weekends			
21. “At Capacity” Events - Up to 10 times per month with each event to end no later than 11PM at weekends and 10PM weekdays. Weekends are defined as Thursday, Friday, and Saturday, with the exception of holiday weekends, which shall include Sunday. Weekdays are Sunday through Wednesday (with the exception of holiday weekends).	Cont.	ISD	
22. The Owner/Applicant or his designee shall only seek a one-day permit/license from the City of Somerville, which shall only allow the serving of beer and wine on an event-to-event basis. Any change to this arrangement will require the approval of the Zoning Board of Appeals and the Licensing Commission.	First 6 months after Center’s opening	ISD	Clarified by 2009 revision.
23. The parties, within six months of the completion of construction of the Armory, will meet and review an application by the Owner/Applicant or designee for a full beer and wine license. The Owner/Applicant agrees that should a permanent beer and wine license be granted, beer and wine would only be served at performance space events and for those performances in the café space.	Continuous, after first sixth months of operation	Advisory Cmte	
24. The Owner/Applicant must work with his/her tenants to ensure that there will be no multiple events held at the Armory, and that scheduled events will not overlap.	Cont.		
25. Audible and/or light alarm/buzzers will be placed in each unit within the building so that each space will be able to be individually contacted at the exterior entrance.	CO	PLNG	
26. The Owner/Applicant shall provide for a general sounding	Immediate	ISD/PLNG	Need verification

Condition	Timeframe for Compliance	Verified (initial)	Notes
proofing of the entire structure, which includes:			of completion of soundproofing.
e)Replacing windows with double pane, sound insulating windows while maintaining the wooden sash in accordance with the historical preservation requirements.	CO	ISD/PLNG	
f) Provide all exits with double doors to prevent the escaping of sound into the community.	CO	ISD/PLNG	
g)Provide exit alarm hardware known as panic hardware to activate a local alarm, where appropriate. Panic hardware will be installed on all emergency egress doors along with signage.	CO	ISD/PLNG	
h)Soundproof the roof of the Armory as needed.	CO	ISD/PLNG	
i) Investigate and remedy all other possible areas of the structure and openings in the structure where sound might emanate from the building.	CO	ISD/PLNG	
j) Provide and design a system of sound dampening or baffles to enclose air conditioning and heating units that are placed on the Armory roof. The proposed electrical transformer and HVAC units to be located on the ground must also be fully screened and baffled to be in compliance with the City's Noise Ordinance.	CO	ISD/PLNG	
k)All exterior doors must remain closed when the building is occupied.	Cont	ISD	
l) The Owner/Applicant must meet with members of the community to test and determine that sound does not exceed generally accepted decibel levels as provided in the Somerville Noise Ordinance.	Met	ISD/PLNG	Report submitted.
27. Maintenance of the building, both inside and out, is of the high concern. The owner shall therefore:			
m) Prior to construction, install bait boxes and other devices on the interior and exterior to eliminate activity such as rats, roaches, bats and other animals. After construction a regularly scheduled pest control management program must be implemented to clean and treat for rats, mice, and other rodents.	Met	ISD	
n)Maintain regular trash pickups, not to be less than twice a week, and to ensure that such pickup does not commence before 7AM. The owner agrees to use either trashcans or a rolling container and to explore the possibility of using a room in the basement for trash storage.	Cont	ISD	
o)There is to be no cooking of food in the café, with salads and sandwiches the only meals to be prepared at the cafe. All other food served in the café must be either served raw, or have been cooked or pre-packaged off-site and be ready for direct consumption. The only exception to this rule will be for those cooked foods that require reheating. No commercial grills or fryolaters are allowed in the cafe.	Cont	ISD	
p)Maintain all perimeter areas of the property including Highland Avenue and Hudson Street for snow removal and litter.	Cont	ISD	

Condition	Timeframe for Compliance	Verified (initial)	Notes
28. Off street loading or unloading of goods adjacent to any abutting properties must not occur. The loading/unloading zone for the Armory is to be located on the street (Highland Avenue). When not in use this loading zone shall serve as a 10-minute drop off parking area for anyone using the Armory building. Passenger drop-off is however encouraged to occur at the rear of the building, whenever possible.	Cont.	T&P	
29. The owner/applicant agrees to inform all occupants of any rules and regulations, including but not limited to; the hours of operation, number of occupants, and uses related to the interior and exterior space. This language should be posted throughout the offices, halls and in plain sight throughout the facility.	Cont.	?	
30. The recording studio located in the basement level must not be used as rehearsal space.	Cont	ISD	
31. All "at capacity" events must be catered by offsite restaurants and caterers. The on-site café may provide limited catering for events in the Armory, but only within the limits defined in Condition #27c.	Cont	ISD	
32. The Applicant/Owner shall will work with the abutters to determine the least harmful area where smoking will be permitted outside the building.	CO	Advisory Cmte.	
33. Upon receipt of permits the Applicant/Owner shall provide neighbors with the following information; the construction schedule, and location of dumpsters and construction and equipment, and the hours of construction.	BP	ISD	
34. The Applicant/Owner shall provide a contact name and telephone number with 24 hour access for neighbors to use during construction and after occupancy for emergencies and other concerns.	Cont.	ISD	
35. "At capacity" events will occur up to three times per week for no more than 10 events per month. "At capacity" events may include one or more Community Events.	Cont	ISD	
36. The assembly performance space for "at capacity" events shall not exceed 395 occupants based on an allowance of 15 square feet per person. "Other events" occupancy shall not exceed 325 occupants for the assembly performance space.	Cont	ISD	
37. The Center for Arts will have 44 parking spaces on site with the existing mature tree buffer between the site and Hudson Street left intact. The Center will also maintain at least 40 spaces at a satellite lot, with a signed lease to be the indication of said additional parking.	Cont	ISD/PLNG	Lease submitted to Planning.
38. The Center for Arts will provide appropriate signage and parking management with necessary personnel to manage parking and traffic at the entrance/exit during events. During "at capacity" events local area directional maps must also be provided to help direct people to the satellite parking locations. Also, to help ensure parking primarily for patrons, the Center for Arts will provide help such as commuter/bus passes, car pooling and other means, to keep employee parking free during "at capacity" events.	Cont. (auditorium)	ISD	
39. The Center for the Arts shall establish by its opening an	Met	PLNG	

Condition	Timeframe for Compliance	Verified (initial)	Notes
Advisory Committee of three neighbors, the Ward Alderman, a representative from the City's Office of Strategic Planning and Community Development Department (SPCD), the Director of the Arts Council, and the Center's personnel in charge of facilities and programming. This Committee shall meet at least once a quarter to address community impact issues such as parking, traffic, noise, litter, crowd control, and public safety. The Advisory Committee shall establish concise, clear operating procedures for itself. The neighbor representatives shall appoint one point of contact for the larger community to contact and to serve as a liaison between the neighborhood and the Center, as needed.			
40. At six months from the opening of the Center, and at one year, and annually thereafter, the Advisory Committee shall meet to discuss traffic, parking, and noise, in particular as it is related to "at capacity" events. These meetings shall include representatives from the City's Board of Health, the Director of Traffic and Parking or designee, the Community Police Officer, the Superintendent of Inspectional Services or designee, the Ward Alderman, and a representative from the City's Office of Strategic Planning and Community Development Department (SPCD). Should concerns be raised, all parties will work in good faith to resolve differences. Should the Advisory Committee not come to resolution after sufficient and reasonable time to reconcile issues, enforcement action may be brought against the Center, either under the jurisdiction of ISD and/or the City's Licensing Board.	6 months after Center's opening	PLNG, T&P	
41. All roof top mechanical equipment shall be screened for visual and sound impacts. The Applicant shall submit a plan indicating the location and elevation of roof top mechanical equipment and screening to Planning Staff for review;	CO	PLNG	Carried over from 2004 permit. Need confirmation of noise levels
42. The Applicant is responsible for notifying the Planning Staff at least five (5) working days in advance of a request for a Certificate of Occupancy from Inspectional Services, in order to ensure that the conditions of this Special Permit have been met. Issuance of a C.O. shall be contingent upon a satisfactory inspection of site work by the Planning Staff to ensure consistency with the submitted proposal and with the conditions attached to this special permit approval.	CO	PLNG	

Condition	Timeframe for Compliance	Verified (initial)	Notes
<p>DEFINITIONS</p> <p>Definition of “community event” – any event of citywide interest such as high school plays, proms, high school scholarship fundraisers, Taste of Somerville, Somerville Open Studios, etc.</p> <p>Definition of “at capacity event” - any event where the full capacity of the Armory performance hall (former drill hall) is requested or needed for dance performances, theater performances, music concerts (classical, baroque, world music, flamenco, folk), and film openings, and other related activities that pertain to the mission of the Center for Arts at the Armory. “At capacity events” could also be community events depending on the type of event that is being planned or requested to address a community need.</p> <p>Definition of “other events” – events smaller in attendance than “at capacity events.” Examples of “other events” include but are not limited to artist openings, dance and music recitals, arts and crafts fairs, film screenings, poetry readings, artist in residence lectures, and book fairs. Proposed “other events” not specified above will pertain to the mission of the Center for Arts at the Armory.</p> <p>Definition of “non-profit activities” - any activity that is consistent with the mission of the Center for Arts at the Armory arts and cultural programming including but not limited to arts after school programming for children and youth ages 5 – 18 and art adult education classes.</p>			

Attest, by the Zoning Board of Appeals:

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

Attest, by the Zoning Board of Appeals 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
ZBA 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 _____