



CITY OF SOMERVILLE, MASSACHUSETTS  
STRATEGIC PLANNING AND COMMUNITY DEVELOPMENT  
JOSEPH A. CURTATONE, MAYOR

**Memorandum**

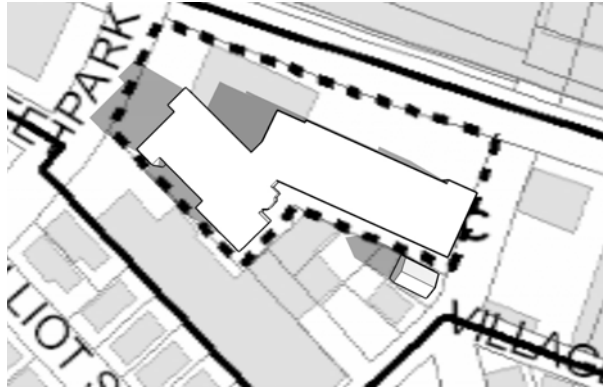
To: ZBA Members  
From: Planning Staff  
Date: September 26, 2008  
RE: 44 PARK STREET

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Board members have asked Staff to address several items.

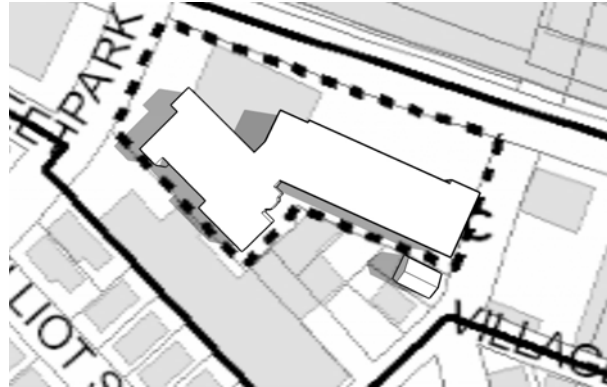
Shadows

The Board asked Staff to review the Applicant's shadow study and neighbors' experience and images of shadows. Staff created a model in SketchUp of the proposed building and 55 Properzi Way based on the City's GIS data for parcel location, orientation, height of buildings, and the submitted site plan. This model has a tool to show shadow. The potential for the proposed building to cast shadows on the house at 55 Properzi Way occur in the morning and therefore the following images will show morning hours.



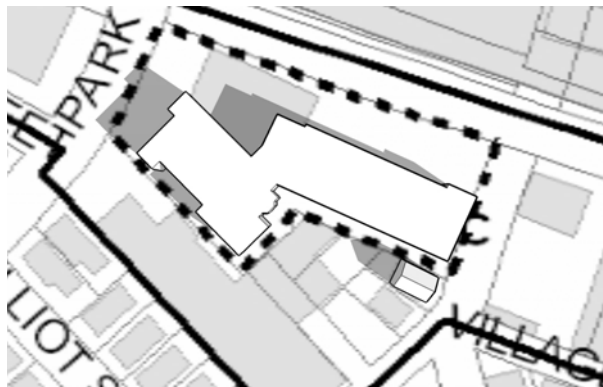
3/22/08

9am



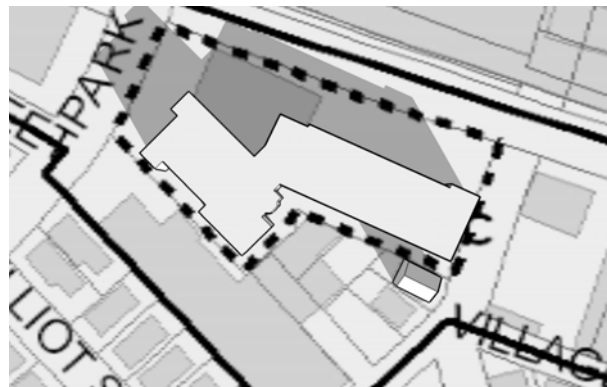
6/20/08

9 am



9/22/08

9am



12/21/08

10am



9/18/08

9am



9am

*Photographs submitted by neighbor showing location of shadows and the sun at 9am.*

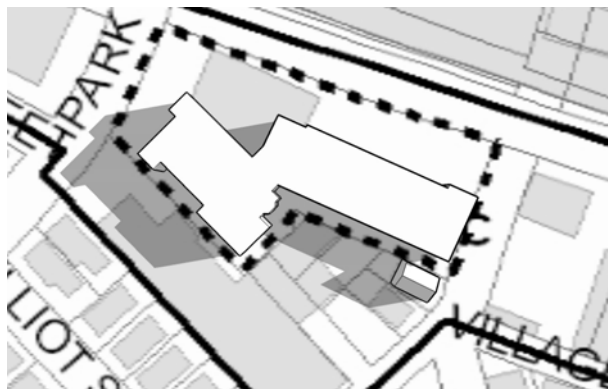
The Applicant's Architect recently made an alteration to the orientation of the site plan in his shadow study, which has not been resubmitted to OSPCD. The shadow study above does show differences between the original shadow-study dated 07-09-2008. The exact degree of difference is difficult to determine but appears modest.

The key difference in what the neighbors observe and the results of the Applicant's shadow study appears to be the shadows during the morning hours before 9am, which are not included in the shadow study. The images below show the potential shadows at 7am. On June 20, shadows would fall from the proposed building and the house at 55 Properzi Way into the backyard at this location until approximately 8am. The summer months before 8am appear to be the only time when the proposed building would case a shadow on the house to the southwest.



3/22/08

7am



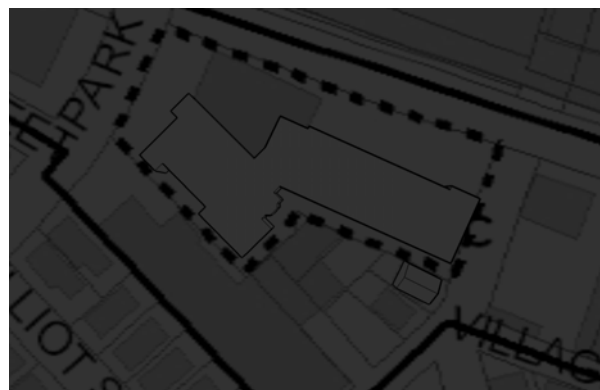
6/20/08

7am



9/22/08

7am



12/21/08

7am



5/29/08

8:30am



8:30am

### Trees

A Board member asked if the willow trees to the east of the site would be affected by the proposal. The trees would be located on the abutter's property once the private way is discontinued and divided between the properties. The area next to the trees where roots may be located is landscaping on the proposed site plan. See condition 8 below for additional language regarding protecting these trees. The fence between these properties would be removed from the end of the garage (owned by the abutter) to Properzi Way as shown on the site plan.

### Soil

Another question related to the potential soil contamination of the site. Conditions 20 and 21 address identification and remediation of environmental issues. Condition 20 requires a Licensed Site Professional to submit documentation regarding contamination of the site before a foundation permit is issued. Condition 21 requires notification of a release of hazardous substances at the site, which is required by the Massachusetts Department of Environmental Protection.

### Affordable Housing

There shall be no vote until the Affordable Housing Implementation Plan (AHIP) has been signed.

Updated Recommended Conditions (changes are **bold**):

| #  | Condition  | Timeframe for Compliance   | Verified (initial) | Notes        |  |  |  |                |   |       |       |  |
|--|--|--|--------------------|--------------|--|--|--|----------------|---|-------|-------|--|
| 1  | Approval is for the construction of 89 units of senior housing. This approval is based upon the following application materials and the plans submitted by the Applicant and/or Agent: <table><tr><th>Date</th><th>Submission</th></tr><tr><td>May 15, 2008</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>July 9, 2008 (issue date)<br/>August 29, 2008 (OSPCD stamp)</td><td>Modified plans submitted to OSPCD (<b>P-1 Perspective Views, L-1 Landscape Plan, A-1-A-5 Floor/Roof Plans, A-5 Elevations, A-6 Photometric Plan, Design Consultants Site Plan</b>)</td></tr><tr><td>August 5, 2008</td><td>Modified plans submitted to OSPCD (rendering from Properzi Way)</td></tr></table> | Date   | Submission         | May 15, 2008 | Initial application submitted to the City Clerk’s Office | July 9, 2008 (issue date)<br>August 29, 2008 (OSPCD stamp) | Modified plans submitted to OSPCD ( <b>P-1 Perspective Views, L-1 Landscape Plan, A-1-A-5 Floor/Roof Plans, A-5 Elevations, A-6 Photometric Plan, Design Consultants Site Plan</b> ) | August 5, 2008 | Modified plans submitted to OSPCD (rendering from Properzi Way) | BP/CO | Plng. |  |
|  | Date   | Submission   |                    |              |  |  |  |                |   |       |       |  |
|  | May 15, 2008   | Initial application submitted to the City Clerk’s Office   |                    |              |  |  |  |                |   |       |       |  |
|  | July 9, 2008 (issue date)<br>August 29, 2008 (OSPCD stamp)   | Modified plans submitted to OSPCD ( <b>P-1 Perspective Views, L-1 Landscape Plan, A-1-A-5 Floor/Roof Plans, A-5 Elevations, A-6 Photometric Plan, Design Consultants Site Plan</b> ) |                    |              |  |  |  |                |   |       |       |  |
|  | August 5, 2008   | Modified plans submitted to OSPCD (rendering from Properzi Way)  |                    |              |  |  |  |                |   |       |       |  |
| Any changes to the approved site plan, elevations or use that are not <i>de minimis</i> must receive ZBA approval. |  |  |                    |              |  |  |  |                |   |       |       |  |
|  |  |  |                    |              |  |  |  |                |   |       |       |  |
|  |  |  |                    |              |  |  |  |                |   |       |       |  |
|  |  |  |                    |              |  |  |  |                |   |       |       |  |
| 2  | <b>Written certification of the creation of affordable housing units, any fractional payment required, or alternative methods of compliance, must be obtained from the Housing Department before the issuance of a Certificate of Occupancy (C.O.).</b>  | CO   | Housing            |              |  |  |  |                |   |       |       |  |
| 3  | <b>If the Applicant does not gain access to use the private right-of-way, the Applicant shall apply for a variance for rear yard setback.</b>  | BP   | Plng.              |              |  |  |  |                |   |       |       |  |
| 4  | <b>There shall be a curb at the emergency vehicle access points from Properzi Way and Park Street and signs reading “Emergency Vehicles Only”.</b>   | CO   | T&P                |              |  |  |  |                |   |       |       |  |
| 5  | <b>There will be plantings along the eastern property line where removal of an existing fence is demarcated on the site plan.</b>  | CO   | Plng. / T&P        |              |  |  |  |                |   |       |       |  |
| 6  | The physical surface of the area where additional parking spaces could be provided will only have low cost and low maintenance "green space" material that could be removed if <b>City and SPGA determines</b> that the <b>additional</b> parking spaces are required.   | Perpetual  | T&P                |              |  |  |  |                |   |       |       |  |

|    |  |                            |             |  |
|----|--|----------------------------|-------------|--|
| 7  | Six months and one year from the date of full occupancy the property management must provide to Traffic and Parking a report prepared by a professional traffic engineer that outlines the current parking conditions of the development. This report must include the parking space utilization for the development in the morning, mid day and afternoon periods. If the parking supply is adequate no further action by the property management is required <b>and the land shall remain landscaped</b> . If there is a parking space shortfall, then the number of parking spaces needed [up to 36 total] should be returned to service. | 6 months & 1 year after CO | T&P / SPGA  |  |
| 8  | <b>The ash and locust trees as shown on the site plan L-1 shall not be removed or damaged. Care must be taken during construction to preserve the willow trees to the east of the site.</b>  | Perpetual                  | ISD         |  |
| 9  | Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards.   | Perpetual                  | Plng. / ISD |  |
| 10 | A current code compliant fire alarm system including a master fire box connected to our fire alarm dispatch center, a sprinkler system and a fire department hose standpipe system as well as elevators that are code compliant must be installed.   | CO                         | FP          |  |
| 11 | The Storm Water Operation and Maintenance Plan shall be shared with the owners of the building who will be responsible for maintaining the drainage system.  | CO                         | Engineering |  |
| 12 | <b>The Owners of the property shall maintain the structural soil for emergency vehicle access.</b>   | CO                         | ISD / FP    |  |
| 13 | Applicant will screen the dumpster and transformer with fencing that blocks any view of them.  | CO                         | Plng.       |  |
| 14 | The Applicant shall submit the sign design that is in compliance with Article 12 of the SZO and that is satisfactory to Planning Staff.  | CO                         | Plng.       |  |
| 15 | Lighting after 10p.m. facing residential property will be turned down or off.  | CO/Cont.                   | 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         |  |

|    |  |                       |              |  |
|----|--|-----------------------|--------------|--|
| 17 | The Applicant shall at his expense replace any existing equipment (including, but not limited to street sign poles, signs, traffic signal poles, traffic signal equipment, wheel chair ramps, granite curbing, etc) and the entire sidewalk immediately abutting the subject property if damaged as a result of construction activity. All new sidewalks and driveways must be constructed to DPW standard.  | CO                    | DPW          |  |
| 18 | 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          |  |
| 19 | The applicant shall develop a demolition plan in consultation with the City of Somerville Inspectional Services Department. Full compliance with proper demolition procedures shall be required, including timely advance notification to abutters of demolition date and timing, good rodent control measures (i.e. rodent baiting), minimization of dust, noise, odor, and debris outfall, and sensitivity to existing landscaping on adjacent sites.  | Demolition Permitting | ISD          |  |
| 20 | <p>Because of the history of the site and the intended use, the Applicant shall, prior to issuance of any foundation permit and/or any building permit for the project, provide to the Planning Department and the Inspectional Services Department:</p> <p>a) a copy of the Response Action Outcome (RAO) Statement, signed by a Licensed Site Professional (LSP) and filed with DEP, verifying that a level of no significant risk for the proposed residential use has been achieved at the site; or</p> <p>b) if remediation has not reached the RAO stage, a statement signed by an LSP describing (i) the management of oil and hazardous materials/waste at the site, including release abatement measures intended to achieve a level of no significant risk for residential use at the site, treatment and storage on site, transportation off-site, and disposal at authorized facilities, (ii) a plan for protecting the health and safety of workers at the site, and (iii) a plan for monitoring air quality in the immediate neighborhood.</p> | Foundation Permit     | Plng/<br>ISD |  |

|    |   |                   |                |  |
|----|---|-------------------|----------------|--|
| 21 | 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. | CO                | OSE/FP/<br>BOH |  |
| 22 | 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.   | Final sign<br>off | Plng.          |  |