



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

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Case #: ZBA #2008-65
Site: 56 Webster Avenue
Date of Decision: August 19, 2009
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: August 25, 2009

ZBA DECISION

Applicant Name:	Royal Hospitality Services, Inc.
Applicant Address:	56 Webster Avenue, Somerville, MA 02143
Property Owner Name:	Columbia Street Realty, LLC
Property Owner Address:	56 Webster Avenue, Somerville, MA 02143
Agent Name:	Richard G. DiGirolamo, Esq.
Agent Address:	424 Broadway, Somerville, MA 02145

<u>Legal Notice:</u>	The ZBA opened the case on January 21, 2009 and has granted continuances until August 5, 2009. Applicant Royal Hospitality Services, Inc. & Owner Columbia St. Realty, LLC seek a special permit (SZO §4.4.1) for alteration of a nonconforming structure and special permit with site plan review (§7.11.12.1.c) in order to expand the existing laundry processing use. IP zone. Ward 2.
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<u>Zoning District/Ward:</u>	IP zone/Ward 2
<u>Zoning Approval Sought:</u>	§4.4.1 & §7.11.12.1.c
<u>Date of Application:</u>	October 28, 2008
<u>Date(s) of Public Hearing:</u>	1/7,
<u>Date of Decision:</u>	August 19, 2009
<u>Vote:</u>	5-0

Appeal #ZBA 2008-65 was opened before the Zoning Board of Appeals at Somerville City Hall on January 7, 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 one hearing of deliberation, the Zoning Board of Appeals took a vote.

DESCRIPTION:

The proposal is to expand the structure and commercial laundry use by 23,482 square feet onto the parcels to the north. The additional space would allow the business to keep up with demand, reduce truck traffic and operating

hours, and install technologies that would reduce energy and water demand. The Applicant states that the truck traffic would decrease by more than ten 26 foot trucks, which currently transport loads of clean laundry to an offsite warehouse due to space restrictions. The addition would allow for an increase in the number of employees from 325 to 425.

The 50 by 50 foot concrete block building on Webster Avenue would be demolished. The addition would be one story and approximately 19 feet tall, which is the same height as the existing structure at that location.

The façade along Webster Street would be brick and recessed stucco-finished brick with planting trellises. The northern elevation would have brick turning the corner from Webster Avenue and vertical metal panels on the top and concrete block on the bottom of the rest of the façade. There would be a pattern of fixed glassing and vent intakes near the top of the building. The eastern façade would be vertical metal panels and concrete block and would provide three new loading docks.

The landscaped area would increase from a minimal percentage of the site to 6.3 percent. There would be landscaping in the parking lot area and in the front yard of the new structure along Webster Avenue.

The parking requirements would be met. The site currently provides 23 parking spaces. The parking requirement for the addition under SZO section 9.5.12.c is one space for every 650 square feet and one space per business vehicle stored onsite. This translates to 36 additional parking spaces. All of the business vehicles would be parked at the loading docks.

Existing	Required/Proposed for Addition	Proposed Total
23	36	59

There would be five new loading docks accessed from the parking lot.

The bicycle parking requirement is one for every ten auto parking spaces. Six bicycle spaces would be required. A rack for a minimum of three bicycles next to the main entrance is shown on the plans. A condition of approval is that there are spaces for six bicycle parking spaces onsite.

Trash is currently stored internally and would continue to be.

FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1 & §7.11.12.1.c):

In order to grant a special permit with site plan review, the SPGA must make certain findings and determinations as outlined in §5.1.4 and §5.2.5 of the SZO. This section of the report goes through §5.2.5 in detail.

1. **Information Supplied:** The Board finds that the information provided by the Applicant conforms to the requirements of §5.2.3 of the SZO and allows for a comprehensive analysis of the project.
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.” 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. As conditioned and subject to the redevelopment plan and the development covenant, the proposal would comply with the standards of the Ordinance.
3. **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”.

On April 23, 2009, the Union Square Rezoning was adopted by the Board of Alderman. The property at 56 Webster Avenue / 520 Columbia Street is now zoned TOD 100 and TOD 135. However, the last paragraph of the rezoning amendment states:

Effective Date. The effective date ("Effective Date") of this Ordinance shall be the date of which it is adopted by the Somerville Board of Aldermen. Notwithstanding the foregoing, this Ordinance shall not apply to any use, structure, or parking proposal for which, prior to the Effective Date, the applicant had applied (a) to the Inspectional Services Department for a building permit, or (b) to the SPGA for a Special Permit ("SP") or Special Permit with Site Plan Review ("SPSR"); but rather, the validity of the building permit, SP, or SPSR, even if granted after the Effective Date, shall be governed by the zoning in effect immediately prior to the Effective Date.

Since the date of application for this expansion was October 28, 2008 and before the "Effective Date" of this ordinance (4/23/09), the proposal would be reviewed under and governed by the original Industrial Park (IP) zoning district.

The purpose of the Industrial Park (IP) district is "to provide opportunity for development in an environment free of excessive noise, odor, smoke, dust, glare, heat, visual disarray, or other nuisance." The proposed expansion of the laundry processing center is consistent with the purpose of the IP district as it would be of light intensity while providing quality employment opportunities for residents of Somerville. Royal Hospitality is mitigating existing concerns related to noise and lint. The business is installing technology that would greatly reduce energy and water consumption while expanding the business.

The TOD-100 and TOD-135 zone allows for greater densities and heights than are currently allowed in this area. It is envisioned that larger commercial and residential structures will be developed in the surrounding area that could reach heights of 100'-135' with 4-5.5 floor area ratios (FAR). The Board acknowledges that this development could take years to complete and the area to reach its full potential. Completion of the Green Line extension and infrastructure improvements are vital to the development of this area and until these elements are in place the adopted zoning allows for flexibility in use and building dimensions. Considering the allowed flexibilities the Board finds this use to be compatible with the existing area and zoning.

However, the City would like to see this site developed in the future to be more in-line with the adopted Union Square Zoning. The City has come to an agreement with the company owner that will control the long term operations of this business at this location. The applicant has signed a development covenant with the City that will require the applicant to cease operations at this location within ten years (two one-year extensions possible with SPGA approval) and to begin taking steps to redevelop the site with a structure(s) and use(s) that are compatible with the adopted rezoning regulations. The areas of agreement outlined in the covenant are incorporated into the conditions of approval in this report as appropriate.

4. Site and Area Compatibility: The Applicant has to ensure that the project "(i)s 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 the buildings are compatible with those prevalent in the surrounding area".

The uses in the immediate area include several metal salvage yards, automotive repair uses, an approved taxi storage and service use, and multifamily homes. The MBTA commuter rail tracks abut the rear of this property. The Board finds that the addition is compatible with these uses and the existing structure. The addition is the same height as the existing structure and would only be visible from portions of Webster Avenue. The majority of the addition would not be visible because the existing structure blocks view of it. The landscaping and clean up of the site would be an improvement to the area.

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

Based upon the comments received from the various City Departments, the project would meet accepted standards and criteria for the functional design of facilities, structures, and site construction.

6. 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.”

With the expansion of the laundry service use there would be space for the installation of water and energy saving devices, which would reduce the business’ impact on public systems. The Applicants stated that with the installation of a Norchem Water Recycling System, there would be a 70% reduction of water and sewer consumption, as well as a reduction of natural gas consumption by 1/3 of current levels. The Applicants are also converting all lighting fixtures to low wattage fixtures with reflectors to save on energy use, employing low temperature washing techniques to reduce energy consumption, and eliminating entirely the use of chlorine bleach within the existing facility. Rain gardens and increased landscaping would reduce the demand for the storm drainage system.

The Applicant stated that with the expansion there would be a reduction of more than ten 26-foot trucks on the streets because they would no longer be needed to transport laundry to a storage facility.

7. 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.”

The Applicant would be remediating the contaminated soil on the site. The Applicant has been trying to reduce the truck and facility noise and lint coming from the building. Conditions are attached which address these concerns.

8. 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 “to provide for and maintain the uniquely integrated structure of uses in the City” and “to conserve the value of land and buildings” and of Article 6, as already described, the proposal is 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.”

The site is relatively flat and almost entirely covered with impervious materials. The increased landscaping on the site would increase the attractiveness of the neighborhood. There would be landscaped areas along Webster Avenue, in a plaza area on Columbia Street, and in the parking lot.

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.”

A concrete block building would be demolished. The addition would cover its footprint as well as an area that is currently covered with a mix of packed dirt, stones and concrete. The addition is the same height as the existing structure and would only be visible from portions of Webster Avenue. The majority of the addition would not be visible because the existing structure blocks view of it.

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. Storm water shall be removed from all roofs, canopies, and powered area, and routed through a well-engineered system designed with appropriate storm water 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.”

The City Engineer has reviewed the proposal and has no objections to it. The building addition would include a fully compliant storm water drainage system for the parking lot and create no net increase of stormwater from the site. The project implements stormwater technologies including planted rain garden areas to hold and treat stormwater from the driveway and parking areas. Shallow infiltration areas are provided to enhance infiltration of treated runoff.

12. Historic or Architectural Significance: The project must be designed “with respect to Somerville’s heritage, any action detrimental to historic structures and their architectural elements shall be discouraged insofar as is practicable, whether those structures exist on the development parcel or on adjacent properties. If there is any removal, substantial alteration or other action detrimental to buildings of historic or architectural significance, these should be minimized and new uses or the erection of new buildings should be compatible with the buildings or places of historic or architectural significance on the development parcel or on adjacent properties.”

The Historic Preservation Staff and Planning Board have deemed the building that would be demolished as not significant. The project would not impact historic or architecturally significant structures.

13. 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 addition is the same height as the existing structure and would only be visible from portions of Webster Avenue. There would be new landscaping along Webster Avenue, in a plaza on Columbia Street and in the parking lot, which would be visible from Columbia Street.

14. 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 has not submitted a plan to change the existing locations of the exterior lighting. There is a condition attached to prevent light from the facility from interfering with the neighboring properties.

15. 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.”

There is access to all sides of the building from the street and parking areas. The driveways are at least 12 feet wide for emergency and fire prevention vehicles.

16. 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 proposal meets all requirements of the zoning regarding parking and driveway dimensions. The existing curb cuts would remain. The curb cut along Webster Avenue does not appear to be used currently; however, the Board does not have issues with its use. There is a condition that the Applicant will post a “Do Not Enter” sign in the parking lot to inform drivers of the one-way driveway.

17. 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 City’s Wiring Inspector does not have any issues with the relocation of existing utility poles along the property’s boundaries.

18. 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.”

The increase in ground coverage of the site is not anticipated to negatively impact the neighborhood as the site is currently covered with a combination of packed soil, stones and concrete. The machinery would be contained within the building. Other adverse impacts from the facility such as truck noise and lint are addressed in attached conditions.

19. 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.”

The proposal does not include a change to the existing signage.

20. 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.”

A new transformer would be located in the middle of the parallel parking spaces on the site. There would be landscaping at the entrance to this paved area. The trash would continue to be stored inside the building. The new loading docks are angled away from the street so that they would not be visible from the street.

DECISION:

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Danielle Fillis and Scott Darling. Upon making the above findings, Susan Fontano made a motion to approve the request for a special permit. Scott Darling 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 construction of a 24,000± s.f. addition to a nonconforming structure and the expansion of a laundry processing center use. This approval is based upon the following application materials and the plans submitted by the Applicant:	CO / BP	Plng.											
	<table><tr><th>Date</th><th>Submission</th></tr><tr><td>October 28, 2008</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>July 1, 2009 (July 14, 2009)</td><td>Plans submitted to OSPCD (Site Grading Drainage & Utility Plan: C-1, C-2)</td></tr><tr><td>January 8, 2008 (January 23, 2009)</td><td>Plans submitted to OSPCD (Existing Conditions: S1)</td></tr><tr><td>July 14, 2009 (July 14, 2009)</td><td>Plans submitted to OSPCD (Zoning Compliance: Z-1, Site Plan: A0, Floor Plan: A-1, Elevations: A-2)</td></tr></table>				Date	Submission	October 28, 2008	Initial application submitted to the City Clerk's Office	July 1, 2009 (July 14, 2009)	Plans submitted to OSPCD (Site Grading Drainage & Utility Plan: C-1, C-2)	January 8, 2008 (January 23, 2009)	Plans submitted to OSPCD (Existing Conditions: S1)	July 14, 2009 (July 14, 2009)	Plans submitted to OSPCD (Zoning Compliance: Z-1, Site Plan: A0, Floor Plan: A-1, Elevations: A-2)
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Any changes to the approved (site plan or elevations/use) that are not <i>de minimis</i> must receive ZBA approval.														
2	This SPSR shall expire ten (10) years after the date of issuance of a permanent certificate of occupancy for the expanded laundry processing center use (“Effective Date”).	Cont.	ISD/ Plng.	Covenant										

3	<p>The Applicant may apply to the SPGA for up to two (2) extensions of this SPSR: a first extension for one (1) year which shall expire eleven (11) years from the Effective Date (the “First Extension”); and a second extension for one (1) year which shall expire twelve (12) years from Effective Date (“Second Extension”) unless the application of the force majeure in clause in Paragraph 7 of the Development Covenant extends these dates. The Applicant shall notify the City, no later than six (6) months in advance of the expiration date (or extended expiration date) of the SPSR, that the Applicant intends to apply for an extension. Each request for extension shall be filed no later than ninety (90) days prior to the expiration date (or extended expiration date) of the original SPSR.</p> <p>In determining whether or not to support the First Extension and the Second Extension, the SPGA will take into account the following considerations set forth in the Applicant’s Covenant with the City, including without limitation: (1) the Applicant’s compliance with the conditions attached to this SPSR; (2) the then current real estate market conditions, including absorption rates and commercial financing availability and terms; (3) progress on the extension of the Green Line into Union Square; (4) proximity of the Property to the nearest Green Line Station and other redevelopment projects; (5) the Applicant’s willingness to take reasonable actions to plan for and further the redevelopment of the Property as described below: During the ninth (9th) year following the Effective Date and prior to applying for the First Extension, the Applicant shall have developed a conceptual site plan for the Property that (i) is acceptable to the City as being consistent with publicly-adopted plans and guidelines for development in the Union Square/Boynton Yards area; (ii) conforms to the then-current zoning, or can be permitted with zoning relief acceptable to the City; and (iii) optimizes the mixed use, transit-oriented development potential of the site (a conceptual site plan meeting the foregoing criteria is referred to in the following paragraphs as the “Conceptual Site Plan”); and (6) filed an application for zoning relief for a project that conforms to the Conceptual Site Plan.</p>	Cont.	SPGA	Covenant
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4	The 10-year limitation on the SPSR shall lapse if any holder (“Holder”) of record of a first mortgage granted to a state or national bank, state or federal savings and loan association, cooperative bank, mortgage company, trust company, insurance company or other institutional lender acquires the Property by reason of foreclosure or upon conveyance of the Property in lieu of foreclosure, provided such Holder has given the City not less than sixty (60) days’ prior written notice of its intention to foreclose upon its mortgage or to accept a conveyance of the Property in lieu of foreclosure. Provided, however, that the 10-year SPSR limit shall be revived as though it had never lapsed if the Property is acquired through foreclosure or deed in lieu of foreclosure by a “Related Party”, defined as (i) the Applicant; (ii) any person with a direct or indirect financial interest in the Applicant; (iii) any person related to a person described in clause (ii) by blood, adoption, marriage, or operation of law; (iv) any person who is or at any time was a business associate of a person described in clause (ii); or (v) any entity in which any of the foregoing have a direct or indirect financial or management interest.	Cont.		Covenant
5	For the first five (5) years after Effective Date, the Applicant shall meet with City no less than once a year during regular business hours to review the general progress of redevelopment in Union Square/Boynton Yards, including progress in bringing the Green Line to the area. The meeting shall be held at a mutually convenient time and place.	Cont.	ISD/ Plng./ Applica nt	Covenant
6	Royal’s lease(s) at the Property shall be amended to provide, subject to the other terms and conditions of the lease(s), that: (a) the lease expiration date(s) coincide with the expiration date of the SPSR for the Expansion Project, with term extensions corresponding in time to the First Extension and Second Extension, with the provision that the exercise of such lease extensions shall be subject to SPGA approval of the SPSR First Extension and Second Extension; and (b) all commercial laundry use at the Property be discontinued at the lease expiration date, as extended.	Cont.	Legal	Covenant
7	No later than the date of issuance of a building permit for the Expansion Project, the Applicant shall hire a licensed site professional (“LSP”) to undertake a preliminary site assessment at 56 Webster Avenue, to be followed up by all notifications, testing, and response actions required in accordance with M.G.L. c. 21E and the Massachusetts Contingency Plan, 310 CMR 40.0000.	BP	ISD	Covenant

8	<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 Division:</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 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 the 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>	BP / foundation permit	ISD	
9	The Applicant shall develop a demolition plan in consultation with the City of Somerville Inspectional Services Division. Full compliance with proper demolition procedures shall be required, including timely advance notification to abutters of demolition date and timing, good rodent control measures (i.e. rodent baiting), minimization of dust, noise, odor, and debris outfall.	Demolition Permitting	ISD	
10	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	
11	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/BOH	
12	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) immediately abutting the subject property if damaged as a result of construction activity.	CO	DPW	
13	The Applicant shall replace grass, plant shrubs and replace any dead or missing canopy trees in side yards as shown on Proposed Site Plan, sheet A0.	CO	ISD / Plng.	Covenant

14	The Applicant shall provide green space along Webster Avenue as shown on Proposed Site Plan, sheet A0 and in accordance with a plan to be submitted to and approved by OSPCD.	CO	ISD / Plng.	Covenant
15	The Applicant shall retrofit lint collector #2 with an inverter to reduce fan speed and related vibration.	CO	ISD	Covenant
16	The Applicant shall install new fans with forty-eight (48) inch housings to replace the existing fans with thirty-six (36) inch housings to reduce noise.	CO	ISD / Plng.	Covenant
17	The Applicant shall provide an area onsite for employees to eat lunch outside.	CO	Plng.	
18	Applicant will supply 6 bicycle parking spaces, which can be satisfied with 3 U-type bicycle racks.	CO	Plng.	
19	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
20	The Applicants shall post a "Do Not Enter" sign in the parking lot to inform drivers not to enter the one-way driveway.	CO	T&P	
21	The Applicant shall install a new lint collection system.	CO	ISD	
22	Following the issuance of a building permit for the expansion, the Applicant shall actively participate with the City and/or the SRA in applications for public funding of infrastructure and other improvements in the Union Square/Boynton Yards area.	Perpetual	City / Applicant	Covenant
23	If the conditioned measures do not adequately reduce noise, the Applicant shall hire an acoustical engineer to examine the sources of noise within the Existing Facility and the Proposed Expansion, and take such further steps as are deemed necessary by the engineer to achieve compliance with the standards of the Somerville Noise Ordinance, Article VII, Division 2, Section 9-117.	Perpetual	ISD	Covenant
24	The Applicant shall remove any debris, building materials, dirt and/or aggregate from rear yard.	Perpetual	ISD / Plng.	Covenant
25	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards.	Perpetual	Plng. / ISD	
26	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.	Perpetual	ISD	

27	<p>The Applicant shall continue to employ energy and water-saving measures in its operations such as:</p> <ul style="list-style-type: none"> • converting all lighting fixtures within the Existing Facility to low wattage fixtures with reflectors to save on energy use; • employing low temperature washing techniques at the Existing Facility to reduce energy consumption; • eliminating entirely the use of chlorine bleach within the Existing Facility; and • installing a water recycling system in the Existing Facility, at a cost of approximately One Million Dollars (\$1,000,000.00) and with a completion date in 2009, to reduce water and sewer consumption in the Existing Facility by up to 70%, and to reduce associated natural gas use for hot water production by up to 33%. 	Perpetual	ISD / Plng.	Covenant
28	<p>Prior to applying for a Second Extension the Applicant shall have entered into an agreement (“Option Agreement”) with the Somerville Redevelopment Authority (“SRA”) giving the SRA and/or its nominee, for a period of five (5) years from the date of said Option Agreement, the right to purchase (“Option to Purchase”) the Property at a date and time to be determined by the SRA, provided however, that the SRA shall not exercise such Option to Purchase if the Applicant is proceeding expeditiously to develop a project at the Property conforming to the Conceptual Site Plan, as demonstrated by the granting of a TOD-SPSR, the filing of an application for a demolition permit, the demolition of existing buildings at the Property, the filing of an application for a building permit, and the commencement of construction.</p> <p>The Option Price shall be the fair market value determined by a mutually agreed upon, commercially reasonable method based on independent third party appraisals by qualified appraisers. If the parties fail to agree on a such method, then the following method shall be used: each party shall select a qualified appraiser, the two appraisers shall select a third appraiser, and the Option Price shall be the average of three appraisals dated no earlier than three (3) months before a date of closing selected by the SRA. Notwithstanding the foregoing, if the buildings at the Property have not already been demolished by the Applicant, the Option Price shall be the fair market value as calculated above, less the cost of demolition and disposal. The Applicant hereby appoints the City as its attorney-in-fact to execute the Option Agreement with the SRA should the Applicant fail to do so. The Option Agreement shall be recorded at the Middlesex South District Registry of Deeds.</p>	Perpetual	ISD / Plng.	Covenant
29	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.	Perpetual	ISD / Plng.	

30	Trucks accessing the site shall not use Webster or Tremont Streets before 5:30 am and after 11 pm.	Perpetual	ISD	
31	The Applicant shall replace the steel plates on the Columbia Street loading area with new composite (rubberized) dock plates.	Perpetual	ISD	
32	The Columbia Street loading dock overhead door will remain closed from 7 pm until 5:30 am. Any incoming trucks will unload on the back loading docks accessed from the parking lots.	Perpetual	ISD	
33	The Applicant shall periodically remind drivers to be respectful of the neighbors by not blowing horns, blocking street, idling trucks, etc.	Perpetual	Applicants	
34	The Applicants shall turn off the electrical internal transformer each night when the machine is no longer in use.	Perpetual	Applicants	
35	The Applicant shall use the quieter air compressor during overnight clean up and preventative maintenance programs.	Perpetual	Applicants	
36	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 off	Plng.	

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 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 _____