



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2011-79

Date: November 23, 2011

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 485 Mystic Valley Parkway

Applicant and Property Owner Name: Somerville Housing Authority

Applicant and Property Owner Address: 30 Memorial Road, Somerville, MA 02145

Agent Name: Peter L. Freeman, Esq., Freeman Law Group, LLC

Agent Address: 86 Willow Street, Yarmouth Port, MA 02675

Alderman: Robert Trane

Legal Notice: Applicant and Owner Somerville Housing Authority seeks a Comprehensive Permit under M.G.L. Chapter 40B for an Inclusionary Housing Development. The proposal would create 60 affordable one-bedroom residential dwelling units for seniors and person with disabilities in two buildings. The project would consist of the redevelopment and conversion of the existing Mystic Water Works into a 25 affordable housing unit rental apartment building and the demolition of the existing office and garage outbuilding to be replaced with a newly constructed 35 affordable housing unit rental apartment building. The Applicant is requesting waivers from various sections of the City's ordinances and requirements, including but not limited to waivers from the following sections of the SZO: §4.4.1, §4.5.3, §7.2, §7.3, §7.9, §7.11, §8.5.B, §8.5.C, §8.5.E, §8.5.F, §8.5.I, §9.4, §9.5.1.b, §9.6.1, §9.9, §9.11, §9.15, §10.5, and §10.6. RA zone. Ward 7.

Zoning District/Ward: RA Zone / Ward 7

Zoning Approval Sought: Comprehensive Permit under M.G.L. Chapter 40B

Date of Application: October 17, 2011

Dates of Public Hearing: Zoning Board of Appeals – **November 30, 2011**

I. PROJECT DESCRIPTION

1. **Subject Property:** The subject property is a 61,179 square foot parcel at the intersection of Alewife Brook Parkway / Mystic Valley Parkway / Capen Street. There are two existing structures on the lot. One is a tall single story brick building that was formerly the Mystic Water Works



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pump house. This building is individually listed on the State and National Registers of Historic Places and is a contributing resource within several historic districts. The building has 13,110 net square feet and a flat roof. The second structure on the lot is a one story brick office/garage outbuilding at the rear of the property with 1,600 net square feet. Directly behind this property is the adjacent development at Capen Court which is an affordable senior living facility operated by an affiliate of the Applicant and also contains an assisted living facility developed by the Visiting Nurse Association.

2. Proposal: The Applicant is proposing to redevelop and convert the existing Mystic Pump House into 25 affordable housing units for seniors and persons with disabilities. The existing office/garage building would be torn down and in its place would be a new 35 unit apartment building also for seniors and persons with disabilities. All of the 60 units will be one-bedroom units designated as low to moderate income rental units under state guidelines. The proposal would include 17 parking spaces with 15 spaces located in a lot across Capen Street and two spaces near the main entrances to the two buildings.

The existing Mystic Pump House would be divided into two floors with 12 units on the first floor and 13 units on the second floor. There would also be some common gathering space at the north end of each floor. The basement would contain tenant storage space, a trash room, a laundry room, and the mechanical room. There would only be minimal exterior repairs to the façade of the pump house including repairs to the trim and windows. The new construction building would be four stories high but it would be built into the slope at the back of the property and therefore only three stories would be visible on the rear façade. The first floor of the building would contain the lobby, laundry room, trash room, mechanical room, and five dwelling units. There would be 10 units on the second floor along with a lobby, meeting room, and exercise room. The third and fourth floors would have 10 units each as well and the third floor would provide access out onto a terrace space over the lobby and meeting room on the second floor. The façade of the new building would consist of pre-patinated copper, fiber cement siding, aluminum storefront, and brick.

3. Nature of Application:

The Applicant seeks a Comprehensive Permit under M.G.L. Chapter 40B in order to redevelop and convert the existing Mystic Pump House into 25 affordable housing units and to demolish the existing office/garage outbuilding behind it to construct another 35 affordable housing units. The combined 60 units between the two buildings would be affordable housing units for seniors and persons with disabilities. M.G.L. Chapter 40B, Sec. 20-23, allows municipalities to approve exceptions from local ordinances and regulations where such ordinances and regulations make the development of low and moderate income housing "uneconomic." An applicant can request that a municipality's Zoning Board of Appeals grant a single comprehensive permit in lieu of separate permits and approvals that would otherwise be required. Under this law, applicants are eligible to apply for a comprehensive permit.

The City must meet one of two standards set forth in M.G.L. Chapter 40B, Sec. 20 which measure a city or town's performance relative to the provision of low or moderate income housing to avoid having to accept these comprehensive permit applications. First, the state has set a threshold of 10% for the number of low or moderate income housing units which exist as a percentage of the total housing units reported in the latest federal decennial census. The Commonwealth of Massachusetts Department of Housing and Community Development (DHCD) has certified that 9.3% of the City of Somerville's dwelling units are low or moderate income. If the number of "floating" Section 8 units in Somerville is added to this total, the percentage of affordable housing in the City could possibly exceed the 10% threshold.

Second, the state has set a 1.5% threshold for low or moderate-income housing which exists on sites as a percentage of the total land area zoned for residential, commercial or industrial use. However, while the City probably meets the 1.5% threshold, that does not prevent developers from applying for a

comprehensive permit for a M.G.L. Chapter 40B project. In cities such as Somerville, with fewer than ten percent (10%) of their housing units affordable under federal, state or local guidelines, a denial of an M.G.L. Chapter 40B permit application is appealable to the State Housing Appeals Committee. The standards for granting or denying the application are outlined below.

Responsibility of the SPGA (from www.state.ma.us/dhcd/components/hac)

In nearly every community in Massachusetts there is a need for affordable housing. The Comprehensive Permit Law expresses a strong public policy in favor of waiving local restrictions, when appropriate to facilitate the construction or substantial rehabilitation of low and moderate income subsidized housing. The statute requires that a Comprehensive Permit be granted when it is "consistent with local needs." (see definition below) and describes a balancing test. "Consistency with local needs" is determined by balancing the need of the community for affordable housing with the need for certain zoning protections at the site.

(Definition) Consistent with local needs:

- Requirements and regulations reasonable in view of the regional need for low and moderate income housing considered, with the number of low-income persons in the city or town affected, (and)

(compared to)

The need to protect the health or safety of the occupants of the proposed housing or of the residents of the city or town, to promote better site and building design in relation to the surroundings, or to preserve open spaces, (and) if such requirements and regulations are applied as equally as possible to both subsidized and unsubsidized housing. Requirements or regulations shall be consistent with local needs when imposed by a board of zoning appeals after a comprehensive hearing in a city or town where (1) low or moderate income housing exists which is in excess of ten percent of the housing units reported in the latest federal decennial census of the city or town or on sites comprising one and one half percent or more of the total land area zoned for residential, commercial or industrial use or (2) the application before the board would result in the commencement of construction of such housing on sites comprising more than three tenths of one percent of such land area or ten acres, whichever is larger, in any one calendar year; provided, however, that land area owned by the United States, the commonwealth or any political subdivision thereof, the metropolitan district commission or any public authority shall be excluded from the total land area referred to above when making such determination of consistency with local needs.

The balancing test for a Comprehensive Permit differs from the standard test for a Special Permit, which requires the SPGA to make findings and determinations under the following provisions:

- Compliance with Standards;
- Consistency with Purposes; and
- Site and Area Compatibility (SZO §5.1.4)

The balancing test also differs from the authorization and conditions for Variances, which may only be authorized by the Zoning Board of Appeals for reasons of practical difficulty and substantial hardship. (SZO §5.5.3)

Eligibility

There are three requirements under State regulations (760 CMR 31.01- Jurisdictional Requirements) in order to be eligible to apply for a Comprehensive Permit.

- First, the applicant must be a public agency, non-profit organization, or limited dividend organization.

The Applicant, the Somerville Housing Authority, is a municipal entity and thus a Public Agency. Therefore, pursuant to the statute, and the regulations, 760 CMR 56.04(1)(a), the Somerville Housing Authority is an eligible Applicant for a Comprehensive Permit.

- Second, the project must be fundable, although it would not have to necessarily be funded, by a subsidizing agency.

The Applicant has submitted a Project Eligibility Letter from the Commonwealth of Massachusetts Department of Housing and Community Development under the Low Income Housing Tax Credit Program that confirms the project's eligibility for receiving a state governmental subsidy and the suitability of the site. Therefore, the Applicant fulfills the requirement of 760 CMR 56.04(1)(b), which states: "The project shall be fundable under a subsidizing agency under a low and moderate income subsidy program."

- Third, the applicant must have control of the site.

The Somerville Housing Authority has obtained legislative approval for conveyance of land owned by the Commonwealth of Massachusetts from the Department of Capital Asset Management (DCAM), in consultation with the Department of Conservation and Recreation (DCR) and the Massachusetts Water Resource Authority (MWRA) subject to Article 97 of the Amendments to the Constitution of the Commonwealth (Article 97) as laid out in Chapter 245 of the Acts of 2010 approved by the Governor on August 5, 2010. DCAM has now conveyed the locus to the Somerville Housing Authority. Therefore, the Applicant controls the land as required by 760 CMR 56.04(1)(c).

Requested Exemptions from the Zoning Ordinance

The requested Comprehensive Permit would grant the Applicant exemptions from the following sections of the SZO:

- SZO §4.4.1 (alteration to a nonconforming structure)
- SZO §4.5.3 (alteration to a nonconforming use)
- SZO §7.2 (more than one principal structure per lot)
- SZO §7.3 (maximum dwelling units per lot)
- SZO §7.9 (compliance with all standards)
- SZO §7.11 (Table of Permitted Uses)
- SZO §8.5.B (minimum lot area per dwelling unit)
- SZO §8.5.C (maximum percentage of ground coverage)
- SZO §8.5.E (maximum Floor Area Ratio)
- SZO §8.5.F (maximum height)
- SZO §8.5.I (rear yard setback)
- SZO §9.4 (nonconformity with respect to parking requirements)
- SZO §9.5.1.b (parking requirements for senior citizen housing)
- SZO §9.6.1 (special provisions and rules for interpretation of sections 9.5 and 9.7)
- SZO §9.9 (driveways, access, and lighting requirements)

- SZO §9.11 (dimensions of parking spaces and maneuvering aisles)
- SZO §9.15 (bicycle access and parking)
- SZO §10.5 (screening requirements)
- SZO §10.6 (landscaping specifications)

Dimensions

The existing structures on the site are all currently in conformance with respect to the dimensional aspects of the SZO with the exception of the front yard setback. The minimum required front yard setback in an RA district is 15 feet and the Mystic Pump House only has 14.5 feet of setback. However, once implemented, the project would bring several dimensional items into nonconforming status. The lot area per dwelling unit for the site would become nonconforming at 1,019 square feet per dwelling unit as the RA district minimum is 2,250 square feet. Floor Area Ratio would also change from a conforming 0.43 to a nonconforming 0.87. Maximum FAR in the RA district is 0.75. Building height would also change from a conforming 33.5 feet to a nonconforming 48 feet as the maximum allowable height in the RA district is 35 feet. Lastly, the rear yard setback would also become nonconforming as a result of the new structure on the lot changing the rear setback from a conforming 41.5 feet to just under 12.5 feet. The RA district requires 20 feet of rear yard setback.

Parking

The Applicant is proposing to provide 17 off-street parking spaces at the site, which would be 0.28 spaces per dwelling unit. Fifteen of these spaces would be in the parking lot across Capen Street and two of the spaces would be located by the main entrance to the new 35 unit building. The SZO would normally require 45 parking spaces for 60 senior citizen housing units (0.75 spaces per dwelling unit) or would permit 24 spaces (0.40 spaces per unit) via special permit approval. However, §9.13.f. of the SZO states that where it can be demonstrated that a use or establishment needs a lesser number of parking spaces than is required by the ordinance, such as housing for the handicapped or where there is an instance of a low rate of car ownership or use, the number of required parking spaces can be reduced by up to 20% by special permit. This proposal, had it not been seeking approval under a Comprehensive Permit, would most likely meet this requirement, which would further lower the required number of parking spaces. Lastly, it should also be noted that under legislative approval of conveyance under Section 2 of Chapter 245 of the Acts of 2010, this development is restricted to affordable senior housing and will also include housing for disabled persons. Therefore, the reduction in required parking spaces for this project is reasonable.

4. Surrounding Neighborhood: The property is located in an RA district in the western most portion of Somerville along Alewife Brook. The immediately adjacent properties consist of multi-family dwellings, nursing homes, a gas station, and Department of Conservation and Recreation land. Just beyond those properties are neighborhoods consisting of predominantly two-family homes that are 2½ stories in height.

5. Impacts of Proposal: The largest impact of the proposal would be the increase in the number of people at the site compared to the existing situation at the property, vacant buildings. The 60 one-bedroom affordable housing units would bring in a maximum of 60 additional residents to the area and whoever may visit them. The Mystic Pump House, a National Historic structure, and a separate non-contributing structure on the site are currently unused and vacant. The Commonwealth of Massachusetts determined that the property is surplus property suitable for disposition. In response to the City of Somerville's desire and request to use the site for affordable housing, the state legislature unanimously authorized the conveyance of the property to the Somerville Housing Authority. The state through DCAM has now conveyed the property to the Applicant. The site will now undergo rehabilitation which includes the reuse and preservation of the Mystic Pump House, demolition of the non-contributing garage/office

structure, and new compatible construction under the approval of the Massachusetts Historical Commission thereby preserving and maintaining a National Historic structure and local historic districts and revitalizing a building and site that has been vacant and unutilized for a long time.

The re-use of the site for much needed senior apartments and apartments for persons with disabilities is beneficial to the community. In addition, the site's proximity to Capen Court will enable the project's residents to benefit from nearby services and help to make this site an ideal one for the proposed use. The renovation and rehabilitation of the historic Mystic Pump House building to the architectural and historic standards of the Secretary of the Interior under the federal Historic Tax Credit program will also add to the community. The Traffic Study submitted by the Applicant also indicated that traffic generated by the project will not have a negative impact on the surrounding area.

6. Green Building Practices: The Applicant indicated in their narrative description of the project that the "City of Somerville is designated by the Department of Energy Resources as a 'Green Community,' and has adopted the Massachusetts Stretch Building Energy Code. Accordingly, the design of the project incorporates a number of sustainable design and operations measures."

7. Comments:

Fire Prevention: Has been contacted but has not yet provided comments.

Ward Alderman: Alderman Trane has been contacted but has not yet provided comments.

Historic Preservation: The Applicant was supposed to go before the Historic Preservation Commission on Tuesday, November 15, 2011, but due to the large number of cases on the agenda, their case was continued to the December Historic Preservation Commission meeting. No comments have been provided at this time.

Traffic & Parking: Indicated in an email to Planning Staff on November 23, 2011 that "The proposed application for 485 Mystic Valley Parkway is seeking Zoning Board of Appeals approval for a Comprehensive Permit to create 60 affordable one bedroom residential dwelling units for seniors and persons with disabilities in two buildings on approximately 1.4 acres of land. The Somerville Zoning Ordinance (SZO) requires 0.75 parking spaces per unit for senior citizen housing. The Applicant is providing 17 parking spaces or 0.28 parking spaces per unit.

In June, 2008 a survey was conducted of parking utilization/occupancy at four senior housing developments in Somerville for a proposed project at 44 Park Street. This survey indicated that the four sites provided an average of 0.29 parking spaces per unit.

The parking spaces being provided by the Applicant for 485 Mystic Valley Parkway is only slightly less than the actual parking space utilization per unit at four senior housing developments in Somerville.

Based on the above data, the number of parking spaces being provided for 485 Mystic Valley Parkway appears reasonable. Traffic and Parking has no objections to this application."

Lights and Lines: Has been contacted but has not yet provided comments.

Housing: The Housing Department indicated to Planning Staff that the Applicant for the project has applied for State and City funding for the proposal. Housing also indicated that the City has made a commitment to this proposal, is supportive of the project, and plans to help fund it. It should also be noted

that an affordable housing restriction will be placed on the property. The Somerville Housing Authority plans for all 60 units to be affordable to households with incomes up to 60% of the Area Median Income. This is a Comprehensive Permit application, so at a minimum 25% of the units would need to be affordable to households who earn no more than 80% of the area median income or, because this is a rental project, they could choose to provide 20% of the units to households earning no more than 50% of area median income. This makes it even more irrelevant to sign an Affordable Housing Implementation Plan for the Inclusionary Zoning requirements. The Somerville Housing Authority plans to develop this site as 100% affordable and is seeking financing to make this happen.

Conservation Commission: Has been contacted but has not yet provided comments.

Engineering: Stated in an email to Planning Staff that “Engineering has reviewed the plans and drainage report for the subject project. No exceptions are noted. Address of the property shall be 485-487 Mystic Valley Parkway (two buildings are noted on the plans).”

Wiring Inspector: Has been contacted but has not yet provided comments.

Design Review Committee: The Applicant went before the Design Review Committee on October 27, 2011. Below is a list of the comments from this committee meeting:

The windows on the first floor, the ground floor, of the new building could be redesigned with regard to their size. These windows might work better if they were larger, perhaps even larger than the windows on the upper stories.

The stair tower on the new building is a concern. It is going to be a very strong element and could be distracting from the historic structure that is in front of it. Perhaps it could be pushed back towards the rear of the building, lowered, or altered in some manner to make it less prominent.

The red color on the new building seems to be picking up or even mimicking the red color of the historic building. Perhaps a gray palette with greens or a burgundy would work better on the new building. Even using a copper theme might be better so that the colors of the new building do not relate so directly to the color of the historic building. The brick material and red color palette may not be the best combination to make the new building distinct but compatible to the historic building. The space between the buildings may also benefit from a lighter color in thinking about sun exposure on the buildings.



Existing Condition of Pump House Building



Existing Condition of Office/Garage Outbuilding

II. FINDINGS FOR SPECIAL PERMIT WITH SITE PLAN REVIEW (SZO §5.2.5)

Located within a RA zoning district this application would normally require a special permit with site plan review. In considering a special permit with site plan review request, the Zoning Board of Appeals must consider the 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 Staff 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 Comprehensive Permit under M.G.L. Chapter 40B, Staff finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing site plan and structure. The development at the site is currently dimensionally conforming with the exception of the front yard setback which is nonconforming by six inches. However, when the new structure is completed, several dimensional aspects will become nonconforming including lot area per dwelling unit, building height, and rear yard setback.

Parking, which is currently conforming, would also become nonconforming when the proposal is implemented. The Applicant is proposing to provide 17 off-street parking spaces at the site, which would be 0.28 spaces per dwelling unit. Fifteen of these spaces would be in the parking lot across Capen Street and two of the spaces would be located by the main entrance to the new 35 unit building. The SZO would normally require 45 parking spaces for 60 senior citizen housing units (0.75 spaces per dwelling unit) or would permit 24 spaces (0.40 spaces per unit) via special permit approval. However, §9.13.f. of the SZO states that where it can be demonstrated that a use or establishment needs a lesser number of parking spaces than is required by the ordinance, such as housing for the handicapped or where there is an instance of a low rate of car ownership or use, the number of required parking spaces can be reduced by up to 20% by special permit. This proposal, had it not been seeking approval under a Comprehensive Permit, would most likely meet this requirement, which would further lower the required number of parking spaces. Lastly, it should also be noted that under legislative approval of conveyance under Section 2 of Chapter 245 of the Acts of 2010, this development is restricted to affordable senior housing and will also include housing for disabled persons. Therefore, the reduction in required parking spaces for this project is reasonable.

Approving this application, which is compatible with and complimentary to this neighborhood, will help further the City’s goals of increasing the amount of affordable housing available to Somerville residents, especially the needs of elderly residents.

3. Purpose of District: The project must be “consistent with the intent of the specific zoning district as specified in Article 6.”

The proposal is consistent with the purpose of the district (6.1.1. RA - Residence Districts), which is, “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.” While this particular proposal is not a one-, two-, or even a three-family residential structure, it is compatible with these types of residential uses. This proposed housing for seniors and persons with disabilities is very similar to the adjacent development at Capen Court which is an affordable senior living facility operated

by an affiliate of the Applicant and also contains an assisted living facility developed by the Visiting Nurse Association. The project's proximity to these facilities makes it consistent with the surrounding uses and will enable its residents to benefit from nearby services.

4. Site and Area Compatibility: The project must be "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."

The project was designed to be compatible with the characteristics of the built environment and the existing land uses of the area. The form and massing of the existing Mystic Pump House building are not being changed and only minor modifications are being made to the exterior of the building. The new 35 unit building's design, scale, massing, and materials will be compatible with the setting and the historical Mystic Pump House. Additionally, the design and proposed color scheme of the new building will make it distinct but compatible to the historic pump house, as well as with the structures in the surrounding area. While the new building is actually four stories in height, the structure is built into the slope at the rear of the property and only three stories will be visible on the building's rear façade.

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

The site meets the accepted standards for a functional design. Only minor modifications would be made to the existing curb cuts at the site. The curb cut with access between the buildings on Capen Street would remain but would be turned into a pick up/drop off area for the two buildings. This would allow cars to return back out to the rotary or to loop around and continue back up Capen Street. The existing curb cut that is furthest north on Mystic Valley Parkway would be retained but would only be used for emergency vehicle access. The existing curb cut in front of the old main entrance to the pump house would be closed as part of this proposal. With the retention of the existing curb cut setup and the existing building layout, the area between the two buildings can be used for a well landscaped pedestrian courtyard. Additionally, since the majority of the parking spaces for the project are located across Capen Street, there is a clear separation between the pedestrian and vehicular environments at the site. The Traffic Study that was submitted by the Applicant indicated that the traffic generated by the proposed project would not have a negative impact on the area.

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."

The approval of the Comprehensive Permit shall be contingent upon the City Engineer's determination that no adverse impacts on public systems will result from the proposed renovation. The project will require modifications to the existing curb cuts and use of Alewife Brook Parkway and Mystic Valley Parkway. The project will be accessed from Capen Street, via the Alewife Brook Parkway/Capen Street intersection. An emergency vehicle access lane will be provided using an existing curb cut with direct access to Mystic Valley Parkway on the northern portion of the site. The proposed project will tie into the municipal sewer system and municipal water system.

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.”

No adverse environmental impacts are anticipated from this project as both structures at the property will be used for residential housing for seniors and persons with disabilities. No new noise, glare, smoke, vibration, nor emissions of noxious materials nor pollution of water ways or ground water are anticipated as part of the proposal. The project site had been regulated under M.G.L. Chapter 21E as it was the site of a release of gasoline in 1991. The site was given a status of no further action required by the Commonwealth of Massachusetts Department of Environmental Protection (DEP) in 1995 following Phase II investigations as Release Tracking Number 3-0004146 and a permanent solution has been achieved. The project required an Environmental Notification Form under the Massachusetts Environmental Policy Act (MEPA) and it was determined that this project did not require the preparation of an Environmental Impact Report. The Applicant submitted a Certificate of the Secretary of Energy and Environmental Affairs which indicated this.

8. 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 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 purposes at the beginning of the various sections.”

The proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to promoting “the health, safety, and welfare of the inhabitants of the City of Somerville; to provide for and maintain the uniquely integrated structure of uses in the City; to protect health; to secure safety from fire, panic and other dangers; to prevent the overcrowding of land; 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; to encourage housing for persons of all income levels; and to preserve and increase the amenities of the municipality.”

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 pump house building will remain in the same location as it currently sits and would not disrupt the grading or existing land forms on the site. The new four story 35 unit building that would replace the old office/garage building would be situated in the topography change at the back of the property. This would require some excavation into the slope at the rear of the property, but the new structure would stabilize the slope as it will be built into the topography. The courtyard space between the two buildings would remain at the same grade and would be greatly enhanced through the addition of substantial landscaping.

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.”

The project would not alter the form or massing of the existing Mystic Pump House building and would generally respect the existing topography and grading of the site. The primary change as part of the project would be the demolition of the existing office/garage building and the construction of the new four story 35 unit building in its place. This new building would maintain the orientation of the original office/garage structure that was there and would also respect the natural features at the site as it would be set into the topography change at the back of the property.

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 paved 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.”

While additional review is required of drainage plans, any approval of the Comprehensive Permit should be conditional upon the City Engineer’s approval of such plans and determination that no adverse impact will result to the drainage system from the project’s design. The Applicant has indicated that stormwater discharges associated with the project will be mitigated through compliance with DEP’s Stormwater Management Regulations. The project will use best management practices (BMPs) to control stormwater quality and quantity. Proposed stormwater flows will continue to discharge to the existing closed drainage system that eventually flows to the Mystic River. The project incorporates the use of grass pavers and/or stamped concrete for the emergency vehicle access lane and the courtyard to reduce the overall impervious area on-site.

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.”

As is noted above in the comments from the Historic Preservation Commission, the Applicant was supposed to go before the Historic Preservation Commission on Tuesday, November 15, 2011, but due to the larger number of cases on the agenda, their case was continued to the December Historic Preservation Commission meeting. No comments have been provided at this time. The site presently contains the Mystic Pump House, a property individually listed on the State and National Registers of Historic Places and a contributing resource within several Historic Districts. The exterior of the Mystic Pump House will be completely rehabilitated and the interior will be reconfigured preserving some existing features. The garage/office outbuilding is a noncontributing structure. The project has been reviewed by the Massachusetts Historical Commission and the Applicant is seeking state and federal historic tax credits. The building’s design, scale, massing, and materials will be compatible with the setting and the historical Mystic Pump House.

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 project would not alter the form or massing of the existing Mystic Pump House building but the project would renovate, reuse, and preserve the pump house which would be a great benefit to the community. The existing old office/garage building behind the pump house would be replaced with a new four story, compatible construction building, as approved by the Massachusetts Historical Commission, thereby preserving and maintaining a National Historic structure and local historic districts. At the same time the project would be revitalizing a building and site that has been vacant and underutilized for a long period of time. The residential nature of the project is also in the context of the surrounding land uses of the area.

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 lighting will be residential in nature and conditioned to not interfere with 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.”

Emergency vehicles and personnel would have access to the buildings directly from Mystic Valley Parkway and from the pick up/drop off area off of Capen Street. There is also an 18 foot wide emergency access vehicle lane that runs between the two buildings. Emergency vehicles could access this drive through the existing curb cut on Mystic Valley Parkway or through the pick up/drop off area.

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 Applicant is not proposing to make any changes with regard to the location of intersections of access drives for this project. Only minor modifications would be made to the existing curb cuts at the site. The curb cut with access between the buildings on Capen Street would remain but would be turned into a pick up/drop off area for the two buildings. This would allow cars to return back out to the rotary or to loop around and continue back up Capen Street. The existing curb cut that is furthest north on Mystic Valley Parkway would be retained but would only be used for emergency vehicle access. The existing curb cut in front of the old main entrance to the pump house would be closed as part of this proposal. With the retention of the existing curb cut setup and the existing building layout, the area between the two buildings can be used for a well landscaped pedestrian courtyard. Additionally, since the majority of the parking spaces for the project are located across Capen Street, there is a clear separation between the pedestrian and vehicular environments at the site. The Traffic Study that was submitted by the Applicant indicated that the traffic generated by the proposed project would not have a negative impact on the area.

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 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.

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.”

Minimal negative impacts are anticipated as a result of the proposed housing for seniors and persons with disabilities. No new impacts with regard to light, air, noise, wind, etc. are anticipated from this proposal. The largest impact of the proposal would be the increase in the number of people at the site compared to the existing situation at the property, vacant buildings. The 60 one-bedroom affordable housing units would bring in a maximum of 60 additional residents to the area and whoever may visit them. The Mystic Pump House, a National Historic structure, and a separate non-contributing structure on the site are currently unused and vacant. The Commonwealth of Massachusetts determined that the property is surplus property suitable for disposition. In response to the City of Somerville’s desire and request to use the site for affordable housing, the state legislature unanimously authorized the conveyance of the property to the Somerville Housing Authority. The state through DCAM has now conveyed the property to the Applicant. The site will now undergo rehabilitation which includes the reuse and preservation of the Mystic Pump House, demolition of the non-contributing garage/office structure, and new compatible construction under the approval of the Massachusetts Historical Commission thereby preserving and maintaining a National Historic structure and local historic districts and revitalizing a building and site that has been vacant and unutilized for a long time.

The re-use of the site for much needed senior apartments and apartments for persons with disabilities is beneficial to the community. In addition, the site’s proximity to Capen Court will enable the project’s residents to benefit from nearby services and help to make this site an ideal one for the proposed use. The renovation and rehabilitation of the historic Mystic Pump House building to the architectural and historic standards of the Secretary of the Interior under the federal Historic Tax Credit program will also add to the community. The Traffic Study submitted by the Applicant also indicated that traffic generated by the project will not have a negative impact on the surrounding area.

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.”

Due to the residential nature of the buildings, signage is not anticipated on the site. Any signage in the future would have to conform to the sign standards for residential districts.

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.”

Trash rooms will be located inside of each of the buildings for the project. However, if it is determined that trash and/or recycling areas need to be located outside of the buildings these areas should be screened in some manner. Planning Staff has included a condition which requires that outdoor trash and recycling

bins (if necessary) shall be stored in a location where they are screened from view by plantings or fencing. The same is true for transformers located on the site in which a condition requires that transformers be fully screened and located as to not impact the landscaped areas.

21. Screening of Parking:

The area where the 15 space parking lot is being proposed is currently operating as an informal parking area with virtually no screening from Alewife Brook Parkway. The Applicant is proposing to add substantial vegetative screening between this proposed parking area and the parkway. Shrubs will be added along the two sides of the parking area closest to the Alewife Brook Parkway and three trees will be planted in the area near the corner of the intersection of Capen Street and Alewife Brook Parkway. This vegetative screening is a substantial upgrade from the current parking lot screening situation. Additionally the two parking spaces on the other side of Capen Street near the main entrances to the two buildings will also be screened as there will be shrubs planted in the pick up/drop off circle. The shrubs in this circle will help to shield the view of cars parked in these two spaces from the parkway.

III. FINDINGS FOR SPECIAL PERMIT (SZO §5.1.4):

Located within a RA zoning district this application would also normally require a special permit. In considering a special permit request, the Zoning Board of Appeals must consider the findings and determinations as outlined in §5.1.4 of the SZO. This section of the report goes through §5.1.4 in more detail.

1. Information Supplied: The Staff 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."

Please see item 2 in Section II for the compliance with standards finding which are the same for the SP and SPSR.

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."

Please see items 3 and 8 in Section II for the consistency with purposes finding which meet the finding for this item in the SP.

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."

Please see item 4 in Section II for the site and area compatibility finding which is the same for the SP and SPSR.

5. Adverse 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.

Please see item 7 in Section II for the adverse environmental impact finding which is the same for the SP and SPSR.

6. Vehicular and pedestrian circulation: The circulation patterns for motor vehicles and pedestrians which would result from the use or structure will not result in conditions that create traffic congestion or the potential for traffic accidents on the site or in the surrounding area.

The traffic and parking situation resulting from the proposed use would most likely not negatively impact the area. The Applicant is not proposing to make any changes with regard to the location of intersections of access drives for this project. Minor modifications would be made to the existing curb cuts at the site. The curb cut with access between the buildings on Capen Street would remain but would be turned into a pick up/drop off area for the two buildings. This would allow cars to return back out to rotary or to loop around and continue up Capen Street. The existing curb cut that is furthest north on Mystic Valley Parkway would be retained but would only be used for emergency vehicle access. The existing curb cut in front of the old main entrance to the pump house would be closed as part of this proposal. The Traffic Study that was submitted by the Applicant indicated that the traffic generated by the proposed project would not have a negative impact on the area. Pedestrian access around the site would be improved with the implementation of numerous sidewalks around and through the site. One additional improvement that would greatly benefit pedestrian circulation at the site would be the installation of a series of crosswalks from the parking lot across Capen Street to the pick up/drop off island and then continuing on to the entrances to each of the buildings. Staff is proposing these be implemented as a condition of the Comprehensive Permit.

IV. DESIGN GUIDELINES

Section 5.2.4 of the SZO provides guidelines for developments seeking a special permit with site plan review within a residence zone. Although these are only guidelines, they are useful in determining the compatibility of a project with the surrounding neighborhood. This section of the report goes through the various design guidelines to determine the compatibility of the proposed project.

1. “Buildings should be generally of the same size and proportions as those existing in the neighborhood. This shall apply in cases of multi-family development as well as one-, two-, and three-family units. For example, if relatively small two- and three-family structures are common in a neighborhood where multi-family development is proposed, the multi-family development should be physically broken into components that, from a design perspective, are housed in buildings of similar width, depth, and height as those typically found in the neighborhood.”

Although fairly large, the existing Mystic Pump House building is a property that is listed on the State and National Registers of Historic Places and has been in that location for a long period of time. The new building that will be constructed behind it actually taller than the pump house building but it is set into the slope at the rear of the property and only the top three floors can be seen on its rear façade. Additionally the new building’s design, scale, massing, and materials will be compatible with the setting and the historical Mystic Pump House. Additionally, both the pump house and the new 35 unit building fit into the context of the adjacent development at Capen Court which is an affordable senior living facility operated by an affiliate of the Applicant and also contains an assisted living facility developed by the Visiting Nurse Association.

2. “Use of traditional and natural materials is strongly encouraged (e.g. wood clapboard, wood shingles, brick).”

The existing Mystic Pump House is already constructed of brick and this is not changing as part of the proposal. The façade of the new 35 unit building would consist of pre-patinated copper, fiber cement siding, aluminum storefront, and brick. The Applicant was suggested to explore this color range of materials by the Design Review Committee and the design of the new building does a good job of being distinct yet compatible to the historic pump house structure.

3. “Additions to existing structures should be consistent with the architecture of the existing structure in terms of window dimensions, roof lines etc.”

The Applicant will not be adding onto the existing Mystic Pump House or the office/garage outbuilding. The garage/office outbuilding will be completely demolished and in its place a new four story 35 unit building will be constructed. This new building will have a design, scale, massing, and materials that will be compatible with the setting and the historical Mystic Pump House.

4. “Although additions should not clash with or be incompatible to the existing structure, it is acceptable and even desirable for the new construction to be distinguishable from the existing building, perhaps by maintenance of design elements of the original building that would otherwise be lost (e.g false rakes, fasciae, and the like).”

There are no additions proposed for the existing Mystic Pump House. The design, scale, massing, and materials of the new four story 35 unit building will be compatible with the setting and the historical Mystic Pump House. The façade of the new building would consist of pre-patinated copper, fiber cement siding, aluminum storefront, and brick to keep the new structure distinct but compatible to the pump house.

5. “Where practical, new or infill building construction should share the same orientation to the street as is common in the neighborhood. When not contrary to any other zoning law, front and side yards should be of similar dimensions as those typical in the area.”

The project site is somewhat unique in that it is one of the largest lots in the neighborhood. However, the new 35 unit building fits well into the area behind the existing pump house building. It runs parallel to the pump house which helps to create a quality pedestrian oriented open space between the two buildings while not overshadowing the historic pump house building which sits right up against the parkway. Furthermore, both of the buildings’ orientations fit into the context of the adjacent development behind them at Capen Court which is an affordable senior living facility which also contains an assisted living facility developed by the Visiting Nurse Association.

6. “Driveways should be kept to minimal width (perhaps maximum of twelve feet), and be designed so that no vehicle parked on the drive may straddle the public sidewalk in any way. Low barriers or plantings may be required to separate the parking area from the pedestrian space.”

The Applicant is proposing driveways with minimal widths for the project. The drop off/pick up area loop is only wide enough for one car to circle through at a time. The parking lot across Capen Street meets the minimum requirements of §9 of the SZO and the emergency vehicle access driveway is the minimum width required of 18 feet. Additionally, six inch granite curbing can be found along Capen Street to separate the pedestrian walkway from the street. Bollards are also used in some locations to separate driving areas from where there is an at grade pedestrian walkway, such as next to the drop off/pick area.

7. “Transformers, heating and cooling systems, antennas, and the like, should be located so they are not visible from the street or should be screened.”

The proposed location of the transformer in front of the historic pump house along Mystic Valley Parkway next to the emergency vehicle access curb cut, is not an ideal location. In this setting the transformer would be highly visible and would also have to be heavily surrounded with bollards for protection from the passing vehicles, which would not lend well to the aesthetics of the pump house building. Staff is proposing a condition to relocate the transformer to an area between the two buildings where it would be less visible from the street, but would not interfere with emergency vehicle access. The Applicant has indicated that this is probably possible but they will have to work with NSTAR to sort out the details.

8. “Sites and buildings should comply with any guidelines set forth in Article 6 of this Ordinance for the specific base or overlay zoning district(s) the site is located within.”

No guidelines are set forth under Article 6 for development within a RA zoning district.

V. RECOMMENDATION

Comprehensive Permit under M.G.L. Chapter 40B

Although Planning Staff believes the City has at least 1.5% of its land area devoted to affordable housing, meeting the “consistent with local needs” requirement set forth by DHCD, Staff still finds that this particular application should be approved based on the findings set forth in this report. Approving this application, which is compatible with and complimentary to this neighborhood, will help further the City’s goals of increasing the amount of affordable housing available to Somerville residents, especially the needs of elderly residents. Acceptance by Planning Staff and the Zoning Board of Appeals of this M.G.L. Chapter 40B Comprehensive Permit does not constitute any admission of facts that Somerville does not have adequate housing per M.G.L. Chapter 40B, and this Comprehensive Permit is being accepted due to the needs for affordable elderly housing, the protection of the historic building at the property, and the advancement of community goals, not due to the mandates of M.G.L. Chapter 40B.

Based on the above findings and subject to the following conditions, the Planning Staff recommends **CONDITIONAL APPROVAL** of the requested **COMPREHENSIVE PERMIT**. In addition, the Planning Staff recommends that the Zoning Board of Appeals, in its exercise of reasonable discretion and to the extent allowed by law, waive any other instances of noncompliance with the SZO not otherwise addressed herein, finding the application to be substantial compliance with the provisions of the Ordinance and Chapter 40B, and consistent with the public interest.

The recommendation is based upon a technical analysis by Planning Staff of the application material based upon the findings of the Somerville Zoning Ordinance, and is based only upon information submitted prior to the public hearing. This report may be revised or updated with new recommendations, findings and/or conditions based upon additional information provided to the Planning Staff during the public hearing process.

#	Condition	Timeframe for Compliance	Verified (initial)	Notes								
1	Approval is to create 60 affordable one-bedroom residential dwelling units for seniors and persons with disabilities in two buildings under M.G.L. Chapter 40B. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/Plng.									
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>(October 17, 2011)</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>(November 22., 2011)</td><td>Comprehensive Permit Submission Set – Architectural & Structural Drawings</td></tr><tr><td>(November 22, 2011)</td><td>Comprehensive Permit Submission Set – Civil & Landscape Drawings</td></tr></table>				Date (Stamp Date)	Submission	(October 17, 2011)	Initial application submitted to the City Clerk’s Office	(November 22., 2011)	Comprehensive Permit Submission Set – Architectural & Structural Drawings	(November 22, 2011)	Comprehensive Permit Submission Set – Civil & Landscape Drawings
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(November 22, 2011)	Comprehensive Permit Submission Set – Civil & Landscape Drawings											
Any changes to the approved plans or elevations that are not <i>de minimis</i> must receive SPGA approval.												
2	The Applicant will be required to demonstrate that the project meets the current City of Somerville stormwater policy. Utility, grading, and drainage plans must be submitted to the Engineering Department for review and approval.	BP	Eng.									
3	The Applicant shall use the address “485-487 Mystic Valley Parkway” for the property.	CO	Eng.									
4	All construction materials and equipment must be stored on-site. 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									
5	The Applicant or Owner shall meet the Fire Prevention Bureau’s requirements.	CO	FP									
6	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									

7	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	
8	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards.	Perpetual	Plng. / ISD	
9	The Applicant shall work with Planning Staff to relocate the transformer to a location between the two buildings that is less visible from Mystic Valley Parkway.	BP	Plng.	
10	Any transformers should be located as not to impact the landscaped area and shall be fully screened.	BP	Plng.	
11	Trash and recycling bins that are kept outside shall be screened by fencing or vegetation that blocks any view of them.	Perpetual	Plng.	
12	The Applicant shall install crosswalks connecting the 15 space parking lot to the pick up/drop off island and from the island to the sidewalk on the side of the street where the residential buildings are located.	CO	DPW	
13	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	Plng.	
14	The Applicant shall contact Planning Staff at least five working days in advance of a request for a final inspection by Inspectional Services to ensure the proposal was constructed in accordance with the plans and information submitted and the conditions attached to this approval.	Final Sign Off	Plng.	



485 Mystic Valley Parkway