



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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**Case #:** ZBA 2014-70

**Date:** September 11, 2014

**Recommendation:** Conditional Approval

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**PLANNING STAFF REPORT**

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**Site:** 81 Park Street

**Applicant Name:** Bread Trust LLC c/o Marco Hunter-Melo & Nathan Bice

**Applicant Address:** 29 Orvis Street, Melrose, MA 02176

**Property Owner Name:** Jean K. Peabody and Clayton S. Peabody

**Property Owner Address:** 11 Gleason St, Watertown, MA

**Agent Name:** Joseph P. Hanley, Esq., McDermott Quilty & Miller LLP

**Agent Address:** 131 Oliver St, 5<sup>th</sup> fl, Boston, MA 02110

**Alderman:** Maryann Heuston

Legal Notice: Applicant, Bread Trust LLC c/o Marco Hunter-Melo & Nathan Bice, and Owners, Jean K. Peabody and Clayton S. Peabody, seeks a Special Permit (SZO §5.1) for a change of a nonconforming use from a service station to a restaurant (7.11.10.2.a) with operations, in part or in whole, conducted outside an enclosed building. Also, a Special Permit is sought to alter the nonconforming structure within the nonconforming yards (§4.4.1). A Variance is sought to reduce the parking required by approx 50 spaces (§9.5). RB zone. Ward 2.

Dates of Public Hearing: Zoning Board September 17, 2014

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**I. PROJECT DESCRIPTION**

1. Subject Property: The subject property is a one-story concrete block service station that is occupied by Dodkins Auto Sales. There is a wood framed garage with aluminum siding and a corrugated steel roof on the property that is 344 square feet. The 7,149 square foot lot area fronts three streets: Park, Beacon and Morgan.



*81 Park Street – (top) parking lot at Beacon and Morgan, (bottom) building at Beacon and Park*

2. Proposal: The current proposal is to change the use of the property to a restaurant. The building will remain and be renovated to accommodate the restaurant. The existing canopy will be rebuilt and converted into an interior dining room with a new foundation. A 173 square foot addition will be built in the parking lot area for a walk-in cooler. There will be a covered walkway from the restaurant to the renovated garage, which will function as office space.

A rooftop garden will be built on top of the building and there will be exterior stairs on each side of the building for access. There will be a one-way gate at the bottom of the stairs. The rooftop will also be used for special events. Outdoor seating will also be located at grade along Park Street.

The restaurant will employ 40 to 50 in total. There will be 160 seats and 16-18 employees on premise at full capacity including the outdoor seating. The hours of operation will be Monday through Friday from 5pm to 1am and 11am to 1am on Saturday and Sunday.

There will be five parking spaces onsite and the potential to have an off-site parking lot at Century Tire at 263 Beacon Street. The number of spaces will be between 12 and 20. The off-site lot is located a quarter-mile or a five minute walk from the subject property.

3. Green Building Practices: There will be a vegetable garden on the roof, energy efficient lighting and efficient plumbing fixtures. Some reclaimed or recycled materials will be used in the interior. The new windows will have energy efficient glazing panels.

4. Comments:

*Fire Prevention:* Fire Prevention has reviewed the plans but has not yet provided comments.

*Traffic & Parking:* Traffic and Parking has reviewed the proposal and does not have any comments at this time. This Department gave preliminary comments that a valet service or off-site parking should be explored.

*Wiring Inspection:* It appears that the proposal is to relocate the existing electrical service as the proposal shows a set of stairs to the roof in same area of the electrical service. The first floor plan shows no electrical room or panel locations. The electric, telephone, cable TV and other such lines and equipment shall be placed underground from the source or connection. The utilities plan shall be supplied to the Wiring Inspector before installation.

*Engineering:* A full site/civil plan set in conformance with the checklist, stormwater management report as well as compliance with the stormwater management policy must be submitted to this office. Plans and report must be prepared and stamped by a Professional Engineer licensed in the state of MA.

*Highway:* The Applicant must coordinate the timeline for cutting or opening the street and/or sidewalk for utility connections with the timeline of the Beacon Street construction. Also, there is a moratorium on opening streets from November 1st to April 1<sup>st</sup>. The construction of Beacon Street is planned to be under construction from late fall of 2014 to early spring of 2015. If the development occurs after the roadwork is complete, the Applicant will have to comply with the regulations regarding opening up a street that is less than 5 years old.

*Ward Alderman:* Alderman Heuston held a neighborhood meeting on July 31, 2014 that was well attended. She has not yet provided written comments but suggested that the applicant offer valet parking.

*Abutters:* Several abutters have submitted comments regarding the proposal. Some are supportive and some are not. The following are some of the concerns that have been raised thus far:

- Privacy fence on Morgan Street – existence and material
- Trash location, pick-up, rodent control
- Mechanical equipment location and screening
- Parking

- Smoking area
- Noise control
- Lighting
- Retaining the tree along Park Street
- Material of the walkway roof

## **II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1, §5.1, §7.11.10.2.a) TO ALTER NONCONFORMING STRUCTURE & ESTABLISH A RESTAURANT:**

In order to grant a special permit, the SPGA must make certain findings and determinations as outlined in §5.1.4 of the SZO. This section of the report goes through §5.1.4 in 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."***

The current uses of the site are the following, which are non-conforming uses in the Residence B zoning district:

§7.11.11.1.a - Motor vehicle sales and service of new vehicles, or vehicles taken in exchange therefore, when conducted on the same lot and in conjunction therewith the repair of motor vehicle engines within a building

§7.11.11.5.a - Motor vehicle maintenance and minor repairs limited to engine tune-up, lubrication and installation of replacement parts, adjustment or replacement of brakes or tires, washing and polishing, but not including engine overhaul, body work or painting

A nonconforming use may be changed to another nonconforming use only by special permit (SZO §5.1) authorized by the SPGA, provided that the SPGA finds that such change is not substantially more detrimental to the neighborhood than the existing nonconforming use. In judging detriment, the SPGA may consider, without limitation, impacts upon the following: traffic volumes, traffic congestion, type of traffic, change in traffic patterns and access to the site, adequacy of municipal water supply and sewer capacity, noise, odor, glare, scale, on-street parking, shading, visual effects and neighborhood character.

The existing auto-related use is proposed to become a restaurant with operations, in part or in whole, conducted outside an enclosed building, §7.11.10.2.a. The applicants have designed the building and created an operations plan to address impacts and concerns voiced thus far. Staff find that the restaurant use is not substantially more detrimental than the neighborhood than the existing garage/auto dealership. Below are a list of the some of the concerns and the plan to address the concerns. The plans and conditions, if approved, will require that these items occur.

- Privacy fence on Morgan Street – existence and material
  - There will be a 3 feet 6 inch wood privacy fence that sits in a planting bed with vines.
- Trash location, pick-up, rodent control
  - The dumpsters will be located between the exterior walk-in refrigerator and the freestanding garage so that trash pickup will happen from within the parking lot and not

in the late night hours. Casella Resource Solutions will pick up trash and recycling between 7am and 5pm.

- The property will be bated by a professional pest control company.
- Restaurant deliveries will take place between 8AM and 5PM and only through the parking lot.
- Mechanical equipment location and screening
  - There will be a wood privacy fence around the parking lot and on the rear of the roof as noted in the plan. The height and span will be compliant with the city and state regulations.
  - Mechanical equipment will be new and code compliant. All reasonable efforts will be made to locate equipment as far away from neighbors as possible on existing building.
  - The applicants still need to determine the specific choice of equipment and their locations. They have provided the following documentation:
    - Structural engineer's detailed analysis, design and recommendations
    - MEP engineer's detailed analysis, design and recommendations
    - Contractor's evaluation and recommendations
    - Maryann Thompson Architects' design and recommendations.
- Parking
  - There will be 5 spaces in the lot. Additionally, the applicants are committed to utilizing an off-site parking lot for patrons. They are currently in discussions with David Desalvo, owner of Century Tire located at 263 Beacon Street. The lot contains at least 12 spaces but could hold up to 20 cars if managed by an attendant and/or valet service. Century Tire is under a quarter mile and a four minute walk from Dodakins. They are exploring the possibility of working with Boston Valet to manage the off-site parking at Century Tire and on the feasibility of a pilot valet program as well.
  - The variance application does not take into account off-site parking to reduce the number of spaces of relief because the applicants would like to be able to monitor the need for off-site parking in the future and if it is not utilized, eliminate the off-site parking.
  - The Restaurant owner will offer a subsidy toward MBTA Charlie Cards as an incentive for each employee.
  - The Restaurant owner will provide and encourage bicycle usage with dedicated on-site storage.
- Smoking area
  - There will be a designated smoking area under the stair that is in the parking lot. Smoking on other parts of the lot will not be allowed. Management and staff will actively enforce this policy as well as post signs to inform our guests. If there are complaints, a small enclosure/fence if feasible and code compliant, will be constructed to order to further mitigate any potential noise.
- Noise control
  - The areas directly bordering the building openings (windows and doors) are part of the dining room. These are the quietest areas of the restaurant so they will have minimal impact on the surrounding residences. These areas are reserved for dining only. The majority of the windows in the dining room face the park space of the Academy of Arts & Sciences across the street and not residences. The bar area is self-contained and does not border any open windows or doors. The dining and entry area act as an additional buffer for any potential bar noise.
  - TVs will be used for sporting events and without sound.
  - A canopy will be over the restaurant entrance to attenuate the sounds of customers entering and exiting.
  - The restaurant will operate with low-level ambient background music only and will not feature any live entertainment.

- Once dinner service concludes all dining areas will be closed, including outdoor seating.
- Congregating outside will not be allowed.
- The rooftop seating will only be used for private events.
- Lighting
  - The lighting fixture at the northern corner of the restaurant has been removed from the plan.
- Retaining the tree at 73 Park Street
  - This tree will be conditioned to retained.
- Material of the walkway roof
  - The roof material was changed from corrugated metal to asphalt shingles.

The dimensions of the building are in the table below. A Special Permit is sought to alter the nonconforming structure within the nonconforming yards (§4.4.1).

A variance is required for the number of parking spaces. Twelve to 20 spaces will be provided off-site at 263 Beacon Street. That site will require a special permit for shared parking before this arrangement can be established. The variance application does not take into account off-site parking to reduce the number of spaces of relief because the applicants would like to be able to monitor the need for off-site parking in the future and if it is not utilized, eliminate the off-site parking.

| Requirements                           | RB   | Existing                     | Proposal                        | Permit Required        |
|--|--|------------------------------|---------------------------------|------------------------|
| <b>Min Lot Size</b>                    | 7,500  | 7,149 sf                     | 7,149 sf                        | -                      |
| <b>Use</b>                             |  | Service station / Auto sales | Restaurant with outdoor seating | Special Permit         |
| <b>Min Lot Area/Dwelling Unit</b>      | 1500 sf  | -                            | -                               | -                      |
| <b>Max Ground Coverage</b>             | 50%  | 47%                          | 49%                             | -                      |
| <b>Min Landscaped Area % of lot</b>    | 25%  | 1.4%                         | 4.4%                            | -                      |
| <b>Floor Area Ratio (based on nsf)</b> | 1.0  | 0.42                         | 0.45                            | Special Permit         |
| <b>Max Height</b>                      | 3 stories / 40 ft  | 1 story / 14.3 ft            | 1 story / 17.9 ft               | Special Permit         |
| <b>Min Front Yard</b>                  | 15' but 10' allowed due to neighboring property setbacks   | 0.1 ft                       | 0.1 ft                          | -                      |
| <b>Min Side Yard</b>                   | 15'  | 49.3 ft / 8.4 ft             | 34.8 ft / 8.4 ft                | Special Permit         |
| <b>Min Rear Yard</b>                   | 20'  | 0.1 ft                       | 0.1 ft                          | Special Permit         |
| <b>Min Frontage</b>                    | 50'  | 104 ft Beacon / 70 ft Park   | 104 ft Beacon / 70 ft Park      | -                      |
| <b>Pervious Area</b>                   | 35%  | 1.4%                         | 4.4%                            | -                      |
| <b>Vehicle Parking</b>                 | whichever is greater:<br>- 0.75 per employee plus 1 per 4 seats (54),<br>or<br>- 1 per 110 gross s.f. (29) | 7                            | 5                               | Variance for 49 spaces |

|                     |            |   |    |   |
|---------------------|------------|---|----|---|
|                     | Total = 54 |   |    |   |
| <b>Bike Parking</b> | 5          | 0 | 16 | - |

3. Consistency with Purposes: *The Applicant has to ensure that the project "is consistent with (1) the general purposes of this Ordinance as set forth in Article 1, and (2) the purposes, provisions, and specific objectives applicable to the requested special permit which may be set forth elsewhere in this Ordinance, such as, but not limited to, those purposes at the beginning of the various Articles."*

The proposal as a whole is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to providing for and maintaining the uniquely integrated structure of uses in the City and conserving the value of land and buildings.

The proposal is consistent with the purpose of the Residence B district in providing a service that is convenient to the residential neighborhood. The use is more compatible with a residential neighborhood along a main thoroughfare through the City than the existing auto sales and service establishment.

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."*

The form of the building will be retained and repurposed so that the auto-oriented history of the site is obvious in the form of the building but it will be renovated to be an attractive building that will be an amenity for the area. The site has been designed to address concerns such as noise from patrons, deliveries, and trash pickup. The rooftop garden is a unique amenity that will capture stormwater runoff and provide local, healthy food. Despite the zoning district, the site is located on a heavy traveled street. The City is investing resources to install a cycle-track on the street and the private investment in this site will complement the streetscape project.

5. Housing Impact: *Will not create adverse impacts on the stock of existing affordable housing.*

The existing and proposed uses do not involve housing.

6. SomerVision Plan: *Complies with the applicable goals, policies and actions of the SomerVision plan, including the following, as appropriate: Preserve and enhance the character of Somerville's neighborhoods, transform key opportunity areas, preserve and expand an integrated, balanced mix of safe, affordable and environmentally sound rental and homeownership units for households of all sizes and types from diverse social and economic groups; and, make Somerville a regional employment center with a mix of diverse and high-quality jobs. The areas in the SomerVision map that are designated as enhance and transform should most significantly contribute towards the SomerVision goals that are outlined in the table below. The areas marked as conserve are not expected to greatly increase the figures in the table since these areas are not intended for large scale change.*

Beacon Street is marked as an area to Enhance and the parcels are marked as Neighborhood Mixed Use on the Future Land Context Map in the SomerVision Map. The proposal will improve the experience along Beacon Street and enhance the vibrancy of the area.

| <u>SomerVision Summary</u> | <i>Existing</i> | <i>Proposed</i> |
|----------------------------|-----------------|-----------------|
| <i>Commercial Sq Ft:</i>   | 3,014 sf        | 3,187 sf        |

|                              |   |    |
|------------------------------|---|----|
| <i>Estimated Employment:</i> | 2 | 50 |
|------------------------------|---|----|

### III. FINDINGS FOR VARIANCE (SZO §5.5 & §9.5) for PARKING:

A Variance (§5.5) is sought to reduce the parking required by 49 spaces (§9.5). The parking requirement calculation can be found in Section II, number 2, above. In order to grant a variance the Board must make certain findings and determinations as outlined in §5.5.3 of the SZO.

1. *There are “special circumstances relating to soil conditions, shape or topography of land or structures which especially affect such land or structures but not affecting generally the zoning district in which it is located, causing substantial hardship, financial or otherwise.”*

*Applicant’s response:* The site is 7,149 square feet, with existing structures encompassing 3,358 square feet. Strict compliance would require approximately 47.5 to 55 parking spaces based on the proposed seating capacity of 160 seats and a total of 50 employees with 10-18 working at any one time. This would constitute a hardship, as the remaining land area is not sufficient to accommodate the required amount of spaces, thereby preventing the reasonable re-use of the subject premises for this purpose.

The particular conditions of the applicant’s lot and structures differ from those in the nearby area and are unique to the applicant’s lot. In this regard, after extensive environmental testing it was deemed that the underground storage tanks needed to be removed and additional testing be done. The tanks were removed and testing revealed that no further remediation action was necessary. Regulatory closure is expected in mid August.

*Staff’s response:* A reuse of the building that is situated on the back of the lot creates a situation where additional parking on the site would need to be located along the street and this scheme would not be supported from an urban design or safety perspective. Retaining the building will create an interesting restaurant that retains reference to the historic use of the land. The lot and building are unique in that there are no other lots with this shape and building placement in the district.

2. *“The variance requested is the minimum variance that will grant reasonable relief to the owner, and is necessary for a reasonable use of the building or land.”*

*Applicant’s response:* Compliance is impracticable due to the structural, dimensional and land area limitations of the existing building and subject premises. Allowing the parking variance would provide the necessary land area and lot size for the applicant to use the premises. The applicant will be providing five (5) parking spots on site as well as bike parking for employees and customers. The area is also conducive to the use of public transportation in order to access the restaurant. These alternative means of transportation and the parking mitigation efforts will help to offset and mitigate parking impacts associated with approving the parking variance. This would offset the need for additional parking spaces with the various methods of transportation available.

The innovative re-use of the premises, from an environmental contaminated automobile service station to a full-service restaurant use, will enhance the property and provide a vibrant and preferred use for the community. Furthermore, most reuses of the building at this site would require a variance for parking and those that would not require such a variance would likely be undesirable uses for this location because they would not be patron or job generating uses and the location is on a busy street. Due to the land area constraints, a new building in compliance with the on-site parking requirements of this Ordinance would be financially infeasible and impractical, while the addition of a smaller building with surface parking would be to the visual detriment of the streetscape.



The variance allows for the reasonable use of the land because the property already contains a non-conforming structure and the variance will allow the applicant to build a viable restaurant space. Additionally, there is no way to meet this requirement by acquiring additional land, nor by reducing the size of the structure, therefore this variance would be the minimum needed.

*Staff's response:* The parking variance will allow for the reasonable use of the land as an attractive, family-friendly restaurant that is requesting the number of seats that the owners find are required to have a successful business. Considering the parking data of number and utilization of on-street spaces, proximity to public transportation, transportation demand management proposed and off-site parking proposed, it is a reasonable use to establish a neighborhood restaurant with reduced parking. Some parking off-site will be provided to capture those that may drive to the business. The parking will be monitored in the future to determine if it is necessary.

3. *"The granting of the variance would be in harmony with the general purpose and intent of this Ordinance and would not be injurious to the neighborhood or otherwise detrimental to the public welfare."*

*Applicant's response:* The granting of the variance will be in harmony with the Somerville Zoning Ordinance as there is ample parking available on Beacon and Park Streets as shown by the Parking Study prepared by Design Consultants, Inc, in 2012. There are 346 MUTCD and the City of Somerville Traffic Regulations compliant spaces along Beacon Street within the parking lanes (individual parking stalls are not demarcated). The maximum amount of parked cars along Beacon Street during any observation period was 218 vehicles.

This relief would also enhance the appearance and use of the subject property, and its surroundings, thereby adding to the overall appearance of the streetscape and surrounding area. Additionally, appropriate design and open space will insure that the proposed structure will not be injurious or detrimental to the neighborhood or to the public welfare.

Therefore there is ample street parking available for the proposed use which will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Additionally, the Applicants spoke to Hayes Morrison, Director of Transportation and Infrastructure, as our project relates to the future Beacon Street reconstruction.

*Staff's response:* The proposal will contribute to the revitalization of Beacon Street into a vibrant, walkable, and bikable thoroughfare. With the parking data showing reduced car ownership and increased mode split for travel to work away from the automobile compared to national and state data, there is less demand for parking in this area. Reducing the parking below that requirement will not be injurious to the neighborhood. In fact, providing less parking will reduce the number of vehicles that come to the neighborhood.

**IV. RECOMMENDATION****Special Permit and Variance**

Based on the materials submitted by the Applicant, the above findings and subject to the following conditions, the Planning Staff recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT and VARIANCE**.

The recommendation is based upon a technical analysis by Planning Staff of the application material based upon the required 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 for the establishment of an approx 3,187 sf restaurant with outdoor seats, alteration of the existing structure, and variance for 49 parking spaces. This approval is based upon the following application materials and the plans submitted by the Applicant:   | CO / BP                  | ISD/Plng.          |       |  |            |               |  |              |   |              |  |
|   | <table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>July 17, 2014</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>July 9, 2014</td><td>Modified plans submitted to OSPCD (plot plan)</td></tr><tr><td>Sept 3, 2014</td><td>Modified plans submitted to OSPCD (Existing Site Plan EC0.0, Site Plan A0.00, Floor Plan A1.00, Exterior Elevation A2.01, Exterior Elevations A2.02)</td></tr></table> |                          |                    |       | Date (Stamp Date)  | Submission | July 17, 2014 | Initial application submitted to the City Clerk's Office | July 9, 2014 | Modified plans submitted to OSPCD (plot plan) | Sept 3, 2014 | Modified plans submitted to OSPCD (Existing Site Plan EC0.0, Site Plan A0.00, Floor Plan A1.00, Exterior Elevation A2.01, Exterior Elevations A2.02) |
|   | Date (Stamp Date)  |                          |                    |       | Submission   |            |               |  |              |   |              |  |
|   | July 17, 2014  |                          |                    |       | Initial application submitted to the City Clerk's Office |            |               |  |              |   |              |  |
|   | July 9, 2014   |                          |                    |       | Modified plans submitted to OSPCD (plot plan)            |            |               |  |              |   |              |  |
| Sept 3, 2014  | Modified plans submitted to OSPCD (Existing Site Plan EC0.0, Site Plan A0.00, Floor Plan A1.00, Exterior Elevation A2.01, Exterior Elevations A2.02)   |                          |                    |       |  |            |               |  |              |   |              |  |
| Any changes to the approved site plan, elevations or use that are not <i>de minimis</i> must receive SPGA approval. |  |                          |                    |       |  |            |               |  |              |   |              |  |
| <b>Pre-Construction</b>   |  |                          |                    |       |  |            |               |  |              |   |              |  |
| 2   | A full site/civil plan set in conformance with the checklist, stormwater management report as well as compliance with the stormwater management policy must be submitted to this office. Plans and report must be prepared and stamped by a Professional Engineer licensed in the state of MA.   | BP                       | Engineering        |       |  |            |               |  |              |   |              |  |
| <b>Construction Impacts</b>   |  |                          |                    |       |  |            |               |  |              |   |              |  |
| 3   | 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                |       |  |            |               |  |              |   |              |  |

|                              |   |                           |                       |  |
|------------------------------|---|---------------------------|-----------------------|--|
| 4                            | 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                   |  |
| 5                            | The Applicant must contact the Engineering Department to coordinate the timeline for cutting or opening the street and/or sidewalk for utility connections or other construction. There is a moratorium on opening streets from November 1st to April 1st and there is a list of streets that have additional opening restrictions.   | Opening the street        | Engineering / Highway |  |
| <b>Design</b>                |   |                           |                       |  |
| 6                            | The Applicant shall install a wood privacy fence around the parking lot and on the rear of the roof as noted in the plan. The height and span will be compliant with the city and state regulations.  | BP                        | Plng.                 |  |
| 7                            | Mechanical equipment will be new and code compliant. All reasonable efforts will be made to locate equipment as far away from neighbors as possible on existing building.   | CO                        | Plng. / ISD           |  |
| 8                            | Smoking shall be limit to the designated smoking area under the stair that is in the parking lot. Smoking on other parts of the lot will not be allowed. Management and staff shall actively enforce this policy as well as post signs to inform our guests. If there are complaints, a small enclosure/fence if feasible and code compliant, will be constructed in order to further mitigate any potential noise. | Continuous                | ISD                   |  |
| 9                            | The material of the walkway roof shall be asphalt shingles.   | CO                        | Plng.                 |  |
| <b>Site</b>                  |   |                           |                       |  |
| 10                           | The electric, telephone, cable TV and other such lines and equipment shall be placed underground from the source or connection. The utilities plan shall be supplied to the Wiring Inspector before installation.   | Installation of Utilities | Wiring Inspector      |  |
| 11                           | Applicant will screen the dumpster with fencing that blocks any view of the dumpster itself.  | CO                        | Plng.                 |  |
| 12                           | Applicant will supply 16 bicycle parking spaces, which can be satisfied with 8 U-type bicycle rack.   | CO                        | Plng.                 |  |
| 13                           | Trash and recycling pickup shall only occur between 7am & 5pm.  | Continuous                | ISD                   |  |
| 14                           | Restaurant deliveries shall only occur between 8am and 5pm and only through the parking lot.  | Continuous                | ISD                   |  |
| 15                           | Care shall be taken to preserve the tree at 73 Park Street during construction.   | CO                        | ISD                   |  |
| <b>Traffic &amp; Parking</b> |   |                           |                       |  |

|                      |  |  |                |  |
|----------------------|--|--|----------------|--|
| 16                   | The Applicant shall secure 12 off-site parking spaces and advertise that the lot exists at the restaurant and in promotional materials. The Applicant shall make best efforts to secure a valet or parking attendant to increase the number of spaces to 20. Six months after opening the restaurant and every year thereafter, the Applicant may hire a professional transportation engineer to conduct a parking utilization study of the off-site parking spaces that is conducted in a manner that is satisfactory to the City's Traffic and Parking (T&P) Department. If the data shows that the off-site parking is not being utilized enough to support keeping it available as determined by T&P and the Planning Department, the off-site parking will not be required. | CO and continuous unless deemed not to be required by T&P and Planning | T&P / Planning |  |
| 17                   | The Applicant shall apply for a special permit for shared parking at the off-site parking lot.   | CO   | Planning       |  |
| 18                   | The Restaurant owner shall offer a subsidy toward MBTA Charlie Cards as an incentive for each employee.  | CO and Continuous  | Planning       |  |
| <b>Miscellaneous</b> |  |  |                |  |
| 19                   | The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the building and all on-site amenities, including landscaping, fencing, lighting, parking areas and storm water systems, ensuring they are clean, well kept and in good and safe working order.   | Cont.  | ISD            |  |
| 20                   | Approval is for the restaurant use for the Applicant, Bread Trust LLC, Marco Hunter-Melo and Nathan Bice. A future tenant of this space for the restaurant use would have to come back to the ZBA for special permit approval in order to operate in this location.  | Cont.  | ISD            |  |
| 21                   | The property will be bated by a professional pest control company on a regular basis. Proof of receipt or other document shall be submitted upon request.  | Cont.  | ISD            |  |
| 22                   | The TV's in the restaurant will not emit sound.  | Continuous   | ISD            |  |
| 23                   | The restaurant will operate with low-level ambient background music only and will not feature any live entertainment.  | Continuous   | ISD            |  |
| 24                   | Once dinner service concludes all dining areas will be closed, including outdoor seating.  | Continuous   | ISD            |  |
| 25                   | Congregating outside will not be allowed.  | Continuous   | ISD            |  |
| 26                   | The rooftop seating will only be used for private events.  | Continuous   | ISD            |  |
| <b>Public Safety</b> |  |  |                |  |
| 27                   | The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.   | CO   | FP             |  |
| 28                   | 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 |  |
| 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.  | CO   | Plng.          |  |
| <b>Signage</b>       |  |  |                |  |

|                       |   |                |       |  |
|-----------------------|---|----------------|-------|--|
| 30                    | Signage will be limited in size and location to that shown in the elevation diagrams.   | CO/Cont.       | Plng. |  |
| <b>Final Sign-Off</b> |   |                |       |  |
| 31                    | 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. |  |

