



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2018-40
Site: 395 Alewife Brook Parkway
Date of Decision: November 28, 2018
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: December 4, 2018

ZBA DECISION

Applicant Name: 395 ABP, LLC
Applicant Address: 324 Commonwealth Avenue, Suite 4, Boston, MA 02115
Property Owner Name: GE&M Auto Service, Inc.
Property Owner Address: 395 Alewife Brook Parkway, Somerville, MA 02144
Agent Name: Richard g. Di Girolamo
Agent Address: 424 Broadway, Somerville, MA 02143
Alderman: Katjana Ballantyne

Legal Notice: Applicant, 395 ABP, LLC and Owner, G.E. & M. Auto Service, Inc., seek a Special Permit with Site Plan Review (SPSR) to construct a four-story, 23-unit residential building. Affordable units to be provided under Article 13 of the SZO. Special Permit for parking relief and to provide compact spaces under Article 9 of the SZO. NB zone. Ward 7.

Zoning District/Ward: 7
Zoning Approval Sought: §5.2, §4.4.1, Article 9 and Article 13
Date of Application: March 5, 2018
Date(s) of Public Hearing: 11/7, 11/28
Date of Decision: November 28, 2018
Vote: 4-0

Appeal #ZBA 2018-40 was opened before the Zoning Board of Appeals in the Aldermanic Chambers at Somerville City Hall on November 28, 2018. Notice of the Public Hearing was given to persons affected and was published and posted, all as required by M.G.L. c. 40A, sec. 11 and the Somerville Zoning Ordinance. On November 28, 2018 the Zoning Board of Appeals took a vote.



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DESCRIPTION:

The proposal is to demolish the existing gas station and construct a four-story, 42-foot, multi-unit residential building with surface parking. There will be 23 units total. 19 of the units will be market rate and four of the units will be affordable. The landscaped area will increase from 1% to 20% The details of the proposal that trigger the need for special permitting are listed immediately below:

II. FINDINGS FOR SPECIAL PERMIT with SITE PLAN REVIEW (SZO §5.2) and FINDINGS FOR SPECIAL PERMITS (SZO §4.4.1, Article 9 & Article 13)

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

1. Information Supplied:

The Board finds that the information provided by the Applicant conforms to the requirements of §5.2.3 of the SZO and allows for a comprehensive analysis of the project.

2. Compliance with Standards: *The Applicant must comply “with such criteria or standards as may be set forth in this Ordinance which refer to the granting of the requested special permit with site plan review.”*

Nature of Application:

§4.4.1, Article 9 & Article 13 of the SZO

Article 9 of the SZO

The Applicant proposes a total of 33 legal parking spaces on the plus two (2) additional tandem spaces that don’t factor toward the total legal parking count. The breakdown of the parking spaces by number and type is as follows;

Standard spaces:	21
Compact spaces:	10
Handicapped spaces:	2
<hr/>	
Total:	33

Additional, non-legal tandem spaces: 2

To provide compact spaces in lieu of standard parking spaces, a special permit is required under Article 9 of the SZO



Unit #	Existing Bdr	Req. Pkg	Proposed Bdr	Req Pkg
1	n/a	n/a	2	1.5
2	n/a	n/a	2	1.5
3	n/a	n/a	2	1.5
4	n/a	n/a	1	1.5
5	n/a	n/a	2	1.5
6	n/a	n/a	1	1.5
7	n/a	n/a	1	1.5
8	n/a	n/a	2	1.5
9	n/a	n/a	2	1.5
10	n/a	n/a	2	1.5
11	n/a	n/a	2	1.5
12	n/a	n/a	1	1.5
13	n/a	n/a	2	1.5
14	n/a	n/a	1	1.5
15	n/a	n/a	1	1.5
16	n/a	n/a	2	1.5
17	n/a	n/a	2	1.5
18	n/a	n/a	2	1.5
19	n/a	n/a	2	1.5
20	n/a	n/a	2	1.5
21	n/a	n/a	2	1.5
22	n/a	n/a	2	1.5
23	n/a	n/a	2	1.5

34.5 spaces
 + 4.0 visitor spaces*

Total: 38.5 spaces

*The Applicant is required to provide 1.0 visitor space for every 6 residential units. In the case of 395 Alewife, this equates to having to providing 3.8 (rounded to 4) visitor spaces on-site (23 residential units / 6).

As this is new, ground-up construction and the number of parking spaces extant at the existing gas station is unknown, this leaves the total number of parking spaces to be provided on-site at 38.5 spaces. Because the Applicant is providing 20% inclusionary housing under Article 13 of the SZO, all parking relief needed for this new construction falls under the category of special permit as opposed to variance.

Of the 38.5 required spaces, 10 are proposed as compact spaces. §9.11(c) of the SZO states that, in circumstances where a minimum of 20 spaces is required, up to 20% of those spaces may be compact. Under the proposal for 395 Alewife, the Applicant may provide up to 7.7 (rounded to 8) compact parking spaces by-right. The remaining 2.0 compact parking spaces being provided require a special permit.

Between the compact and standard parking spaces, the Applicant is providing more than one parking space per unit. The Applicant is also providing six (6) visitor parking spaces as required by Article 9. The Applicant is providing two more visitor parking spaces than are required by this proposal.



As stated earlier in this report, the Applicant is proposal 33 legal parking spaces on-site, more than one per unit. According to the bedroom/parking calculations, the Applicant needs a special permit for relief from providing an additional 5.5 parking spaces. Regardless of this, the Board finds that this site is over-parked. However, it is the Board's understanding that the amount of proposed on-site parking was an acquiescence to the concerns of the abutting residential neighborhood.

Article 13 of the SZO

As noted earlier in this report, in compliance with Article 13 of the SZO which addresses inclusionary housing for projects requiring a Special Permit with Site Plan Review (SPSR), the Applicant must provide 20% of the units in the structure as affordable units.

According to Section 13.4.1(c) of the SZO, “[t]hose projects where the number of affordable units to be provided is calculated to include a fractional number not rounding up to the next whole number...in which case a cash payment shall be made for the fractional unit...” In the case of 395 Alewife Brook Parkway, the calculation results in a fractional number of 4.6. Therefore, the Applicant must provide 4 on-site affordable units and the .6 will result in a payment into the Somerville Affordable Housing Trust Fund.

The fractional payment amount will be reviewed and approved by the Housing Division within the Office of Strategic Planning and Community Development (OSPCD) as well. The units that will be deemed as affordable units in perpetuity will be selected by the Housing Division.

§4.4.1 of the SZO

This portion of the SZO states that “[l]awfully existing nonconforming structures other than one- and two-family dwellings may be enlarged, extended, renovated or altered only by special permit authorized by the SPGA in accordance with the procedures of Article 5. The SPGA must find that such extension, enlargement, renovation or alteration is not substantially more detrimental to the neighborhood than the existing nonconforming building. In making the finding that the enlargement, extension, renovation or alteration will not be substantially more detrimental, the SPGA may consider, without limitation, impacts upon the following: traffic volumes, traffic congestion, adequacy of municipal water supply and sewer capacity, noise, odor, scale, on-street parking, shading, visual effects and neighborhood character.”

Existing conditions on the site present a property that is non-conforming with regard to landscaping.

The existing conditions present 1% landscaping in a zone where a minimum of 10% landscaping is required. The Applicant's proposal will improve the landscaping percentage such that, at 20%, it will exceed the required minimum landscaping percentage for the site.

The Board finds that the proposed structure, despite increasing the number of residential units on the site, will not substantially increase the traffic volume or add to traffic congestion in this area. The existing gas/service station sees vehicles entering and exiting the property constantly throughout the day, creating numerous situations during which there is an increased risk of pedestrian and vehicular conflict both along Gordon Street and Alewife Brook Parkway. The proposed residential structure should a flow of traffic in and out of the site at more predictable times during the day.

Noise and odors typically associated with the construction process are to be expected during this phase of the project, but the Board does not anticipate any significant uptick in typical neighborhood noise



generated by the final outcome of this proposal. Though the amount of outdoor space has been improved, there is an overall limited amount of outdoor space that would create a significant uptick in typical neighborhood noise and odor. Further, the removal of the gas/service station will significantly reduce the amount of noxious odors typically associated with this type of commercial operation.

The character of this neighborhood is beginning to change in terms of large-scale development. The existing Water Works building has been adaptively re-used, restored and provides affordable senior housing. The SHA and VNA buildings are newer in style and construction. The abutting smaller-scale residential neighborhood remains largely static.

Impacts on the municipal water and sewer supply will be reviewed by the Engineering Department and they will sign off as-appropriate.

3. Purpose of District: *The Applicant has to ensure that the project "is consistent with the intent of the specific zoning district as specified in Article 6".*

The proposal conforms with the purpose of the NB district which is "...[t]o establish and preserve areas for small-scale retail stores, services and offices which are located in close proximity to residential areas and which do not have undesirable impacts on the surrounding neighborhoods." The Board finds that, while the inclusion of first floor commercial space would have made for a project more in keeping with the definition of the NB district, the Board is able to find that a project providing for 23 new residential units, including 4 affordable, is also consistent with the purposes of the NB zone. It is the Board's understanding that the abutting residential neighborhood was not in favor of having commercial space included in this project.

4. Site and Area Compatibility: *The Applicant has to ensure that the project "(i)s designed in a manner that is compatible with the existing natural features of the site and is compatible with the characteristics of the surrounding area, and that the scale, massing and detailing of the buildings are compatible with those prevalent in the surrounding area".*

Surrounding Neighborhood:

The project site is on a corner lot that has frontage on both Alewife Brook Parkway and Gordon Street. Gordon Street is a one-way residential street terminating at the two-lane Alewife Brook Parkway. To the left of the project site is the former Somerville Water Works, a 19th-century brick building that has been converted into a multi-unit affordable housing residence for seniors. Rear abutters to the project site include the VNA Senior Living Community building and a Somerville Housing Authority residential complex. Both of these structures are large, multi-unit complexes. Residential structures, mostly one- and two-family, can be found along Gordon Street. The first of these houses abuts the project site at the rear property line.

The proposed structure is more similar in scale and density to the Somerville Water Works, SHA, and VNA buildings than to the single- and two-family residential structures found along Gordon Street. The Board finds that the proposed scale, massing, and density for 395 Alewife Brook Parkway are appropriate for a site such as this situated along a busy thoroughfare. It is more appropriate to have buildings of larger scale, increased massing and density fronting along roads such as Alewife Brook Parkway while allowing for such larger structures to step down at the rear of the building toward smaller, residential streets.

Impacts of Proposal (Design and Compatibility):



Stylistically, the proposed building is an amalgam of some traditional elements combined with modern materials. The proposed building will provide a significant visual improvement from the gas/service station that is currently on the site.

Applications for Special Permits with Site Plan Review in Residence Districts must meet the design guidelines under SZO §5.2.4. The design guidelines for residential districts are as follows:

- a. *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.*

N/A as the locus is located in a Neighborhood Business (NB) district and, therefore, this guideline does not apply.

- b. *Use of traditional and natural materials is strongly encouraged (e.g. wood clapboard, wood shingles, brick).*

N/A as the locus is located in a Neighborhood Business (NB) district and, therefore, this guideline does not apply.

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

N/A as the locus is located in a Neighborhood Business (NB) district and, therefore, this guideline does not apply.

- c. *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).*

N/A

- d. *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 proposed building is set along the street frontages of Alewife Brook Parkway and Gordon Street. This orientation is common along Gordon Street and is an accepted orientation for buildings designed along a major thoroughway.

- e. *Driveways should be kept to minimal width (perhaps a maximum of twelve (12) 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 curb cut off of Gordon Street will be closed. The existing curb cut along Alewife Brook Parkway will be enlarged for all vehicular access to the site. The drive aisle will be 20 feet in width to allow for required vehicular turning radius and emergency vehicle access.

- f. *Transformers, heating and cooling systems, antennas, and the like, should be located so they are not visible from the street or should be screened.***

This report has been conditioned such that items including the above shall be screened and that trash and recycling shall be picked up by private contractor. Trash and recycling shall be required to be stored inside until trash/recycling day. For a project of this size, private trash/recycling hauling is required. The location of the transformer will be informed by the utility company. Screening will still be required.

- g. *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.***

The proposal conforms with the purpose of the NB zoning district which is “...[t]o establish and preserve areas for small-scale retail stores, services and offices which are located in close proximity to residential areas and which do not have undesirable impacts on the surrounding neighborhoods.”

In addition, the NB zoning district has specific district standards and guidelines as described in Section 6.1.4 (B). Discussion of these guidelines follows immediately below:

Specific District Standards and Guidelines.

All developments within the NB district that require a special permit with design review or special permit with site plan review should comply with the following guidelines to the highest degree practicable.

1.

When a fourth floor is included, provide a minimum five (5) foot deep setback from the front lot line building wall, such as a balcony or deck, for the purpose of promoting a scale appropriate to surrounding neighborhoods.

A fourth story is proposed for this project. As noted in §8.5 of the SZO, footnote 18, four stories and up to 42 feet are allowed in the NB zone for buildings where all four floors are residential. Such is the case with 395 Alewife. In addition, in keeping with the district Standards and Guidelines, the Applicant proposes a front yard setback of 15 feet. Given the nature of Alewife Brook Parkway, an even shallower front yard would also be acceptable and be in keeping with a busy vehicular corridor.

2.

Give preference to locating on-site, off-street parking at the rear of the lot, behind the building or below street level, providing vehicular access from either a side street or alley where possible.

It is the Board’s understanding that the surrounding neighborhood was not favorable to the notion of having traffic enter and/or exit from/to Gordon Street. Therefore, the

Applicant has proposed all traffic entering and exiting the site be from Alewife Brook Parkway. In terms of parking, all parking that can be provided on-site has been placed under, to the left, or to the rear of the proposed residential structure.

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 acceptable standards for a functional design. The site is designed with 10 compact spaces, 21 standard spaces, and two handicapped spaces. An additional two spaces are tandem and do not count as legal parking spaces. 12 bicycle spaces are also proposed, all of which are covered spaces.

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.”*

Nearly the entirety of this site is covered by pavement or structure. All of this will be removed as part of this proposal. The new site layout will have less impervious coverage. Impacts on the sanitary sewer system are likely; therefore, it is a condition of any approval that, if the minimum threshold is met, the Applicant shall make an I/I payment.

7. Environmental Impacts: *“The proposed use, structure or activity will not constitute an adverse impact on the surrounding area resulting from: 1) excessive noise, level of illumination, glare, dust, smoke, or vibration which are higher than levels now experienced from uses permitted in the surrounding area; 2) emission of noxious or hazardous materials or substances; 3) pollution of water ways or ground water; or 4) transmission of signals that interfere with radio or television reception.”*

The proposed residential use will not adversely impact the environment. Conversely, through the removal of the gas station and its accompanying fossil fuel delivery systems, the immediate environment should see improvement both visually and with regard to odors, fumes, and the hazardous materials related to service station work.

No new noise, glare, smoke, vibration, nor emissions of noxious materials, nor pollution of water ways or ground water, nor transmission of signals that interfere with radio or television reception are anticipated as part of the proposal. Typical construction noise for a project this size can be expected. That said, from a noise perspective, the ZBA should note that the property is situated along the busy vehicular corridor of Alewife Brook Parkway.

The Applicant is required to submit all 21E and other environment study reports to the state as required by Massachusetts state law. Oversight and enforcement of environmental issues on the site rests with the Commonwealth of Massachusetts and not with the City of Somerville.

8. Consistency with Purposes: *“Is consistent with: 1) the purposes of this Ordinance, particularly those set forth in Article 1 and Article 5; and 2) the purposes, provisions, and specific objectives applicable to the requested special permit with site plan review which may be set forth elsewhere in this Ordinance, such as, but not limited to, those at the beginning of the various sections.”*



The Board finds that the proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to to promote 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 provide adequate light and air; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; to conserve the value of land and buildings; to adequately protect the natural environment; to encourage the most appropriate use of land throughout the City; to protect and promote a housing stock that can accommodate the diverse household sizes and life stages of Somerville residents at all income levels, paying particular attention to providing housing affordable to individuals and families with low and moderate incomes; 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 site currently contains a gas/service station and is about 99% covered with bituminous material or structures. The parcel is flat and nearly completely devoid of plantings save for a small strip along Alewife Brook Parkway. The Applicant’s proposal will increase the permeability of the site and will increase the in landscaping to 20%. Overall, the proposal is designed to enhance the attractiveness of the site and the neighborhood.

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 proposed development will not alter the existing, flat land form. There is little vegetation on the site as it is mostly covered in bituminous material. The proposed scale, design, and use of the structure is compatible with surrounding buildings such as the Water Works, SHA, and VNA in terms of residential use. As a flat-roofed building, the proposed structure would allow for the use of solar equipment in the future. The proposed building will be significantly taller and bulkier than the existing service station and will block some of the views to Alewife Brook Parkway from Gordon Street.

11. Stormwater Drainage: *The Applicant must demonstrate that “special attention has been given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Storm water shall be removed from all roofs, canopies, and powered area, and routed through a well-engineered system designed with appropriate storm water management techniques. Skimming devices, oil, and grease traps, and similar facilities at the collection or discharge points for paved surface runoff should be used, to retain oils, greases, and particles. Surface water on all paved areas shall be collected and/or routed so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create puddles in the paved area. In larger developments, where practical, the routing of runoff through sheet flow, swales or other means*

increasing filtration and percolation is strongly encouraged, as is use of retention or detention ponds. In instances of below grade parking (such as garages) or low lying areas prone to flooding, installation of pumps or other devices to prevent backflow through drains or catch basins may be required.

The proposed project greatly improves the permeability of this site which is currently 99% covered by bituminous material. The Applicant's proposal will increase the landscaped amount of the parcel to 20% in a zone where 10% landscaping is required. A project of this size will require substantial pre-construction site work that will address water flow through the site itself. As is typical of a project of this scale, this report is conditioned to require the Applicant to submit their civil engineering plans to the City's Engineering Department for their review, comment, and sign-off, as appropriate.

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."*

There is no historic or architectural significance to the existing structure on the site. It is less than 50 years of age and, therefore, its demolition does not trigger the review of the Historic Preservation Commission (HPC).

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 existing gas/service station is to be demolished. The overall appearance of the site will improve significantly as a result of the proposed development. Improvements will come in the form of well-designed residential units, increased landscaping, removal of gas station equipment and the closing of the curb cut on Gordon Street. Parking will be limited to the left portion of the property with several of the parking spaces covered by the second floor of the residential building.

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 Board has included a condition that all exterior lighting must be confined to the subject property, cast light downward and must not intrude, interfere or spill onto 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."*

The site will be accessible off of Alewife Brook Parkway by emergency vehicles. Emergency vehicles



will also be able to access the site directly on Gordon Street as the proposed building will terminate close to the street edge.

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 large curb cut off of Gordon Street will be closed. The existing curb cut on Alewife Brook Parkway will be enlarged and will provide the sole entry and exit to the site.

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 required to present their electrical/utility plan to Lights & Lines, Highways, and the Electrical inspector. There is a condition that 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.”*

The Board has addressed most of these issues throughout the report and will summarize findings briefly here. The removal of the gas/service station use will improve adverse impacts to air and nose quality. There is no anticipated impact to wind levels as there is no window tunnel effect that would be created. Increasing the amount of green space on the site along with the removal of much bituminous material should improve negative impacts on temperature levels caused through heat island effects that are caused, in part, by the current conditions of the property. The machinery used by this new development will be required to meet energy saving standards.

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.”*

Signage indicating the address of the building will be reviewed and approved by Planning Staff prior to installation.

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.”*

The Board has conditioned this report to require interior storage of trash/recycling and private pick-up. Transformers have also been conditioned to be screened.

21. Screening of Parking: *The Applicant must ensure that “the parking areas should be screened or partitioned off from the street by permanent structures except in the cases where the entrance to the parking area is directly off the street.”*

Parking will be located under, behind and to the left of the building. Much of this parking will be shielded by the building itself.

21. 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.*

SomerVision Summary	Existing	Proposed
<i>Dwelling Units:</i>	0	23
<i>Commercial Units:</i>	1	0
<i>Affordable Units:</i>	0	4 plus payment
<i>Commercial Sq. Ft.:</i>	2,040	0
<i>Estimated Employment:</i>	0	Temporary construction
<i>Parking Spaces:</i>	Unknown	35 vehicular, 12 bicycle

22. Impact on Affordable Housing: *In conjunction with its decision to grant or deny a special permit for a structure of four or more units of housing, the SPGA shall make a finding and determination as to how implementation of the project would increase, decrease, or leave unchanged the number of units of rental and home ownership housing that are affordable to households with low or moderate incomes, as defined by HUD, for different sized households and units.*

In compliance with Article 13 of the SZO, the proposal will include a four (4) affordable units plus a fractional payment into the Somerville Affordably Housing Trust.

DECISION:

Present and sitting were Members Orsola Susan Fontano, Josh Safdie, Danielle Evans, and Anne Brockelman. Upon making the above findings, Danielle Evans made a motion to approve the request for a Special Permit with Site Plan Review. Anne Brockelman seconded the motion. The Zoning Board of Appeals voted **4-0** to **APPROVE** the request **WITH CONDITIONS**. In addition the following conditions were attached:



#	Condition	Timeframe for Compliance	Verified (initial)	Notes								
1	Approval is for the construction of a 23-unit residential building. 4 affordable units to be provided and a fractional payment. Parking relief provided. Building shall be 42-feet and four stories tall, as allowed.	CO / BP	ISD/Plng.									
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>March 5, 2018</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>August 22, 2018</td> <td>Modified plans submitted to OSPCD</td> </tr> <tr> <td>November 21, 2018</td> <td>Updated dimensionals submitted to OSPCD</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	March 5, 2018	Initial application submitted to the City Clerk's Office	August 22, 2018	Modified plans submitted to OSPCD	November 21, 2018	Updated dimensionals submitted to OSPCD
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Any changes to the approved site plan or elevations/use that are not <i>de minimis</i> must receive SPGA approval.												
Affordable Housing/Linkage												
2	Affordable Housing Implementation Plan (AHIP) shall be approved by the OSPCD Housing Division and executed prior to issuance of Building Permit. Affordable units shall be provided on-site.	BP	Housing									
3	Written certification of the creation of affordable housing units, any fractional payment required, or alternative methods of compliance, shall be obtained from the OSPCD Housing Division before the issuance of a Certificate of Occupancy (C.O.). No C.O. shall be issued until the OSPCD Housing Division has confirmed that the Affordable Housing Restriction has been approved and recorded and the developer has provided the promised affordable units on-site.	CO	Housing/ISD									
4	No Certificate of Occupancy shall be issued until the OSPCD Housing Division has confirmed that: (for Condominium Projects) the Condominium Documents have been approved and the Developer has agreed to a form of Deed Rider for the Affordable Unit(s), or (for Rental Projects) the Developer has agreed to and executed a Memorandum of Understanding for Monitoring of the Affordable Unit(s).	CO	Housing/ISD									
5	Affordable Housing payments shall be required to be paid to the Somerville Housing Trust Fund before a CO is issued.	CO	Housing/ISD									
Pre-Construction												
6	The Applicant shall contact the Engineering Department to obtain street addresses prior to a building permit being issued.	BP	Eng									



7	The Applicant shall complete the Site Plan Review Checklist and supply the information to the Engineering Office. The plans must comply with the City’s Stormwater Management Policy.	BP	Eng.	
8	New sanitary connection flows over 2,000 GPD require a removal of infiltration and/or inflow by the Applicant. This will be achieved by submitting a mitigation payment, established by the City Engineers Office, to the City based on the cost per gallon of I/I to be removed from the sewer system and a removal ratio of 4:1. If a different ratio of removal or mitigation payment amount is adopted by the Board of Aldermen prior to the Applicant receiving a Certificate of Occupancy, payment will be adjusted to the BOA rate. The Applicant shall work with Engineering and meet this condition before a certificate of occupancy is issued.	CO	Eng.	
9	<p>Because of the history of the site and the intended use, the Applicant shall, prior to issuance of any demolition permit and/or any building permit for the project, provide to the Planning Department and the Inspectional Services Division:</p> <p>a) a copy of the Response Action Outcome (RAO) Statement, signed by a Licensed Site Professional (LSP) and filed with DEP, verifying that a level of no significant risk for the proposed residential use has been achieved at the site; or</p> <p>b) if remediation has not reached the RAO stage, a statement signed by an LSP describing (i) the management of oil and hazardous materials/waste at the site, including release abatement measures intended to achieve a level of no significant risk for residential use at the site, treatment and storage on site, transportation off-site, and disposal at authorized facilities, (ii) a plan for protecting the health and safety of workers at the site, and (iii) a plan for monitoring air quality in the immediate neighborhood.</p>	Demolition Permit	Plng/ISD	
10	The Applicant shall submit a proposed drainage report to the City’s Engineering department, (stamped by a registered PE if requested by the City Engineer) that demonstrates compliance with the City’s stormwater policy.	BP	Eng.	
11	The Applicant shall develop a demolition plan in consultation with the City of Somerville Inspectional Services Division. Full compliance with proper demolition procedures shall be required, including timely advance notification to abutters of demolition date and timing, good rodent control measures (i.e. rodent baiting), minimization of dust, noise, odor, and debris outfall, and sensitivity to existing landscaping on adjacent sites.	Demolition Permitting	ISD	



12	The Applicant shall 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 1 st to April 1 st and there is a list of streets that have additional opening restrictions.	BP	Eng	
Construction Impacts				
13	The applicant shall post the name and phone number of the general contractor at the site entrance where it is visible to people passing by.	During Construction	Png.	
14	Approval is subject to the Applicant's and/or successor's right, title and interest in the property.	Cont.	Png.	Deed submitted & application formed signed
15	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	
16	All construction materials and equipment shall 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	
Design				
17	Applicant shall provide final material samples for siding, trim, windows, and doors and the like to Planning Staff for their review and approval prior to construction.	BP	Png.	
18	An exterior light and electrical receptacle is required for the first (or all) level of porches and an electrical receptacle is required for the second level (if there is no access to the ground).	Final sign off	Wiring Inspector	
19	Any rooftop mechanical equipment shall be screened so as it is not visible at ground level.	CO	Png.	
20	All signage proposals shall be submitted to Planning Staff for their review and approval prior to installation.	CO	ISD/Png	
Site				
21	Landscaping shall be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Png. / ISD	
22	The Applicant shall submit a landscaping plan to Planning Staff for their review and approval prior to installation.	Prior to installation	Png/ISD	
23	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	



24	All new sidewalks shall be installed by the Applicant in accordance with the specifications of the Highway Superintendent. Specifically, all driveway aprons shall be concrete;	CO	Plng.	
25	Two trees shall be planted and maintained according to National Nurseryman's Standards. Only species native to this area of Massachusetts shall be planted. All proposed plantings shall be reviewed and approved by Planning staff prior to installation and CO.	CO	Plng.	
26	Applicant shall supply 12 sheltered bicycle spaces.	CO	Plng.	
27	The subsurface of the fire lane and emergency access aisle shall be constructed to standards acceptable to the Fire Prevention Office.	BP	Plng. / Fire	
28	The drive aisle shall be pervious pavement and all parking spaces (except for handicapped) shall be pervious pavers.	CO	ISD/Plng	
Miscellaneous				
29	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	
30	For developments with 7 or more residential units or commercial development, the Owner/Applicant is required to hire a private company to remove trash and recycling on a regular basis. Trash shall otherwise be stored inside the building in a designated trash/recycling area.	Perpetual	Plng./ISD	
31	Construction and construction-related activity shall occur between the hours of 7:30pm and 5:00pm Monday through Friday only. There shall be no construction or construction-related work occurring on weekends or holidays.	During construction	ISD	
32	There shall be no loitering by project workers on the project site. All personnel shall be respectful of abutting properties and shall not leave equipment or vehicles idling, shall not play loud music at the site, shall not engage in loud conversation prior to or after permitted working hours.	During construction	ISD	
33	All construction waste shall be stored neatly on-site and carted away on a regular basis.	During construction	ISD	
34	Food waste shall be removed from the site daily.	During construction	ISD	
35	Rodent baiting shall be performed as-necessary	During construction	ISD	
36	All snow shall be removed from the site.	Perpetual	ISD	

37	Gas and electric meters shall not be on the front of the structure. Gas and electric meters may be located on the side of the structure but shall be screened from the street by a hardy, staff approved evergreen planting. Utilities shall not be located adjacent to windows and shall not impact any parking, landscaping, or egress. The provisions of this condition may be waived by staff if the applicant submits a letter from the utility, signed by a utility representative, on utility letterhead, indicating that there is no feasible alternative to placing meters in violation of this condition.	Perpetual	ISD/PIng	
38	Electrical conduits on the exterior facades of buildings shall be painted to match the wall material to which they are attached. Conduits are not allowed on the front of any structure.	Perpetual	ISD/PIng	
39	Garbage and recycling locations shall be clearly indicated on site plans. Storage areas shall be inside of the structure or shall be fully screened from view from both the public way and abutters by an appropriate material reviewed and approved by staff. The location shall not impact any parking, landscaping, or egress.	Perpetual	ISD/PIng	
40	The applicant must comply with the "Policy for connections to and modifications to existing connections to the municipal sewer and drainage system stormwater management and infiltration/inflow mitigation." The Applicant shall work with Engineering to meet this condition and provide the required fees/mitigation.	BP	ISD/Eng	
Public Safety				
41	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements, including, but not limited to, sprinkling the building.	CO	FP	
42	The Applicant shall submit a construction traffic management plan to the Traffic and Parking division for their review and approval. Plan should include delivery locations, delivery windows, anticipated number of vehicles, parking proposals and the like. Traffic and Parking shall be responsible for reviewing (if necessary, amending), and signing off on the plan.	BP	T&P	
43	Any transformers shall be fully screened and installed in a location approved by Lights and Lines	Electrical permits & CO	ISD/PIng/ Lights and Lines	
44	Per City ordinance, no grills, barbeques, chimineas or similar cooking or heating devices shall be used or stored on decks, balconies or patios. These conditions shall also be written into any condo or rental documents. Proof of such inclusion shall be provided to the sign-off divisions.	Perpetual	ISD/Fire Prevention	
45	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.	At time of release	OSE/FP/B OH	



46	The Applicant shall be required to install an indicator at the entry/exit location to the site to inform passing pedestrians of exiting vehicles. Proposals for such indicators shall be submitted simultaneously to Planning, ISD, and Traffic and Parking for their review and approval.	CO	Plng/ISD/T&P	
47	All exterior lighting shall be confined to the subject property, cast light downward and must not intrude, interfere or spill onto neighboring properties.	CO	Plng.	
Final Sign-Off				
48	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.	



Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chairman*
Danielle Evans
Josh Safdie
Anne Brockelman

Attest, by the Administrative Assistant:

Monique Baldwin

Copies of this decision are filed in the Somerville City Clerk's office.
Copies of all plans referred to in this decision and a detailed record of the
SPGA proceedings are filed in the Somerville Planning Dept.

CLERK'S CERTIFICATE

Any appeal of this decision must be filed within twenty days after the date this notice is filed in the Office of the City Clerk, and must be filed in accordance with M.G.L. c. 40A, sec. 17 and SZO sec. 3.2.10.

In accordance with M.G.L. c. 40 A, sec. 11, no variance shall take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title.

Also in accordance with M.G.L. c. 40 A, sec. 11, a special permit shall not take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and either that no appeal has been filed or the appeal has been filed within such time, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The person exercising rights under a duly appealed Special Permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone.

The owner or applicant shall pay the fee for recording or registering. Furthermore, a permit from the Division of Inspectional Services shall be required in order to proceed with any project favorably decided upon by this decision, and upon request, the Applicant shall present evidence to the Building Official that this decision is properly recorded.

This is a true and correct copy of the decision filed on _____ in the Office of the City Clerk, and twenty days have elapsed, and

FOR VARIANCE(S) WITHIN

_____ there have been no appeals filed in the Office of the City Clerk, or
_____ any appeals that were filed have been finally dismissed or denied.

FOR SPECIAL PERMIT(S) WITHIN

_____ there have been no appeals filed in the Office of the City Clerk, or
_____ there has been an appeal filed.

Signed _____ City Clerk Date _____

