



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2018-100
Site: 28 Chestnut Street
Date of Decision: December 12, 2018
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: December 19, 2018

ZBA DECISION

Applicant Name: Lawrence Realty28 Chestnut LLC
Applicant Address: 230 Meadow Road, Boston, MA 02136
Owner Name: Lawrence Realty28 Chestnut LLC
Owner Address: 230 Meadow Road, Boston, MA 02136
Agent Name: Adam Dash
Agent Address: 48 Grove Street, Suite 304, Somerville, MA 20144
Alderman: J.T. Scott

Legal Notice: Owner/Applicant Lawrence Realty 28 Chestnut LLC, seeks a Special Permit with Site Plan Review under SZO §5.2 to change a warehousing use to an office/R&D use of more than 10,000sf and a Variance under §5.5 for 16 parking spaces. IA Zone. Ward 2.

<u>Zoning District/Ward:</u>	IA Zone. Ward 2.
<u>Zoning Approval Sought:</u>	§5.2, §5.5
<u>Date of Application:</u>	July 18, 2018
<u>Date(s) of Public Hearing:</u>	9/17, 10/3, 10/17, 10/24, 11/7, 11/28, 12/12
<u>Date of Decision:</u>	December 12, 2018
<u>Vote:</u>	5-0

Appeal #ZBA 2018-100 was opened before the Zoning Board of Appeals in the Aldermanic Chambers at Somerville City Hall on September 17, 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 December 12, 2018 the Zoning Board of Appeals took a vote.



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I. DESCRIPTION:

This application is strictly a request for a change of use. It is anticipated that the building will be renovated when the existing structure is ready to be adaptively re-used.

II. FINDINGS FOR VARIANCE (SZO §5.5):

A Variance (§5.5) is sought for 9 parking spaces. In order to grant a variance the Board must make certain findings and determinations as outlined in §5.5.3 of the SZO.

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 building covers most of the entire lot, such that no parking can be created on-site. The existing commercial warehouse use does not have parking either, and this condition will be continued. No new use can be made of the building without a parking variance. The existing building covering most all of the lot, and being hemmed in by the train tracks on one side and two other commercial properties and the street on the other sides, as well as the environmental condition at the property due to its past industrial use, creates a hardship for any re-use of the building without a parking variance.

The Board’s response: SomerVision identifies Brick Bottom as a Transform Area within walking distance to future rail transit despite the challenging infrastructure and architectural conditions that currently exist. The existing structure on the subject property occupies 95% of the lot area and does not provide enough area to meet landscape requirements or parking spaces. A new public process for the BrickBottom district is scheduled to begin later this year. This work effort will examine the larger issues (such as open space and parking) from a district-wide level and shared perspective, similar to Union Square, to avoid forcing individual properties to accommodate all requirements on lots with existing structures and other limitations.

While it is difficult to predict economic changes or anticipate the timeline for redevelopment, the existing buildings should be granted some flexibility. If an Applicant demonstrates that “good faith” efforts are being made to work with the vision for the area, allowing approvals that promote desired future uses, such as this proposal which would not create hardship for the neighborhood, is helpful for the growth of the City.

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: The property will continue to have a commercial use with no parking. The current warehouse use requires 1 space per 800sf plus 1 for each business vehicle stored on-site, which means that the current warehouse use requires 31 spaces but has none. An office use would require 1 space per 500sf (49 spaces) and an R&D use would require 1 space per 650sf (38 spaces). Therefore, per Section 9.4.1, an office use would require 9 parking spaces, and an R&D use would require 4 spaces. Applicant is seeking a parking variance for 9 spaces, which is the worst case scenario if the entire building was an office use, which is the minimum relief necessary for office use at the site.

The Board’s response: While there are some properties being underutilized as surface parking lots, most of the existing parking in the BrickBottom district is on-street. The parking lot immediately adjacent to the subject property (26 Chestnut Street to the northwest) is a separate lot even though controlled by the same owner. While currently used for vehicle parking, this property should remain independent. Using the parcel at 26 Chestnut Street



to supply the parking for 28 Chestnut Street would eliminate the potential redevelopment on that site that may be anticipated as part of a neighborhood plan and future overlay district.

Per the SZO, the definition of Wholesale (2.2.174) is “A use, establishment, or place of business primarily engaged in the warehousing or distribution of products to retailers and/or other businesses”.

This means that the Applicant’s calculations are correct, the current use should actually have 31 parking spaces but does not provide any.

Per section 9.4.1, “an existing use or lot which does not have sufficient parking or loading spaces to meet the requirements of this Ordinance, including a use which has no off-street parking or loading, is changed to a different type of use for which a different number of parking spaces or loading bays is required”. Changes in use with no change in floor area require a calculation of the parking necessary for the existing and proposed uses. An office use requires 50 spaces (24,795sf divided by 500sf/space = 49.59 spaces) minus the 31 spaces required by the current/previous use is a difference of 19 spaces. Per §9.4.1.d.2., if the new use is calculated to require two (2) or more additional parking spaces than the existing (or previous) use, then fifty percent (50%) of this additional requirement shall be provided. Therefore, the variance request should be only 10 spaces, as compared to the 16 requested in the legal notice.

For information, Chestnut Street has an approximately 50’ right-of-way that supports two-way traffic and parking on both sides. A frontage calculation of the subject property along Chestnut and Fitchburg Streets, excluding the driveway for loading access, is approximately 170 linear feet which yields 7 spaces immediately adjacent to the building on the north side of the street.

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 proposal is compatible with the characteristics with the surrounding area and land uses as this is currently a commercial building, and that commercial status will be kept. The project will hopefully create about 75-100 jobs, and the R&D and/or office use will be a service to the economy and residents throughout Somerville and the Region. The project is in compliance with the goals of the SomerVision plan which seeks to “facilitate transit-oriented neighborhood infill development”, and “support commercial business activity within walking distance of” transit, “promote municipal financial self-determination”. The project will create a “healthier, more prosperous and more attractive place to live, work, play and raise a family”, “preserve and enhance the character of Somerville’s neighborhoods”, “support neighborhood development with a strong relationship to transit”, and “commit to continued innovation and affirm our responsibility to current and future generations in all of our endeavors: business, technology, education, arts and government”. This project will ensure that “properties can adapt and change to meet the needs of residents, while respecting the character of the neighborhood”. It maintains the existing building and existing status of the property.

The Board’s response: The existing structure, while unfenestrated and less than attractive in its current condition, was built in 1965 (according to the Assessor’s Database) making it old enough to be worthy of consideration for adaptive re-use. The subject property is also within walking distance (a little over a ¼-mile or approximately 7 minute walk) to future transit – the East Somerville Station of the MBTA’s Green Line Extension at Washington Street. This provides good opportunities for new economy businesses and a potential increase in the number of jobs in the area.

Industrial A allows office uses under 9,999sf by-right. Given the size of the existing building, when the conversion of use and renovation is ready to take place a Special Permit with Site Plan Review will be required. The proposed office or R&D use will definitely be beneficial to the district and the City overall and improve the neighborhood. However, to ensure that the adaptive re-use and renovation design is appropriate to potential future revitalization of the neighborhood, it is important that the Board review the design even if the change in use happens incrementally.



III. FINDINGS FOR SPECIAL PERMIT with SITE PLAN REVIEW (SZO §5.2):

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 §5.2.5 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: Industrial A

The structure is currently nonconforming with respect to the following dimensional requirements:

	Required	Existing	Proposed	Notes
Minimum Lot Size (sf)	na	26,310	26,310	
Minimum Lot Area per Dwelling	875 (1000)	na	na	
Maximum Ground Coverage	80%	95%	95%	pre-existing non-conformity
Minimum Landscaped Area	10%	0%	0%	pre-existing non-conformity
Floor area ratio (F.A.R.)	2.00	0.94	0.94	
Maximum Height (ft)	50'	32'	32'	
Maximum Height (stories)				
Minimum front yard (ft)	na	0'	0'	
Minimum side yards (ft): Left	na	0'	0'	
Minimum side yards (ft): Right	na	0.86'	0.86'	
Minimum rear yards (ft)	na	2'	2'	
Minimum frontage (ft)	na	169.65'	169.65'	
Minimum Pervious Area		0%	0%	pre-existing non-conformity

This alteration to a nonconforming structure requires the Applicant to obtain special permits under §4.4.1 of the Somerville Zoning Ordinance (SZO). Section 4.4.1 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.” In considering a special permit under §4.4 or 4.5 of the SZO, The Board do not find that the use proposed would not be substantially more detrimental to the neighborhood than the existing use.

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 is consistent with the purpose of the district, which is “to establish and preserve areas for industrial and related uses which are not incompatible with commercial uses; uses which are most appropriately located as neighbors of industrial uses including living and studio space for artists; and



uses which are necessary to service the immediate needs of industrial establishments in those areas, and accessory uses to industrial uses such as day care centers, cafeterias, health facilities, and the like.”

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: BrickBottom is a historically industrial zone of Somerville, with factories, warehouses, distribution centers, railroad connections, and regional maintenance facilities.

An elevated railroad right-of-way separates the BrickBottom area from the Inner Belt District located to the east. The two areas resemble each other in terms of use. However, BrickBottom has older dense development in a grid pattern and is home to the BrickBottom Artist Lofts.

Impacts of Proposal (Design and Compatibility): The proposed change of use to office or R&D will be compatible with the neighborhood, as it meets the purposes of the existing zoning. SomerVision also envisions the character of the neighborhood having increased employment opportunities in proximity to the future Green Line station. A public neighborhood plan process is anticipated to begin later this year and this change of use will help facilitate the revitalization of the area.

The planned Community Path Extension runs along the eastern border of the site from Washington Street past Poplar Street. Ensuring safe and welcoming access to the Community Path Extension at this location will be important for the future development of Brickbottom. A condition is recommended for the Owner/Applicant, in cooperation with the Owner/Applicant of 28 Fitchburg Street, to ensure that a pedestrian and bicycle connection to the Community Path Extension is provided in this area in coordination with the Directors of Planning and Transportation & Infrastructure.

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

The proposal will meet all accepted standards and criteria. As the project develops and the use of the structure actually changes, this finding will be revisited.

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 requirements for water and sewer usage will change from the former warehouse use to office use demands. As the design of the building and the detailed requirements are further defined, a condition of approval should be included to provide sewer calculations for I&I analysis and fee.

As the use changes, it is anticipated that the vehicular patterns will change but are not expected to generate traffic problems. As discussed above, the proximity to transit and the availability of on-street parking will accommodate the potential increase in the number of workers coming to the site. Pedestrian circulation will remain in the same location but an upgrade of the street, especially the sidewalks, is anticipated when the tenancy increases.

It is also recommended that a condition of this approval is to add 5 bike parking spaces of the standard bike racks specified by the Transportation & Infrastructure Division.

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.”

While the office use is not expected to generate excessive noise, vibrations, or noxious gases,

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 proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited “to promote the health, safety, and welfare of the inhabitants of the City of Somerville; to secure safety from fire, panic and other dangers; to provide adequate light and air; to conserve the value of land and buildings; encourage the most appropriate use of land throughout the City; 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.”*

There are no existing or natural landforms or features to be preserved on the site.

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.”*

This proposal is an adaptive re-use of an existing structure. None of the views or solar orientation (therefore shadows) will be altered.

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.”*

This application is for a change of use only - stormwater management will be reviewed during subsequent Special Permit applications.

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.”*

While not of any specific historical or architectural significance, the structure was built in 1965 (according to the Assessor’s Database) making it over 50 years old and, therefore, old enough to be worthy of consideration for adaptive re-use.



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.”*

This application is for a change of use only. Any additional changes will require subsequent permit applications (either Building Permit or separate Special Permits) and this criteria will be examined in detail at that time.

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.”*

This application is for a change of use only. Any additional changes will require subsequent permit applications (either Building Permit or separate Special Permits) and this criteria will be examined in detail at that time.

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.”*

This application is for a change of use only – the emergency access will be reviewed during subsequent Building Permit and Special Permit applications.

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.”*

This application is for a change of use only – circulation and access are not proposed to be changed at this time.

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.”*

This application is for a change of use only – any utility service changes require coordination with the Wiring Inspector and a condition is recommended to underground all utilities from the source or connection.

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.”*

This application is for a change of use only. Any additional changes will require subsequent permit applications (either Building Permit or separate Special Permits) and this criteria will be examined in detail at that time.

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.”*

This application is for a change of use only – any signage associated with the future office or R&D use will require subsequent applications and approvals.

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.”*

Any service facilities will be conditioned to be screened from the public right-of-way.



21. Screening of Parking:
 The parking will remain in the location of the existing surface lot and will be conditioned to be screened from Chestnut Street.

22. Housing Impact: *Will not create adverse impacts on the stock of existing affordable housing.*
 There is no residential proposed on this property.

23. 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. 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.*

<u>SomerVision Summary</u>	<u>Existing</u>	<u>Proposed</u>
<i>Dwelling Units:</i>	0	0
<i>Affordable Units:</i>	0	0
<i>Commercial Sq. Ft.:</i>	0	0
<i>Estimated Employment:</i>	unknown	75-100
<i>Parking Spaces:</i>	0	0
<i>Publicly Accessible Open Space:</i>	0	0

24. 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.*

There is no residential proposed on this property.



III. DECISION:

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Josh Safdie, Danielle Evans, and Anne Brockelman. Upon making the above findings, Richard Rossetti made a motion to approve the requests for Variance and Special Permit with Site Plan Review. Anne Brockelman seconded the motion. The Zoning Board of Appeals voted **5-0** to **APPROVE** the request **WITH CONDITIONS**. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes				
1	<p>Approval is for the change in use of an existing warehouse structure to an office and/or R&D use. This approval is based upon the following application materials and the plans submitted by the Applicant:</p> <table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>July 18, 2018</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> </tbody> </table> <p>Any changes to the approved use and design drawings that are not <i>de minimis</i> must receive SPGA approval.</p>	Date (Stamp Date)	Submission	July 18, 2018	Initial application submitted to the City Clerk's Office	CO / BP	ISD/ Plng	
Date (Stamp Date)	Submission							
July 18, 2018	Initial application submitted to the City Clerk's Office							
2	The Applicant must work with the Directors of Planning, Engineering, and Transportation & Infrastructure to determine the extent of street upgrades (the addition, to City approved standards, of sidewalks with curb & gutter, streetlights, street trees, and the like) required for pedestrian safety along Chestnut Street of parcels MBL 112-A-12, 112-A-10, & 112-A-13.	BP	ISD/ Plng/ T&I/ Eng					
3	Applicant will supply a minimum of 5 bicycle parking spaces, which can be satisfied with an inverted U-type bicycle rack.	BP	Plng					
4	Screening of parking and loading areas from the street must be by walls, fences, planting or other means and must be maintained in perpetuity.	Perpetual	Plng/ ISD					
5	This approval does permit any exterior modifications. Modifications, such as fenestration with new cladding and sidewalks to the future T stop, will require a Special Permit at a later date and will be necessary to coordinate with the future conditions of BrickBottom, based on current and forthcoming plans for the neighborhood.	at the time of office/R&D tenant building improvements to coordinate with the neighborhood plan	Plng/ ISD					
6	Approval is subject to the Applicant's and/or successor's right, title and interest in the property.	Cont.	Plng	Deed submitted & application formed signed				
7	Owner/Applicant, in cooperation with the Directors of Planning and Transportation & Infrastructure and other owners in BrickBottom, will coordinate to determine the location for a pedestrian and bicycle connection to the Community Path Extension is provided in this area at a later date.	Subsequent SP/SPSR applications	Plng					



8	The applicant must comply with the: "Policy for new 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.	CO	Eng.	
9	Garbage and recycling locations shall be clearly indicated on 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.	BP	PIng	
10	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 building-related storm water systems, ensuring they are clean, well-kept and in good and safe working order.	Cont.	ISD	
11	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
12	Any transformers should be located as not to impact the building or landscaped area, and shall be fully screened to the extent permitted by code.	Electrical permits & CO		
13	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	PIng	



Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chairman*
Richard Rossetti, *Clerk*
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 _____

