



City of Somerville

ZONING BOARD OF APPEALS

City Hall 3rd Floor, 93 Highland Avenue, Somerville MA 02143

TO: Zoning Board of Appeals
FROM: Office of Strategic Planning & Community Development
SUBJECT: 27 Cutter St, P&Z 21-133
POSTED: November 10, 2021

RECOMMENDATION: Approve with Conditions

Staff memos are used to communicate background information, analysis, responses to public comments, review of statutory requirements and other information from the Office of Strategic Planning & Community Development to the Review Board members.

This memo summarizes the revision request(s) submitted for 27 Cutter St, identifies any additional discretionary or administrative development review that is required by the Somerville Zoning Ordinance, and provides related analysis or feedback as necessary. The application was deemed complete on August 25, 2021 and is scheduled for a public hearing on November 17, 2021. Any Staff recommended findings, conditions, and decisions in this memo are based on the information available to date prior to any public comment at the scheduled public hearing.

LEGAL NOTICE

North American Development LLC seeks a revision to a previously issued special permit (SP) and special permit with site plan review (SPSR) issued July 28, 2018 (ZBA 2018-64).

SUMMARY OF PROPOSAL

North American Development LLC has submitted revised plans for development of a 6-unit residential building at 27 Cutter Street (previously 32 Glen Street) and seeks a revision to a previously approved Special Permit (SP) and Special Permit with Site Plan Review (SPSR). That decision (ZBA 2018-64) is attached to this memo.

BACKGROUND

A Building Permit was issued on May 7, 2019 for development at 27 Cutter Street subject to ZBA Decision 2018-64. North American Development LLC has continued with construction as continuously and expeditiously as is reasonable, which has maintained the entitled rights of the previously issued permits. During a follow-up inspection in Spring of 2021, the Inspectional Services Division (ISD) discovered that the building was setback from the front and side lot lines differently than permitted by the approved plans. North American Development LLC has submitted revised plans reflecting the built condition and seeks a revision to the previously approved permit.

ADDITIONAL REVIEW NECESSARY

ZBA 2018-64 is a permit Decision subject to the Somerville Zoning Ordinance (SZO) in effect in 2018, prior to the adoption of the current SZO. Section 5.3.8 of the former SZO reads: *“revisions to plans may be made prior to the issuance of a Certificate of Occupancy [...]; revisions that are not de minimis are subject to the notice and hearing provisions [] of this Ordinance [...]; and applicable findings shall be made in accordance with the type of permits being revised.”* A Certificate of Occupancy has yet to be issued. Subject to Section 5.3.8.1.a, revisions may only be considered de minimis upon the Planning Director making the following findings:

1. Changes would not contravene the legal notice, findings, or conditions of the prior Decision.
2. Changes would not detrimentally impact matters of substance identified in meeting minutes of original hearings.
3. Changes would not alter the character of the development.
4. Changes would be so insignificant not to be noticeable to person generally familiar with the original proposal.

The Planning Director found that the revisions to the previously approved plans would meet all but the fourth finding, as the changes may be noticeable by the abutting neighbors familiar with the original proposal.

Approval of the revised plans requires a public hearing before the Zoning Board of Appeals. As with all permits, the Board may impose reasonable conditions it deems necessary to address potential impacts of the revised plans and ensure compliance with the Board’s findings and the standards for granting a SP/SPSR.

ANALYSIS

The building at 27 Cutter Street was constructed closer to the front lot line and right-side lot line than permitted by the previously approved plans. North American Development LLC has submitted revised plans reflecting the built conditions and seeks approval of the revised plans by the ZBA. The built conditions remain permissible within the discretion of the previously issued Special Permit and SPSR, provided that the Board approve the revised plans. The differences in permitted and built conditions are provided below:

Front setback:

- Permitted Front Setback: 10’
- Built Condition: 9.6’
- Difference: 0.4’

Right setback

- Permitted Side Setback 10'
- Built Condition: 8.2'
- Difference 1.8'

Upon review of the submitted materials, OSPCD Staff does not believe that the small encroachments (0.4' and 1.8') into the previously permitted front and side setback areas will detrimentally impact abutting properties. The difference in the front setback can be considered negligible. The right-side yard is a landscaped area with a six-foot fence along the full length of the side lot line and the property will remain compliant to the ground coverage, landscape area, and permeable area requirements even with the reduction to the right-side yard.

OSPCD Staff does not recommend any further mitigation in response to the proposed changes. However, public comment at the hearing required for the ZBA to review these plan revisions may warrant consideration by the Board.

CONSIDERATIONS & FINDINGS

To approve revisions to previously approved permits subject to the zoning in affect in 2018, the Zoning Board of Appeals is required to find that revisions are in accordance with the findings of the original permit.

OSPCD Staff recommends that the ZBA find that the revised plans are substantially conforming to the prior approval and that the prior findings of ZBA 2018-64 are confirmed.

PERMIT CONDITIONS

Should the Board approve the revision to the previously approved plans, OSPCD Staff recommends the following conditions:

Validity

- This Decision must be recorded with the Middlesex County Registry of Deeds.
- All conditions of the previously issued SP/SPSR ZBA 2018-64 remain in effect.

Public Record

- A copy of the recorded Decision stamped by the Middlesex South Registry of Deeds must be submitted for the public record.
- Physical copies of all submitted materials as permitted by the Review Boards must be submitted for the public record in accordance with document format standards of the ISD/PB/ZBA Submittal Requirements.



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
JOSEPH A. CURTATONE
MAYOR

MICHAEL F. GLAVIN
EXECUTIVE DIRECTOR

PLANNING DIVISION

ZONING BOARD OF APPEALS MEMBERS

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POOJA PHALTANKAR, (ALT.)

Case #: ZBA 2018-64
Site: 32 Glen St
Date of Decision: July 18, 2018
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: July 23, 2018

ZBA DECISION

Applicant / Owner Name: 32 Glen Street, LLC
Applicant / Owner Address: 13 Tech Circle, Natick, MA 01760
Agent Name: Nicole Starck, Esq.
Agent Address: 6 Lexington Street, 3rd Floor, Waltham, MA 02452
Alderman: Matthew McLaughlin

Legal Notice: Applicant/Owner, 32 Glen Street, LLC, seeks a Special Permit under §4.4.1 to alter a nonconforming structure by increasing the gross floor area (GFA) by greater than 25% with an addition to the existing single family dwelling, a Special Permit with Site Plan Review under §7.3 to establish seven residential units in the RB zoning district, and a Variance* under §5.5 and Article 9 for parking relief. RB Zone. Ward 1.

**After further analysis the required relief for parking is a special permit not a Variance.*

| | |
|-----------------------------------|--------------------|
| <u>Zoning District/Ward:</u> | RB Zone. Ward 1. |
| <u>Zoning Approval Sought:</u> | §4.4.1, §7.3 §9.13 |
| <u>Date of Application:</u> | April 24, 2018 |
| <u>Date(s) of Public Hearing:</u> | July 18, 2018 |
| <u>Date of Decision:</u> | July 18, 2018 |
| <u>Vote:</u> | 5-0 |

Appeal #ZBA 2018-64 was opened before the Zoning Board of Appeals in the Aldermanic Chambers, Somerville City Hall, 93 Highland Ave, Somerville. Notice of the Public Hearing was given to persons



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affected and was published and posted, all as required by M.G.L. c. 40A, sec. 11 and the Somerville Zoning Ordinance. After one hearing of deliberation, the Zoning Board of Appeals took a vote.

DESCRIPTION:

The proposal is to construct a large addition to the existing single family dwelling that will front on Cutter Street. The proposed addition will include six residential units for a total of seven on the site. The project involves demolishing the two garages on the site and constructing a new six-car garage and other site improvements.

II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1 and §9.13) and SPECIAL PERMIT with SITE PLAN REVIEW (SZO §7.3):

In order to grant a special permit and a special permit with site plan review, the SPGA must make certain findings and determinations as outlined in §5.1.4 and §5.2.5 of the SZO respectively. 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.”*

Article 4: Nonconforming Uses and Structures

Section 4.4.1 states that “[l]awfully existing one-and two-family dwellings which are only used as residences, which are nonconforming with respect to dimensional requirements, may be enlarged, extended, renovated or altered by special permit granted by the SPGA in accordance with the procedures of Article 5.”

The existing single family structure is currently nonconforming with respect to the following dimensional requirements: rear yard, left side, and right side yard setbacks. The footprint of the existing building will be maintained and the proposed addition will conform to setback and other dimensional requirements. This enlargement 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 “Alteration, reconstruction, extension or structural change to a nonconforming one- or two-family structure not affecting the nonconforming aspect of the one- or two-family structure and where the alteration, reconstruction, extension, or structural change will comply with all current dimensional requirements of the zoning ordinance, and provided any such alteration, reconstruction, extension or structural change does not increase the Gross Floor Area of the dwelling by more than twenty-five percent (25%).”

The total increase in gross floor area (GFA) will be greater than 25%. The existing GFA is 2,184 s.f and the proposal is to add 6,981 s.f that will increase the GFA to 9,165s.f, or 319% of the existing structure.



In considering a special permit under §4.4 of the SZO, the Board finds the alterations/use proposed would not be substantially more detrimental to the neighborhood than the existing structure/use. The proposal will allow for an addition that meets dimensional requirements. The proposal has been designed with setbacks that minimally impact the neighbors and the requirements for lot area, lot area per dwelling unit, ground coverage, landscaped area, pervious area, floor area ratio (FAR), building height, front yard setback, and street frontage will continue to be conforming to the requirements of the SZO.

Article 7: Permitted Uses

Section 7.3 states that, “in Residence B districts, the maximum number of dwelling units per lot shall be three (3) units.”

Section 7.3 continues to state that, “*In Residence A and Residence B districts, where developments include a minimum of twenty percent (20%) affordable housing units on-site, but in no case less than one (1) affordable unit, as defined by Section 2.2.4, the above standard may be waived by the SPGA through application for special permit with site plan review. In all cases, the minimum lot size, the minimum lot area per dwelling unit and other dimensional and parking requirements of Article 8 and Article 9 shall be met. No incentives for provision of additional affordable housing units as set forth under Article 13, § 13.5, shall be available for those applications requiring a special permit with site plan review under this section.*”

In this case the dimensional requirements of Article 8 for the proposed addition are met and the parking requirements of Article 9 will be met if the Special Permit is granted. Also, 20% of the proposed seven units is 1.4; therefore the proposal includes one affordable housing unit and a payment of 0.4 units to the Affordable Housing Trust Fund.

Article 9: Off-Street Parking and Loading

| | <i>Existing</i> | | <i>Proposed</i> | |
|---------------|---------------------------------------|------------|---|------------|
| Unit #1 | - | - | 3 BR | 2 spaces |
| Unit #2 | - | - | 3 BR | 2 spaces |
| Unit #3 | - | - | 2 BR | 1.5 spaces |
| Unit #4 | - | - | 2 BR | 1.5 spaces |
| Unit #5 | - | - | 2 BR | 1.5 spaces |
| Unit #6 | - | - | 2 BR | 1.5 spaces |
| Unit #7 (ex.) | 2 BR | 1.5 spaces | 2 BR | 1.5 spaces |
| Total | 2 spaces (rounded up from 1.5) | | 12 spaces (rounded up from 11.5) | |

SZO §9.13 allows for sites with nonconforming parking to apply for a Special Permit to modify parking requirements if the total number of spaces is six or fewer. The locus is currently conforming with respect to the number of required off-street parking spaces as two spaces are required, which the site provides. Normally a Variance is required for sites seeking parking relief that currently conform to parking requirements. However, according to SZO Section 9.13.g, projects incorporating inclusionary housing may reduce the total number of parking spaces with a special permit.

SZO §9.5 requires the Applicant to provide 12 spaces. The proposal includes a six-car parking garage and two surface parking spaces for a total of eight parking spaces, which provides a ratio of one per unit with one visitor space. Relief is being requested from providing the additional four parking spaces so that more landscaping could be incorporated in the site plan.



In considering a special permit under §9.13 of the SZO “the SPGA may grant such a special permit only when consistent with the purposes set forth in Section 9.1, and upon reaching the findings and determinations set forth in Section 5.1.4”. The Board finds that granting the requested Special Permit is consistent with the purposes of SZO §9.1 and will not cause detriment to increased traffic volumes, traffic congestion of queuing of vehicles, changes in the type of traffic, change in traffic patterns and access to the site, reduction in on-street parking, or unsafe conflicts of motor vehicles and pedestrian traffic.

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 RB district, which is, “to establish and preserve medium density neighborhoods of one-, two- and three-family homes, free from other uses except those which are both compatible with and convenient to the residents of such districts.” The site is large enough where it can handle the density that is proposed.

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 site is located off of Cutter Street, which is in East Somerville and is bound by Broadway and Webster Street. Cutter Street is a residential street with single, two-, and three-family dwelling. Across the street from the subject property is the Prospect Hill Academy Charter School and its associated parking lot. Cutter Street contains mostly gabled roofs.

Impacts of Proposal (Design and Compatibility):

Special Permit with Site Plan Review applications must meet the design guidelines under SZO §5.2.4. The design guidelines for residential districts are as follows:

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

The proposal is to construct a large addition to the existing structure that will appear to have frontage on Cutter Street rather than Glen Street. The design is articulated for it to appear as two buildings as the architectural style for the proposed addition is a more contemporary style. The addition will result in a rather large building but it will be proportionate with the site and meet the required setbacks. The proposal will result in a building of similar width and height to those surrounding it. However, the depth of the building is going to be rather deep due to the size of the lot and the location of the existing structure. Other sites on this side of Cutter Street and on the Broadway side of the Street are very deep and those buildings have been added onto over the years to create rather deep structures.

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



The proposed material pallet follows a contemporary theme with composite panels and siding and a combination of wood and metal porches and balconies.

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

The proposed windows in the addition are of a typical size found in residential structures. The architecture is a more contemporary style compared to the traditional style of the existing dwelling. The flat roof of the proposed addition will fit it with the flat roof of the school across the street and a couple of other flat roofed residential structures on Cutter Street.

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

The proposed addition introduces a different architectural style that is distinguishable from the existing building.

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

The proposed addition will be oriented toward Cutter Street and conform to setback requirements.

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

The proposed driveway is 10 feet wide and includes an extra 8 feet of width to serve as a fire lane. There is a proposed landscape barrier between the driveway and front porch of the proposed addition.

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

The Board adopted a condition that the location of mechanical equipment shall be shown on the site plan and shall be screened so they are not visible from the street.

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

N/A

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

The proposed structures and site construction for a residential use meet functional design standards.



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 proposed project is not expected to have an adverse impact on public systems.

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.”*

Once constructed, the proposed structures and use will not create any adverse environmental impacts.

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 provide for and maintain the uniquely integrated structure of uses in the City; to lessen congestion in the streets; to protect health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; 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.

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

The proposal will result in the creation of one affordable housing unit and a payment of 0.4 units to the Affordable Housing Trust Fund.

22. 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.*



In addition to the above criteria and objectives listed above, the proposed development shall take into account, insofar as is practicable, any existing or proposed plans for the neighborhood which have been or may be adopted by the City of Somerville.

| <i>SomerVision Summary</i> | <i>Existing</i> | <i>Proposed</i> |
|----------------------------|-----------------|-----------------|
| <i>Dwelling Units:</i> | 1 | 7 |
| <i>Affordable Units:</i> | 0 | 1.4 |

23. 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.*

The proposal will result in the creation of one affordable housing unit and a payment of 0.4 units to the Affordable Housing Trust Fund. A condition of approval is that the Applicant will work with the OSPCD Housing Division on an Affordable Housing Implementation Plan (AHIP) to ensure that the proposed affordable unit is made available to households of low or moderate income in perpetuity.

DECISION:

Special Permit under §4.41 and §9.13 and Special Permit with Site Plan Review under §7.3

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

| # | Condition | Timeframe for Compliance | Verified (initial) | Notes |
|---|-----------|--------------------------|--------------------|-------|
|---|-----------|--------------------------|--------------------|-------|



| 1 | Approval is for the construction of a large addition to the existing residential dwelling and a six-car garage. This approval is based upon the following application materials and the plans submitted by the Applicant: | CO / BP | ISD/Plng. | | | | | | | | | | | |
|--|--|---------|-----------|--|---|------------|----------------|--|---------------|---|---------------|--|---------------|---|
| | <table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>April 24, 2018</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>July 12, 2018</td> <td>Modified plans submitted to OSPCD (A-000, A-020, A-021, A-101, A-102, A-103, A-300, A-301, A-302, AV-1, AV-2, SS-1, and SS-2)</td> </tr> <tr> <td>July 16, 2018</td> <td>Modified plans submitted to OSPCD (Landscape plan)</td> </tr> <tr> <td>July 18, 2018</td> <td>Modified plans submitted to OSPCD (C-1 and C-2)</td> </tr> </tbody> </table> | | | | Date (Stamp Date) | Submission | April 24, 2018 | Initial application submitted to the City Clerk's Office | July 12, 2018 | Modified plans submitted to OSPCD (A-000, A-020, A-021, A-101, A-102, A-103, A-300, A-301, A-302, AV-1, AV-2, SS-1, and SS-2) | July 16, 2018 | Modified plans submitted to OSPCD (Landscape plan) | July 18, 2018 | Modified plans submitted to OSPCD (C-1 and C-2) |
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| July 18, 2018 | Modified plans submitted to OSPCD (C-1 and C-2) | | | | | | | | | | | | | |
| 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) should 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, must 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 | | | | | | | | | | | |
| 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 | | | | | | | | | | | |
| 5 | Additional requirements for projects with current tenants: A Tenant Relocation Plan should be approved by the OSPCD Housing Division and executed prior to issuance of Building Permit. | BP | Housing | | | | | | | | | | | |



| | | | | |
|-----------------------------|--|-----------------------|---------|--|
| 6 | Additional requirements for projects converting to condominiums or removing rental units from the market: If a rental unit is going to be removed as a result of this project, it must comply with City of Somerville Code of Ordinances Chapter 7, Article IV, Condominium Conversion and Removal of Rental Units prior to issuance of Building Permit. No Building Permit shall be issued until the OSPCD Housing Division has confirmed compliance. | BP | Housing | |
| Pre-Construction | | | | |
| 7 | The Applicant must contact the Engineering Department to obtain a street address prior to a building permit being issued. | BP | Eng | |
| 8 | The proposed basement finished floor elevation shall not be less than is 1 foot above the Seasonal High Ground Water elevation. The seasonal high ground water elevation shall be determined by a Massachusetts certified soil evaluator and stated on a signed soil test pit log. | BP | Eng. | |
| 9 | 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. | |
| 10 | 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. | |
| 11 | The Applicant shall submit a proposed drainage report, stamped by a registered PE in Massachusetts that demonstrates compliance with the City's stormwater policy. | BP | Eng. | |
| 12 | 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 | |
| 13 | 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. | BP | Eng | |
| Construction Impacts | | | | |
| 14 | 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 | Plng. | |



| | | | | |
|----------------------|---|---------------------|-------------|--|
| 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 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 | |
| 17 | Construction shall occur from 7:30am – 5:00pm Monday-Friday ONLY. There shall be no construction or construction-related work allowed on the weekends or holidays. | During Construction | ISD | |
| Design | | | | |
| 18 | Applicant shall provide final material samples for siding, trim, windows, and doors to Planning Staff for review and approval prior to construction. | BP | Plng. | |
| Site | | | | |
| 19 | Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards; | Perpetual | Plng. / ISD | |
| 20 | The Applicant shall submit updated site and landscaping plans to be reviewed and approved by Planning Staff that moves the garage and two surface spaces two-feet to the southeast. | | | |
| Miscellaneous | | | | |
| 21 | 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. | CO | ISD | |
| 22 | 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. | CO | Plng. | |
| 23 | 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. | BP | Plng. | |

| | | | | |
|-----------------------|--|----------------|-------------|--|
| 24 | Granting of the applied for use or alteration does not include the provision for short term rental uses, such as AirBnB, VRBO, or the like. Separate approvals are needed for the aforementioned uses. | Ongoing | ISD / Plng. | |
| 25 | 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 | |
| 26 | 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. | Ongoing | ISD | |
| Public Safety | | | | |
| 27 | The Applicant or Owner shall meet the Fire Prevention Bureau's requirements. | CO | FP | |
| 28 | Per Somerville fire safety regulations, grills, barbecues, chimineas and the like are NOT permitted on decks or porches. | Perpetual | FP/ISD | |
| 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. | |
| Final Sign-Off | | | | |
| 30 | 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*
Richard Rossetti
Danielle Evans
Elaine Severino
Josh Safdie
Anne Brockelman (*Alt.*)
Pooja Phaltankar (*Alt.*)

Attest, by City Planner: _____

Alexander C. Mello

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 _____

