



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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ANNE BROCKELMAN, (ALT.)

Case #: ZBA 2018-148
Site: 124 Heath Street
Date of Decision: March 6, 2019
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: March 12, 2019

ZBA DECISION

Owner/Applicant Name: Emerald 75, LLC
Owner/Applicant Address: 56 Elliot Street, Watertown, MA
Councilor: Jesse Clingan

Legal Notice: Applicant and Owner, Emerald 75, LLC seeks a Special Permit with Site Plan Review (SPSR) under §4.4.1 of the SZO to alter a non-conforming property by removing an existing 4-bay garage and constructing a two-unit residential building within the left*, right, and rear** yard setbacks. Increase the number of dwelling units from one to three. Parking relief under Article 9 of the SZO. RB zone. Ward 4.

<u>Zoning District/Ward:</u>	RB zone. Ward 4.
<u>Zoning Approval Sought:</u>	SZO §4.4.1 and Article 9
<u>Date of Application:</u>	October 24, 2018
<u>Date(s) of Public Hearing:</u>	12/12, 1/9, 1/23, 2/6, 2/20, 3/6
<u>Date of Decision:</u>	March 6, 2019
<u>Vote:</u>	5-0

*After publication of this legal ad, it was determined that the left side yard setback of this property is not impacted, therefore, no relief is needed.

**After publication of this legal ad, it was determined that the proposed rear yard setback for the second principle structure conforms with the allowed rear yard setback for a shallow lot. Therefore, no relief is needed.

Case # ZBA 2018-148 was opened before the Zoning Board of Appeals in the Council Chambers at Somerville City Hall. 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 March 6, 2019 the Zoning Board of Appeals took a vote.



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I. PROJECT DESCRIPTION

The existing single-family structure on the property is already undergoing by-right renovations and is not part of the special permits involved in this case. The Applicant proposes demolishing the existing multi-bay garage and removing all bituminous material from the property. A second principle structure that will be a two-unit dwelling is proposed for the property. This will result in a total of three residential dwelling units on the site. The large, existing curb cut that leads to the front four garage bay doors will be closed. Only the curb cut to the right of the existing single-family structure will remain. This will lead to a driveway serving the two principle structures on the lot. The triggers for zoning relief are as follows:

- Construct a second principle structure on RB zone lot (Special Permit with Site Plan Review (SPSR))
- Parking relief for four (4) spaces (Special Permit)

Unit #	Existing BDR	Req. Existing Pkg.	Proposed BDR	Req. Proposed Pkg.
1	5	2.0	3	2.0
2	n/a	n/a	3	2.0
3	n/a	n/a	3	2.0
TOTAL: 2.0		TOTAL: 6.0		

New parking requirement – Old parking requirement = spaces of relief

124 Heath St: 6.0 – 2.0 = 4 spaces of relief

II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1), SPECIAL PERMIT WITH SITE PLAN REVIEW (SPSR), and ARTICLE 9

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

Information Supplied:

The Board finds that the information provided by the Applicant conforms to the requirements of §5.1.2 of the SZO and allows for a comprehensive analysis of the project with respect to the required Special Permits.

2. Compliance with Standards: *The Applicant must comply "with such criteria or standards as may be set forth in this Ordinance which refer to the granting of the requested special permit." Further, Section 4.4.1 of the SZO 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."*

Section 4.4.1 of the SZO allows for legally-existing, non-conforming one- and two-family residences to be enlarged by Special Permit as long as the proposed changes do not create a situation that is more detrimental to the site or surrounding neighborhood than current conditions.



In considering a special permit under §4.4.1 of the SZO, the Board finds that the alterations proposed would not be substantially more detrimental to the site or neighborhood than the existing structure. The Board finds that removing the multi-bay garage structure and bituminous material that currently cover so much of the property is a significant improvement. The creation of two residential units in lieu of under-exercising the property by using it for vehicular parking and storage is preferable to current conditions.

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

The 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 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; and to preserve and increase the amenities of the municipality.

The Board also finds that the proposal is consistent with the purpose of the RB district, which is, "[t]o 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 proposed second principle structure ensures that the entire property conforms with the allowed use in the RB zone which is residential.

4. Site and Area Compatibility: *The Applicant has to ensure that the project "(i)s designed in a manner that is compatible with the characteristics of the built and unbuilt surrounding area, including land uses."*

Surrounding Neighborhood: 124 Heath Street is located two properties in from the intersection with Moreland Street. Heath Street is anchored at the corner of Moreland with a large, non-descript, multi-unit, brick residential building. The remainder of the block of Heath Street between Moreland and Edgar Avenue is lined with gable-fronted residential structures and two large, multi-unit Mansard-roof buildings. A large, multi-unit residential building anchors Heath Street at its intersection with Edgar Avenue.

Impacts of Proposal (Design and Compatibility):

The proposed structure generally keeps the gable-fronted style that is present along this block of Heath Street. The proposed structure is wider and taller than the two immediate abutting structures that also are owned by the project Applicant.

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.

The proposed structure is larger in overall size, scale, height, and massing than most of the other existing gable-fronted structures buildings along this block of Heath Street.

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

The new building will be clad in traditional or traditional-style materials. The final materials to be used on the structure will be reviewed and approved by Planning Staff, as conditioned, prior to their ordering and installation.

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

N/A

- d. *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

- e. *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 main façade of the proposed building is oriented toward the street, in keeping with accepted design standards. The front doors of both of the units in this new building face the public way, Heath Street. The proposed right side yard had been conditioned to be no less than eight (8) feet from the property line. As conditioned, the right side yard would conform to zoning regulations.

- f. *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 driveway is proposed at 12 feet wide.

- g. *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 staff report has been conditioned such that items such as this shall be screened in an area behind the new structure.

h. 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.

There is no overlay zoning district in this area and the Board finds that the proposal meets with the general purposes of the RB zoning district as noted earlier in this report.

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

Based upon feedback received to-date from various City departments, the project meets accepted standards and criteria for the functional design of facilities, structures, and site construction. Any necessary mitigation or minor design changes have been incorporated into the recommended conditions section of this report. If any further mitigation or design changes are needed once work on the site is in-progress, it will be addressed by appropriate City departments as-needed at that time.

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.”*

A significant amount of the site is covered by bituminous material and structure (mostly the multi-bay garage). 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, due to the increase of two more residential units on the site. Therefore, it is a condition that if the minimum threshold is met, the Applicant shall make an I/I payment.

There will be minimal increase in the utilization of the City’s street system due to the inclusion of only two additional residential units.

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. 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. Further, the application states that the Applicant will submit all necessary 21E reports, if required. Ultimately, 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 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 one single-family structure and a large, multi-bay garage along with a significant amount of bituminous material. The site is flat to the retaining wall at the rear of the property. The site is proposed to have increased permeability and 36% landscaping. Overall, the proposal is designed to enhance the attractiveness the site and the neighborhood. Landscaped areas area also proposed along the Heath Street frontage.

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 use of the site, which is residential, is a compatible in with the other uses along this block of Heath Street and the surrounding neighborhood. The front façade of the building will face the Heath Street public way as do the other residential buildings on the street. Currently, there are no plans for solar installation, however, later installation of solar panels would be feasible. The abutters on the right and left sides of the property will no longer look out onto a massive concrete garage and asphalted side yard. Though the main body of the proposed building is wider than that of its neighbors, the proposal is generally compatible with the scale and design of other larger structures along this part of Heath 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 improves the permeability of this site through the installation of permeable hard surfaces and landscaping along with the removal of the bituminous material currently extant on the property. 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.

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.”*

The concrete garage was determined not historically significant by Historic Preservation Staff and can be demolished at any time after the review of demolition plans by ISD.

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 overall appearance of the site will improve as a result of the proposed development. Improvements will come in the form of two new residential units, landscaping, and removal of bituminous material.

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.”*



Emergency personnel will have access to the building from all sides. The building is required to meet state fire code. The City's Fire Prevention personnel are responsible for inspecting and approving the building according to fire regulations.

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 currently extant in front of the four bays at the front of the garage will be closed. The existing curb cut to the right of the existing single family structure already on the property will be utilized for entry/exit from 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 and Highways. 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.;"*

Minimal negative impacts are anticipated as a result of the proposed residential use. The site will be improved through new drainage systems, landscaping, and pervious material. The multi-bay garage will be removed. Furthermore, there will not be machinery that emits heat, vapor, light or fumes beyond those of a typical multi-unit residential use.

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."*

N/A

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 the screening of trash and recycling and of all mechanical equipment.

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."*

All parking will be located behind the two residential structures.

Article 9

As described at the outset of this report, the project requires four (4.0) parking spaces of relief. This is calculated based on the number of bedrooms in the existing single-family structure as well as those in the renovated single-family and the proposed two-unit second principle structure. The renovation of the existing single-family is not part of the project from a dimensional standpoint, the existing and proposed bedroom count of this building does need to be taken into account as parking is factored across the entire site, not just as it relates to the new building. The SPGA may grant parking relief under special permit if 6 parking spaces or less of relief is needed.

- 5. **Housing Impact:** Will not create affordable housing units.
- 6. **SomerVision Plan:** Generally 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. This property is in need of an exterior upgrade as regards the existing residential structure, coverage with bituminous material, and use of a large, multi-bay garage. This project will provide the property and surrounding neighborhood with visual and use upgrades.

III.DECISION:

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Danielle Evans, Elaine Severino, Josh Safdie, 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. Elaine Severino seconded the motion. The Zoning Board of Appeals voted **5-0** to **APPROVE** the request **WITH CONDITIONS**. The following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes								
1	Approval is to construct a second principle structure on the lot and for parking relief.	BP/CO	ISD/Plng.									
	<table border="1"> <thead> <tr> <th>Date</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>October 24, 2018</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>February 11, 2019</td> <td>Updated plans submitted to OSPCD</td> </tr> <tr> <td>February 26, 2019</td> <td>Updated plans and zoning data sheet submitted to OSPCD</td> </tr> </tbody> </table>				Date	Submission	October 24, 2018	Initial application submitted to the City Clerk’s Office	February 11, 2019	Updated plans submitted to OSPCD	February 26, 2019	Updated plans and zoning data sheet submitted to OSPCD
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Any changes to the approved elevations that are not <i>de minimis</i> must receive SPGA approval.												
Construction Impacts												



2	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. This information shall be posted to be easily readable passersby on Heath Street.	During Construction	ISD	
3	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	
4	Construction shall occur from 7:30am – 5:00pm Monday-Friday <u>ONLY</u> . There shall be no construction or construction-related work allowed on the weekends or holidays.	During Construction	ISD	
Design				
5	Applicant shall provide final material samples for siding, trim, windows, and doors to Planning Staff for review and approval prior to the issuance of a building permit. The building shall be re-sided and vinyl siding will not be permitted.	BP	Plng./ISD	
6	Updated plans shall be submitted to Planning Staff showing that the main right façade of the new building has been pulled in such that it rests no closer to the right property line than eight (8) feet. The grass/landscaping area proposed on the left side of the building shall <u>not</u> be decreased to accommodate the loss of building along the right elevation.	BP	Plng./ISD	
Site				
7	The property shall be re-landscaped. All landscaping materials including those used for plantings, hardscape and fencing shall first be submitted to and approved by Planning Staff prior to ordering or installation. Emphasis shall be on native species.	Prior to ordering/inst allation / CO	Plng./ISD	
8	All trash and recycling shall be screened and placed behind the residential structures. An updated site plan shall be provided to Planning Staff showing the location of these areas.	BP	Plng./ISD	
9	All mechanical equipment shall be screened from view. Mechanical equipment shall not be located in the front yard. An updated site plan shall be provided to Planning Staff showing the location of these areas.	BP/CO	Plng./ISD	
10	Meters shall not be installed on the front façade of the building.	CO	Plng./ISD	
11	All utilities shall be buried.	CO	Wiring/ Highways/ Lights & Lines/ISD	
12	Vents and pipes shall not exit through the front façade of the building nor shall they emit over a public way. All venting and piping shall be painted or wrapped to match the color of the portion of the house from which they protrude.			



13	All bituminous material and/or cement shall be removed from the site and be replaced with pervious pavers, pea stone or similar. All materials to be used shall be submitted to Planning Staff for their review and approval prior to ordering/installation.	Prior to ordering/inst allation / CO	Plng./IS D	
Miscellaneous				
14	Granting of the applied for use or alteration does <u>not</u> include the provision for short term rental uses, such as AirBnB, VRBO, or the like. Separate approvals are needed for the aforementioned uses.	Perpetual	ISD / Plng.	
Public Safety				
15	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
16	Per Somerville fire safety regulations, grills, barbecues, chimineas and the like are NOT permitted on decks or porches.	Perpetual	FP/ISD	
17	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.	
Engineering				
18	The Applicant must contact the Engineering Department to obtain a street address prior to a building permit being issued.	BP	Eng	
19	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.	
20	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.	
21	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.	
22	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.	
23	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	
Final Sign-Off				



24	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.	
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Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chairman*
Danielle Evans, *Clerk*
Elaine Severino
Richard Rossetti
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 _____

