



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

GEORGE J. PROAKIS
EXECUTIVE DIRECTOR

PLANNING DIVISION
ZONING BOARD OF APPEALS MEMBERS
ORSOLA SUSAN FONTANO, CHAIRMAN
RICHARD ROSSETTI, *CLERK*
DANIELLE EVANS
ELAINE SEVERINO
JOSH SAFDIE
ANNE BROCKELMAN, (ALT.)

Case #: ZBA 2018-19
Site: 50-54 Murdock Street
Date of Decision: December 12, 2018
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: December 19, 2018

ZBA DECISION

Applicant Name: Roberto Grieco
Applicant Address: 16 Kenwood Avenue, Wilmington, MA 01887
Property Owner Name: Alida Elena Grieco, Trustee of the Fifty Murdock Investment Trust
Property Owner Address: 95 Circuit Road, Medford, MA 02155
Agent Name: Adam Dash, Esq.
Agent Address: 48 Grove Street, Suite 304, Somerville, MA 02144
Alderman: Mark Niedergang

Legal Notice: Applicant, Roberto Grieco, and Owner, Alida Elena Grieco, Trustee of the Fifty Murdock Investment Trust, seek a special permit with site plan review per SZO §7.3 to construct a new ten-unit residential building and a special permit per SZO §9.13 for parking relief. RB Zone. Ward 5.

Zoning District/Ward:	RB Zone. Ward 5.
Zoning Approval Sought:	§7.3, §9.13
Date of Application:	January 31, 2018
Date(s) of Public Hearing:	November 28, 2018 and December 12, 2018
Date of Decision:	December 12, 2018
Vote:	5-0

Appeal #ZBA 2018-19 was opened before the Zoning Board of Appeals in the Aldermanic Chambers at Somerville City Hall on November 28, 2018. Notice of the Public Hearing was given to persons affected and was published and posted, all as required by M.G.L. c. 40A, sec. 11 and the Somerville Zoning Ordinance. On December 12, 2018 the Zoning Board of Appeals took a vote.



I. DESCRIPTION:

The proposal is to construct a ten unit residential structure that will include one one-bedroom unit, seven two-bedroom units, and two three-bedroom unit with 15 parking spaces. The project will include two inclusionary housing units.

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

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.”*

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 and the parking requirements of Article 9 will conform if the special permit for parking is granted. Also, 20% of the proposed ten units is two; therefore the proposal includes two affordable housing units.

Article 9: Off-Street Parking and Loading

	<i>Existing</i>		<i>Proposed</i>	
Unit #1	-	-	2 BR	1.5 spaces
Unit #2	-	-	2 BR	1.5 spaces
Unit #3	-	-	1 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	-	-	2 BR	1.5 spaces
Unit #8	-	-	2 BR	1.5 spaces
Unit #9	-	-	3 BR	2 spaces
Unit #10	-	-	3 BR	2 spaces
Total	0 spaces		16 spaces for the unit/bedroom count + 1.67 visitor spaces = 18 total spaces (rounded up from 17.67)	



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 there is no requirement since the site is vacant. 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 18 spaces. The proposal includes 15 compact (8'x16') car parking spaces in a surface parking area in the rear, which provides a ratio of 1.5 spaces per unit. Relief is being requested from providing the additional three parking spaces.

SZO §9.13 allows for sites seeking to modify parking area design standards to apply for a Special Permit. SZO §9.11 requires the Applicant to provide spaces that are at least 9'x18'. The proposed 15 spaces would be 8'x16' with a 20-foot back-out area. Relief is being requested to modify the parking design standards.

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.” Given the size of the land and building design would not be incompatible or inconvenient to the residents of the neighborhood.

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 surrounding land uses and structures are single, two-, and three-family dwellings with flat, gable, and gambrel roof types. The two adjacent buildings to the left of the proposed structure are three-unit triple-deckers. The two adjacent buildings to the right of the proposed structure are 2.5 story gable end structures one of which is a two-family and the other a single family. The Maxwell's Green development is nearby that includes 199 residential units in multiple three- and four-story buildings.

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 10-unit residential apartment building. The design is articulated for it to appear as two building masses from the front where each mass appears as similar width, depth, and height as other triple-deckers on Murdock Street

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

The buildings are proposed to be clad in cementitious and cedar lap siding. The decks and balconies are proposed to be black metal cable railings. Other structures on Murdock Street are clad in cementitious lap siding, vinyl, and brick.

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

N/A

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).*

N/A

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 the street in the same orientation as other buildings on the north side of Murdock Street. The front yard setback will be 15 feet to allow for a permeable paver walkway and landscaping, which will be consistent with setback requirement of SZO 8.5 (dimensional table).

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 will be 18 feet wide as requested by the City of Somerville Engineering Department and the GLX construction team due to the sewer main that will be installed underneath the driveway. An easement will be granted over the driveway in order for the City to hold the right to repair and perform maintain on the main as needed.

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 recommends a condition that the location of mechanical equipment shall be shown on the site plan and located in the rear.

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 site meets the acceptable standards for a functional design. The site is designed with a two-way driveway



entering the site from Murdock Street with 15 parking spaces at grade and eight bicycle racks in the rear.

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 sewer main is going to be replaced and relocated to the location shown in the plans. The drainage on the site will be improved due to the landscaping, permeable paving driveway with a 12” stone bed underneath, and subsurface infiltration facilities. The Board recommends a condition that the applicant construct a sidewalk across the street from the site to link up with the existing sidewalk to improve pedestrian connectivity.

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.

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 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 is mostly flat and there are currently no natural features on the site. The site is proposed to include a robust landscape plan and a pervious paver driveway and front walkway. The site is designed to enhance the attractiveness the site and the neighborhood.

10. **Relation of Buildings to Environment:** *The Applicant must ensure that “buildings are: 1) located harmoniously with the land form, vegetation and other natural features of the site; 2) compatible in scale, design and use with those buildings and designs which are visually related to the development site; 3) effectively located for solar and wind orientation for energy conservation; and 4) advantageously located for views from the building while minimizing the intrusion on views from other buildings.”*



The proposed use of the site, which is residential, is a compatible use with the surrounding residential neighborhood. The structures are designed at a scale and with features that are visually related to the development site and the neighborhood.

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.”*

The drainage on the site will be improved due to the landscaping, permeable paving driveway with a 12” stone bed underneath, and subsurface infiltration facilities. The Applicant conducted a stormwater report that indicates the proposed development will have a decrease in the amount of stormwater runoff.

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 proposal does not include historically designated properties.

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. Landscaping will also be installed along the frontage of Murdock Street. The landscape plan also calls trees to be planted along both side property lines to help screen the development from adjacent resident properties.

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 Applicant proposed added lighting to the driveway, parking lot, and entry doors, which will be conditioned to be cast downwards and not spill over the property line.

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 vehicles will have access to the site via an 18 foot wide two-way driveway off of Murdock Street.



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 location of the proposed driveway is not anticipated to have an impact on traffic congestion.

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.”*

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 driveway on the site will be impervious. Furthermore, there will not be machinery that emits heat, vapor, light or fumes beyond those of a typical 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.”*

Due to the residential nature of the building, signage is not anticipated on the site. Any signage in the future would have to conform to the sign standards for residential districts as specified in SZO §12.

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.”*

Trash and recycling will be stored in an enclosure off the access aisle.

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.”*

The at-grade parking spaces are located behind the building and will be surrounded by landscaping and fencing.

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, and 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.

<u>SomerVision Summary</u>	<i>Existing</i>	<i>Proposed</i>
<i>Dwelling Units:</i>	0	10
<i>Affordable Units:</i>	0	2
<i>Parking Spaces:</i>	0	15



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 include 2 affordable housing units on-site through an Affordable Housing Implementation Plan (AHIP).

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 request for a Special Permit. Anne Brockelman 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 for the construction of a 10-unit residential building. This approval is based upon the following application materials and the plans submitted by the Applicant:	CO / BP	ISD/PIng.													
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>January 31, 2018</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>December 20, 2017</td> <td>Civil Plans (C-1, C-2, C-3, D-1)</td> </tr> <tr> <td>December 5, 2018</td> <td>Illustrative Landscape Plan</td> </tr> <tr> <td>June 15, 2018</td> <td>Utility Plans (U-2001 and U-3001)</td> </tr> <tr> <td>December 4, 2018</td> <td>Architectural Plans (A-000, A-020, A-101, A-102, A-103, A-300, A-310, A-320, AV-1, AV-2, AV-2.5, AV-3, AV-3.5, AV-4, and AV-5)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	January 31, 2018	Initial application submitted to the City Clerk’s Office	December 20, 2017	Civil Plans (C-1, C-2, C-3, D-1)	December 5, 2018	Illustrative Landscape Plan	June 15, 2018	Utility Plans (U-2001 and U-3001)	December 4, 2018	Architectural Plans (A-000, A-020, A-101, A-102, A-103, A-300, A-310, A-320, AV-1, AV-2, AV-2.5, AV-3, AV-3.5, AV-4, and AV-5)
	Date (Stamp Date)				Submission											
	January 31, 2018				Initial application submitted to the City Clerk’s Office											
	December 20, 2017				Civil Plans (C-1, C-2, C-3, D-1)											
	December 5, 2018				Illustrative Landscape Plan											
June 15, 2018	Utility Plans (U-2001 and U-3001)															
December 4, 2018	Architectural Plans (A-000, A-020, A-101, A-102, A-103, A-300, A-310, A-320, AV-1, AV-2, AV-2.5, AV-3, AV-3.5, AV-4, and AV-5)															
Any changes to the approved (site plan or elevations/use) that are not <i>de minimis</i> must receive SPGA approval.																
Affordable Housing																
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	Prior to receiving a building permit, the applicant will sign a covenant agreeing to provide \$2.40 per square foot of total development on the site to the City of Somerville as a payment towards the City's contribution to the Green Line Extension. The covenant shall include the following: 1) The applicant shall make payment with a portion to be paid prior to the first unit being occupied and the final payment to be paid prior to the last unit being occupied - the portions shall be delineated in the covenant; 2) The payment shall be equal to \$2.40 per net square foot, exclusive of garage and storage areas, as defined in the zoning ordinance; 3) If, prior to making the payment, the City establishes a formal policy for developer payments to the Green Line Extension, and said policy includes exceptions or reductions in the payments, these exceptions and reductions will apply to this project as well; 4) The funds may only be used to pay for the Green Line Extension project.	BP	Plng.	
Pre-Construction				
6	The Applicant must contact the Engineering Department to obtain a street address prior to a building permit being issued.	BP	Eng	
7	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.	
8	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.	
9	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.	



10	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.	
11	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				
12	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.	
13	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	
14	The Applicant shall construct or pay for the construction of the portion of a sidewalk and other streetscape improvements to connect with the sidewalk on the opposite side of Murdock Street.	CO	Plng.	
15	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	
16	For the convenience of and respect for the neighborhood, during the construction phase, construction work shall not begin prior to <u>7:30am</u> and shall finish no later than <u>5pm</u> Monday through Friday. There shall be no construction or construction-related work performed on weekends or holidays.	During Construction	ISD	
Design				
17	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				
17	Landscaping should be installed and maintained in compliance with the American Nurserymen’s Association Standards;	Perpetual	Plng. / ISD	
19	The electric, telephone, cable TV and other such lines and equipment shall be placed underground from the source or connection. The utilities plan shall be supplied to the Wiring Inspector before installation.	Installation of Utilities	Wiring Inspector	
20	One tree must be planted and maintained according to National Nurseryman’s Standards, and in accordance with SZO §10.2.2 and §10.6.2;	CO	Plng.	



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.	
22	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.	
23	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	
25	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.	Cont.	Plng./ISD	
Public Safety				
26	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
27	Any transformers should be located as not to impact the historic building or landscaped area, and shall be fully screened.	Electrical permits & CO		
28	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.	
29	The Applicant shall provide notice of intent to strictly comply with applicable State and Federal regulations regarding air quality including without limitation continuous dust control during demolition and construction.	CO	Plng/OSE	
Signage				
30	Signage will be limited in size and location to that shown in the elevation diagrams and lighting after 10p.m. facing residential property will be turned down or off.	CO/Cont.	Plng.	
31	Conditions may control of the location, size and lighting of signs			
Final Sign-Off				



32	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.	
Miscellaneous				
33	The Owner shall, for no additional consideration, grant the City a permanent easement, in such width as determined by the City Engineer to be necessary, in order to relocate the existing sewer main on the property. The easement shall, at minimum, provide that the City may locate, operate, inspect, service, maintain, repair, replace and relocate the sewer main within the bounds of the easement. The Owner shall also, for no additional consideration, grant to the MBTA, or its designee, a temporary construction easement in such width necessary in order to install the new main. The easements shall be granted in a timely fashion in order to allow the construction of the new sewer main in coordination with the construction of the Green Line Extension project.	Ongoing	Plng. / Eng.	
34	No building permit shall be issued until such time that the City Engineer certifies that the existing sewer main has been discontinued and properly abandoned and the new sewer main is operational.	Foundation Permit	Plng. / Eng.	
35	The Owner shall, for no additional consideration, grant a permanent easement, as determined by the City Engineer and MBTA to be necessary, to the MBTA in order to provide a 4' wide emergency egress path from the MBTA Right of Way over the premises that is the subject of this decision to Murdock Street. The Owner shall coordinate with the MBTA, the City of Somerville, and with the MBTA's design-build contractor for the final easement location. The Owner shall also, for no additional compensation, include within the easement grant to the MBTA, or its designee, access to maintain, repair, or relocate the access way and associated elements. The easement shall be granted in a timely fashion in order to allow the use of the egress once the Green Line Extension project is operational. No building permit shall be issued until such time that the property owner coordinates with the City Engineer and the MBTA to determine the location of the emergency egress easement.	BP/CO	Plng. / Eng.	



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 _____

