



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

ORSOLA SUSAN FONTANO, CHAIRMAN
RICHARD ROSSETTI, CLERK
DANIELLE EVANS
ELAINE SEVERINO
JOSH SAFDIE
ANNE BROCKELMAN, (ALT.)
POOJA PHALTANKAR, (ALT.)

Case #: ZBA 2016-129
Site: 17-25 Murdock Street
Date of Decision: February 1, 2017
Decision: Petition Approved with Conditions
Date Filed with City Clerk: February 14, 2017

ZBA DECISION

Applicant Name:	Cedar Murdock Partners, LLC
Applicant Address:	6 Spice Street, Suite 10, Charlestown, MA 02129
Property Owner Name:	The Marchionne Realty Trust
Property Owner Address:	506 Main Street, Medford, MA 02155
Agent Name:	Adam Dash, Esq.
Agent Address:	48 Grove Street, Suite 304, Somerville, MA 02144

Legal Notice: Applicant, Cedar Murdock Partners, LLC, and Owner, The Marchionne Realty Trust, seek a Special Permit pursuant to SZO §4.4.1 and §4.5.1 to alter nonconforming structures and uses and §9.13 for parking relief as well as a Special Permit with Site Plan Review pursuant to SZO §7.2 to have more than one principle structure on a lot and §7.3 to have more than three dwelling units on a lot in order to construct five residential buildings with a total of twenty-two dwelling units with thirty-nine parking spaces. Four of the twenty-two units will be affordable as defined in §2.2.4.

<u>Zoning District/Ward:</u>	RB zone/Ward 5
<u>Zoning Approval Sought:</u>	§4.4.1, §4.5.1, §7.2, §7.3 & §2.2.4
<u>Date of Application:</u>	November 3, 2016
<u>Date(s) of Public Hearing:</u>	1/18 & 2/1/17
<u>Date of Decision:</u>	February 1, 2017
<u>Vote:</u>	4-0



Appeal #ZBA 2016-129 was opened before the Zoning Board of Appeals at Somerville City Hall on January 18, 2017. 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. After two hearings of deliberation, the Zoning Board of Appeals took a vote.

DESCRIPTION:

The proposal is to demolish the four existing nonconforming industrial buildings, although portions of the nonconforming aspects for each building will be retained. The proposal is to construct twenty-two residential units in five buildings totaling approximately 37,162 square feet of net floor area. Buildings 1 and 2 will each contain two two-bedroom units, Buildings 3 and 4 will each contain four two-bedroom units, and Building 5 will contain seven two-bedroom row house units and three three-bedroom units. Four of the dwelling units are proposed to be inclusionary housing units per SZO §2.2.4. A total of thirty-four vehicular parking spaces and thirty bicycle parking spaces are proposed. Site amenities include a pedestrian plaza, covered bicycle sheds, a common pavilion, a pedestrian green, rainwater gardens, underground parking, a private pedestrian alley (open for emergency vehicles), and numerous plantings.

FINDINGS FOR SPECIAL PERMIT with SITE PLAN REVIEW (SZO §5.2, 7.2 and 7.3) and SPECIAL PERMIT (SZO §5.1, 4.4, 4.5, and 9.13):

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

1. **Information Supplied:**

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

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

Nature of Application:

Per SZO §7.2, no more than one principal structure per lot shall be permitted in RB districts except by Special Permit with Site Plan Review under §5.2.

Per SZO §7.3, the project also requires a Special Permit with Site Plan Review to allow more than three dwellings on a lot in the RB district which is permitted when 12.5% but no less than one affordable unit is provided for on-site as defined by SZO §2.2.4 and §13. The Applicant is proposing four affordable units and will make a payment to the Affordable Housing Trust Fund to comply with the 20% requirement of SZO §13. In all cases minimum lot size, minimum lot area per dwelling unit, and other dimensional and parking requirements of Article 8 and Article 9 shall be met. The project complies with the lot area and lot area per dwelling unit requirements for twenty-two units and is meeting all dimensional requirements of Article 8 or has applied for a Special Permit to alter or extend existing nonconforming dimensions. The application includes a request for a Special Permit for relief from the number of required parking spaces. Pursuant to SZO §9.13.g, projects incorporating inclusionary housing may reduce the total number of parking spaces if the Applicant submits documentary evidence that parking is adequate to serve the development. The requirements of Article 9 shall be considered met if approval is granted for the requested Special Permit under SZO §9.13.



Per SZO §4.4.1, “[l]awfully existing nonconforming structures other than one- and two-family dwellings may be enlarged, extended, renovated or altered only by special permit authorized by the SPGA in accordance with the procedures of Article 5. The SPGA must find that such extension, enlargement, renovation or alteration is not substantially more detrimental to the neighborhood than the existing nonconforming building. In making the finding that the enlargement, extension, renovation or alteration will not be substantially more detrimental, the SPGA may consider, without limitation, impacts upon the following: traffic volumes, traffic congestion, adequacy of municipal water supply and sewer capacity, noise, odor, scale, on-street parking, shading, visual effects and neighborhood character.”

The structures are currently nonconforming with respect to the following dimensional requirements: ground coverage, landscaped area, pervious area, and front, rear, left, and right yard setbacks. The proposal will impact the following nonconforming dimensions: front, right, and rear yard setbacks. The current dimension for the front yard setback is 1.2 feet where 15 feet is required. The proposal will extend the nonconforming front yard setback (along Murdock Street) across a portion of the frontage of the lot and pull it back to create an 11 foot front yard setback, which will make the structure less nonconforming in respect to the front yard setback. The current dimension for the right side yard setback is less than one foot where 6 feet is required. At the least, the proposed right side yard setback will be 6.2 feet where 8 feet is required for a 2.5 story building. The current dimension for the rear yard setback is 5.2 feet where 20 feet is required. The proposal will make the rear yard setback less nonconforming by reducing the dimension to 10 feet. These alterations to nonconforming structures requires the Applicant to obtain special permits under §4.4.1 of the Somerville Zoning Ordinance (SZO).

Per SZO §4.5, “a nonconforming use may be changed to another nonconforming use only by special permit authorized by the SPGA in accordance with the procedures of Article 5, provided that the SPGA finds that such change is not substantially more detrimental to the neighborhood than the existing nonconforming use. In judging detriment, the SPGA may consider, without limitation, impacts upon the following: traffic volumes, traffic congestion, type of traffic, change in traffic patterns and access to the site, adequacy of municipal water supply and sewer capacity, noise, odor, glare, scale, on-street parking, shading, visual effects and neighborhood character.”

In considering a special permit under §4.4 and 4.5 of the SZO, the Board finds that the alterations/use proposed would not be substantially more detrimental to the neighborhood than the existing structures/use. The proposal will replace an unattractive and incompatible commercial use with a residential project that is more consistent with the land uses of the surrounding neighborhood and will significantly enhance the aesthetics of the site. The proposal has been designed with setbacks that minimally impact the neighbors. The dimensions for lot area, lot area per dwelling unit, ground coverage, landscaped area, pervious area, FAR, height, and left side yard will either continue to be or will become conforming to the requirements of the SZO.

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 proposal includes two- and three-family style dwellings as well as contemporary row houses of medium density, which Staff finds are both compatible with and convenient to the residents of the district.

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 neighborhood is predominately residential, except for the current industrial businesses located on the locus. More specifically, surrounding land uses include single, two-, and three-family dwellings that vary in height from one to three stories.



Impacts of Proposal (Design and Compatibility): The proposed site layout of the buildings facing Murdock Street and Cedar Street is in keeping with the orientation of other structures along both streets. The placement of Building 5 in the rear with underground parking allows for a center common courtyard that will serve as a centerpiece for the development.

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 buildings are 2.5 stories with the exception of a portion of Building 5 that is three-stories in the middle, which are both common in the surrounding neighborhood. Buildings 1 and 2 are 2.5 story two-unit buildings that resemble a typical Somerville house in terms of depth, width, and height. Buildings 3 and 4 are wider than most structures on Murdock Street; however the lot is wider than most and lends itself to the possibility of using wider buildings to enhance the streetwall. Additionally, Buildings 3 and 4 use front porches, decks, and dormers to break up the massing so the building doesn't feel as wide. Building 5 is large; however, it is set back into the site furthest from any street and uses fenestration and differences in color to break up the massing and to give each row house its own particular character. Also, the design for Building 5 has been altered by stepping back the three-story portion to address an abutter's concern over the height of the building.

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

The buildings are proposed to be clad in painted cementitious panels with painted aluminum trim and accents. The decks are proposed to open metal railings. Other structures on Murdock Street are clad in cementitious panels, vinyl, and brick.

- 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 proposed buildings and their setbacks along Murdock Street and Cedar Street are oriented toward the street and setback similarly to most other buildings.



- 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 proposed driveway off of Cedar Street will be the main point of access to and from the site. It is a two-way driveway that is 18 feet wide. A 12 foot wide restricted access aisle is proposed off of Murdock Street that is only intended for use by emergency vehicles.

- 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.*

A transformer is proposed off of the restricted access aisle that is to be screened by plantings. A trash and recycling shed is also proposed off of the restricted access aisle that will shield trash from being visible. A condition of approval is that trash and recycling be picked up frequently enough so that no trash is stored outside of the shed.

- 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.*

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 proposal includes two- and three-family style dwellings as well as contemporary row houses of medium density, which Staff finds are both compatible with and convenient to the residents of the district.

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 Cedar Street with 8 parking spaces at grade and 26 underground spaces (4 of which are in tandem). There is also an emergency access aisle off of Murdock Street that is intended for only pedestrian use and emergency access. Building 5 is located at the end of the two-way driveway and serves as a terminating vista with a shared common plaza in front creating a well-defined street or alley.

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 site has four commercial buildings and a lot of pavement that will be removed as part of this proposal. The new site layout will have less impervious coverage. Impacts on the sanitary sewer system are likely; therefore it is a condition that if the minimum threshold is met the Applicant shall make an I/I payment.

There will be a slight increase in the utilization of the City’s street system. In order to determine the specific impact that the proposed project will have on traffic operations, analyses conducted by the Applicant’s Traffic Engineer were carried out for 2016 Existing conditions, 2023 No-Build conditions, and 2023 Build conditions. Zero of the study intersections have movements that decline in Level of Service going from the No-Build to Build scenarios, representing a lack of impact of the proposed project. The proposal is proximate to two future Green Line stations and the Community Path as well as numerous bus routes on Highland Avenue and Broadway, which provide alternative modes of transportation. Given the other transportation options available to the site, the project is expected to generate six (6) net new vehicle-trips during the weekday morning peak hour, 11 net new vehicle-trips during the weekday evening peak hour, and 74 net new vehicle-trips during a typical weekday.



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 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.

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 proposal includes two- and three-family style dwellings as well as contemporary row houses of medium density, which Staff finds are both compatible with and convenient to the residents of the district.

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 has four industrial buildings and is entirely paved. It is mostly flat and there are currently no natural features on the site. The site is proposed to include rain gardens, a robust planting schedule, and a lot of open space. The site is designed to enhance the attractiveness the site and the neighborhood. Landscaped areas are proposed along the frontages of Murdock and Cedar Street.

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. A lot of the units of the development site will have a view of the proposed center common and will minimize the intrusion on views from other buildings.



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 proposed project includes a large landscaped area, rain gardens, and a robust planting schedule as well as pervious walkways that will help to absorb stormwater runoff on the site. Planning Staff is recommending a condition that the Applicant must show to the City Engineer that the currently proposed design is in compliance with the City’s stormwater management policy.

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. Two of the new buildings will be internal to the block and the other three new buildings will be of the same orientation and scale as others along their respective streets. Landscaping will also be installed along the frontage of Murdock and Cedar Street.

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 is proposing a condition that 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.

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 site via an 18 foot wide two-way driveway off of Cedar Street and a 12 foot wide restricted emergency access lane 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 curb cut will be maintained on Cedar Street and there is no curbing on this particular section of Murdock Street where the 12 foot wide aisle is proposed. There is a walkway adjacent to the two-way driveway for pedestrians to enter the site. The Applicant's traffic study concluded that all available sight distances exceed the requirements set forth by American Association of State Highway and Transportation Officials (AASHTO).

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 has not provided any information on proposed utility service, other than a transformer shown on the site plan. 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 main driveways on the site will be impervious but there walkways and common plaza will be concrete pavers. 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 a shed off of the access aisle from Murdock Street. A transformer is also proposed off of the access aisle and will be screen by landscaping. Any rooftop mechanical equipment will be conditioned to be screened so as it is not visible at ground level.

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 buildings and will be surrounded by landscaping. Underground parking is also proposed and will not be viewable from the public way.

21. SomerVision Plan: *Complies with the applicable goals, policies and actions of the SomerVision plan, including the following, as appropriate: Preserve and enhance the character of Somerville's neighborhoods, transform key opportunity areas, preserve and expand an integrated, balanced mix of safe, affordable and environmentally sound rental and homeownership units for households of all sizes and types from diverse social and economic groups; and, make Somerville a regional employment center with a mix of diverse and high-quality jobs. The areas in the SomerVision map that are designated as enhance and transform should most significantly contribute towards the SomerVision goals that are outlined in the table below. The areas marked as conserve are*



not expected to greatly increase the figures in the table since these areas are not intended for large scale change.

<i>SomerVision Summary</i>	<i>Existing</i>	<i>Proposed</i>
<i>Dwelling Units:</i>	0	22
<i>Affordable Units:</i>	0	4
<i>Commercial Sq. Ft.:</i>	24,537	37,262
<i>Estimated Employment:</i>	13	0
<i>Parking Spaces:</i>	10	34

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

The proposal will include 4 affordable housing units on-site through an Affordable Housing Implementation Plan (AHIP).and a payment to the Affordable Housing Trust Fund.



DECISION:

Present and sitting were Members Orsola Susan Fontano, Danielle Evans, Elaine Severino and Josh Safdie with Richard Rossetti absent. Upon making the above findings, Danielle Evans made a motion to approve the request for a Special Permit. Elaine Severino seconded the motion. Wherefore the Zoning Board of Appeals voted **4-0** 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 22 dwelling units in five new buildings. 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>November 3, 2016</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>December 23, 2016</td> <td>Modified plans submitted to OSPCD (T1, Z2, A0, A0.1, A1, and A2)</td> </tr> <tr> <td>January 25, 2017</td> <td>Modified plans submitted to OSPCD (Z1, A3, A4, and A-5) and Shadow Study</td> </tr> <tr> <td>October 27, 2016</td> <td>Existing Conditions Plan submitted to OSPCD</td> </tr> <tr> <td>January 10, 2017</td> <td>Illustrative Landscape Plan</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	November 3, 2016	Initial application submitted to the City Clerk's Office	December 23, 2016	Modified plans submitted to OSPCD (T1, Z2, A0, A0.1, A1, and A2)	January 25, 2017	Modified plans submitted to OSPCD (Z1, A3, A4, and A-5) and Shadow Study	October 27, 2016	Existing Conditions Plan submitted to OSPCD	January 10, 2017	Illustrative Landscape Plan
	Date (Stamp Date)				Submission											
	November 3, 2016				Initial application submitted to the City Clerk's Office											
	December 23, 2016				Modified plans submitted to OSPCD (T1, Z2, A0, A0.1, A1, and A2)											
	January 25, 2017				Modified plans submitted to OSPCD (Z1, A3, A4, and A-5) and Shadow Study											
	October 27, 2016				Existing Conditions Plan submitted to OSPCD											
January 10, 2017	Illustrative Landscape Plan															
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	Affordable Housing payments will be required to be paid to the Somerville Housing Trust Fund before a CO is issued.	CO	Housing	
6	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				
7	The Applicant must contact the Engineering Department to obtain street addresses 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	New sanitary connection flows over 2,000 GPD require a removal of infiltration and/or inflow by the Applicant. This will be achieved by submitting a mitigation payment, established by the City Engineers Office, to the City based on the cost per gallon of I/I to be removed from the sewer system and a removal ratio of 4:1. If a different ratio of removal or mitigation payment amount is adopted by the Board of Aldermen prior to the Applicant receiving a Certificate of Occupancy, payment will be adjusted to the BOA rate. The Applicant shall work with Engineering and meet this condition before a certificate of occupancy is issued.	CO	Eng.	



11	<p>Because of the history of the site and the intended use, the Applicant shall, prior to issuance of any demolition permit and/or any building permit for the project, provide to the Planning Department and the Inspectional Services Division:</p> <p>a) a copy of the Response Action Outcome (RAO) Statement, signed by a Licensed Site Professional (LSP) and filed with DEP, verifying that a level of no significant risk for the proposed residential use has been achieved at the site; or</p> <p>b) if remediation has not reached the RAO stage, a statement signed by an LSP describing (i) the management of oil and hazardous materials/waste at the site, including release abatement measures intended to achieve a level of no significant risk for residential use at the site, treatment and storage on site, transportation off-site, and disposal at authorized facilities, (ii) a plan for protecting the health and safety of workers at the site, and (iii) a plan for monitoring air quality in the immediate neighborhood.</p>	Demolition Permit	Plng/ISD	
12	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.	
13	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	
14	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	
15	The Applicant shall conduct a survey of foundations and buildings adjacent to the site and across the street (Murdock Street and Cedar Street) prior to construction and shall address concerns about impact to these structures from project construction.	BP	Plng. / ISD	
16	The Applicant shall conduct a survey of the houses of the abutting property owners prior to excavation of the site, and document their findings. These findings shall be submitted to the Planning Department as public record. The Applicant then shall survey any damage to the abutting property owner's houses after excavation and reimburse the property owners for any damages.	BP	Plng. / ISD	
Construction Impacts				



17	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.	
18	Approval is subject to the Applicant's and/or successor's right, title and interest in the property.	Cont.	Plng.	Deed submitted & application formed signed
19	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	
20	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	
Design				
21	Applicant shall provide final material samples for siding, trim, windows, and doors to the Design Review Committee for review and comment and to Planning Staff for review and approval prior to construction.	BP	Plng.	
22	An exterior light and electrical receptacle is required for the first (or all) level of porches and an electrical receptacle is required for the second level (if there is no access to the ground).	Final sign off	Wiring Inspector	
23	Any rooftop mechanical equipment will be conditioned to be screened so as it is not visible at ground level.	CO	Plng.	
Site				
24	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD	
25	There shall be a minimum of one tree for each 1,000 sf of required landscaped area under SZO §10.3.	Perpetual	Plng. / ISD	
26	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	
27	All new sidewalks will be installed by the Applicant in accordance with the specifications of the Highway Superintendent. Specifically, all driveway aprons shall be concrete;	CO	Plng.	
28	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.	



29	Applicant will supply 24 bicycle parking spaces in bike sheds.	CO	Plng.	
30	The subsurface of the fire lane and emergency access aisle shall be constructed to standards acceptable to the Fire Prevention Office	BP	Plng. / Fire	
Miscellaneous				
31	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	
32	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. Refuse shall be picked up frequently enough so that no trash is stored outside of the shed.	Cont.	Plng./ISD	
33	The Applicant shall construct or pay for the construction of the portion of a sidewalk and other streetscape improvements that directly abut the project site as decided by the City in consultation with Murdock Street stakeholders. If the Applicant has made substantial progress towards construction of the approved development and there is no streetscape improvement plan decided upon by the City in consultation with Murdock Street stakeholders than the Applicant shall construct the sidewalk as shown on the plans approved by the Zoning Board of Appeals. If the City in consultation with Murdock Street stakeholders decide that a sidewalk on the odd side of Murdock Street is not appropriate, than the Applicant shall not be responsible to construct or pay for the construction of streetscape improvements.	Perpetual	Plng.	
34	The outdoor patio spaces along the eastern property line shall exclusively be patios and never become decks.	Perpetual	Plng.	
35	The fence along the eastern property line shall be 8 feet high for the length of Building 5 and step down to 6 feet between the end of Building 5 and the midpoint from Murdock Street then to 3 feet to the terminus at Murdock Street.	CO	Plng.	
Public Safety				
36	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
37	Any transformers should be located as not to impact the historic building or landscaped area, and shall be fully screened.	Electrical permits &CO		
38	Notification must be made, within the time period required under applicable regulations, to the Massachusetts Department of Environmental Protection (DEP) if there is any release of oil, hazardous materials, or regulated hazardous substances at the site. The City's OSE office, Fire Department and the Board of Health shall also be notified.	At time of release	OSE/FP/B OH	
39	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				



40	The Applicant shall contact Planning Staff at least five working days in advance of a request for a final inspection by Inspectional Services to ensure the proposal was constructed in accordance with the plans and information submitted and the conditions attached to this approval.	Final sign off	Plng.	
----	---	----------------	-------	--

Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chairman*
Danielle Evans
Elaine Severino
Josh Safdie

Attest, by the Administrative Assistant:

Dawn M. Pereira

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 _____

