



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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MAYOR

MICHAEL F. GLAVIN
EXECUTIVE DIRECTOR

PLANNING DIVISION

PLANNING BOARD MEMBERS

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DOROTHY A. KELLY GAY
MICHAEL A. CAPUANO, ESQ.
REBECCA LYN COOPER
GERARD AMARAL, (ALT.)

Case #: PB 2016-05
Site: 654 Mystic Avenue
Date of Decision: December 8, 2016
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: December 20, 2016

PLANNING BOARD DECISION

| | |
|--------------------------------|--|
| Applicant Name: | Anthony Fava & Ryan Hunt |
| Applicant Address: | 11 Elkins Street, #250, Boston, MA 02127 |
| Property Owner Name: | Fieldcom Realty Trust |
| Property Owner Address: | P.O. Box 2307, Woburn, MA 01888 |
| Agent Name: | Richard G. DiGirolamo, Esq. |
| Agent Address: | 424 Broadway, Somerville, MA 02145 |

Legal Notice: Applicants, Anthony Fava and Ryan Hunt, and Owner, Fieldcom Realty Trust, seeks Design & Site Plan Review for a subdivision under SZO §5.4 to subdivide one lot into three.

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|-----------------------------------|------------------------------------|
| <u>Zoning District/Ward:</u> | BB zone/Ward 4 |
| <u>Zoning Approval Sought:</u> | §5.4 |
| <u>Date of Application:</u> | March 7, 2016 |
| <u>Date(s) of Public Hearing:</u> | 10/6, 10/20, 11/3, 11/17 & 12/8/16 |
| <u>Date of Decision:</u> | December 8, 2016 |
| <u>Vote:</u> | 5-0 |

Appeal #PB 2016-05 was opened before the Planning Board at Somerville City Hall on October 6, 2016. 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 one hearing of deliberation, the Planning Board took a vote.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722
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DESCRIPTION:

The Applicant proposes to sub-divide this parcel at 654 Mystic Avenue into three lots. Lot 1, which would abut Moreland Street, is proposed at ~3,178 square feet. Lot 2, to the left, is proposed at ~3,251 square feet. Lot 3, which would abut 640 Mystic Avenue, is proposed at ~3,316 square feet. Further, the Applicant proposes three (3) dwelling units on each lot for a total of nine (9) dwelling units across the original parcel.

FINDINGS FOR SPECIAL PERMIT (SZO §7.13.A):**Site Plan Approval under §5.4**

Section 5.4.1(2) of the SZO allows the Planning Board to consider approval of subdivisions in all zoning districts.

- *SZO Section 5.4.4(C) indicates that the Planning Board “shall approve a submission in the form submitted or with reasonable conditions pertaining to the purpose of this Section 5.4 unless the Planning Board finds that:*

1. The submission is incomplete;

Section 5.4.7 of the SZO states that a complete submission is as follows:

- 1) All plans shall be prepared by a registered architect, landscape architect, registered land surveyor, or professional engineer unless this requirement is waived by the Planning Board because a project is unusually simple and the use of a registered or licensed professional is not necessary to enable the Planning Board to make a decision that complies with the purposes of this section.

The Board finds that the submission is complete:

Architect: Khalsa Design

Surveyors/Engineers: Design Consultants, Inc. : Civil Engineers and Land Surveyors

Landscape Architect: Blair Hines Design Associates, Landscape architects

- 2) A complete submission shall include all of the information and requirements set forth in the rules and regulations of the Planning Board for site plan approval and shall include, but not be limited to, information concerning property ownership, topography, drainage, existing and proposed utilities, soil data, transportation systems, parking plans, building plans, elevations, landscaping, sewerage, storm water disposal, erosion and sedimentation controls, lighting, recreation, signage and hydrogeologic evaluation.

The Board finds that the Applicant has submitted documentation satisfying the requirements outlined in item 2 above via either/both application documents, architectural, landscaping, or engineering plans and related reports.

2. *The imposition of reasonable conditions would not ensure that the project would conform to the standards and criteria set forth in Section 5.4.6; and*

The Board finds that the conditions outlined in the table at the end of this report to be reasonable and shall be implemented on this project. All future plans and associated documents that are



submitted to the City of Somerville for review/approval/permitting henceforth regarding this project shall reflect these conditions.

3. *The project does not comply with other specifically applicable requirements of this Ordinance.”*

The Board finds that the project proposal complies with the requirements of the SZO.

DECISION:

Present and sitting were Members Kevin Prior, Joseph Favaloro, Michael Capuano, Dorothy Kelly Gay and Rebecca Lyn Cooper with Michael Capuano absent. Upon making the above findings, Rebecca Lyn Cooper made a motion to approve the request for a Special Permit. Dorothy Kelly Gay seconded the motion. Wherefore the Planning Board voted **5-0** to **APPROVE** the request. In addition the following conditions were attached:

| # | Condition | Timeframe for Compliance | Verified (initial) | Notes | | | | | | | | | | | | |
|-------------------|---|--------------------------|--------------------|---------------|--|--------------|----------------------------------|------------------|----------------------------------|------------------|--------------------------------|------------------|---------------------------------------|----|-------|--|
| 1 | <p>Approval is for the subdivision of parcel 46/C/1 into three lots of the following approximate dimensions: Lot One 3,178 ± sf; Lot Two 3,251 ± sf, Lot Three 3,316 ± sf.</p> <p>No building permit shall be issued until the plan set matches the renderings from December 6, 2016.</p> <table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>March 7, 2016</td> <td>Initial application filed with City Clerk’s Office</td> </tr> <tr> <td>May 16, 2016</td> <td>Updated plans submitted to OSPCD</td> </tr> <tr> <td>October 14, 2016</td> <td>Updated plans submitted to OSPCD</td> </tr> <tr> <td>October 20, 2016</td> <td>Final plans submitted to OSPCD</td> </tr> <tr> <td>December 6, 2016</td> <td>Updated renderings submitted to OSPCD</td> </tr> </tbody> </table> <p><u>ANY</u> changes to the approved plans shall be submitted to Planning Staff for their review prior to implementation of said changes. Planning Staff shall determine if the changes proposed are <i>de minimis</i> in nature or if the proposed changes require Planning Board review.</p> | Date (Stamp Date) | Submission | March 7, 2016 | Initial application filed with City Clerk’s Office | May 16, 2016 | Updated plans submitted to OSPCD | October 14, 2016 | Updated plans submitted to OSPCD | October 20, 2016 | Final plans submitted to OSPCD | December 6, 2016 | Updated renderings submitted to OSPCD | BP | Plng. | |
| Date (Stamp Date) | Submission | | | | | | | | | | | | | | | |
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| October 20, 2016 | Final plans submitted to OSPCD | | | | | | | | | | | | | | | |
| December 6, 2016 | Updated renderings submitted to OSPCD | | | | | | | | | | | | | | | |
| 2 | Trash and recycling storage for all 9 units shall be located inside of the structures. | Perpetual | Plng./ ISD | | | | | | | | | | | | | |
| 3 | For developments with 7 or more residential units or commercial development, the Owner/Applicant is required to | Perpetual | ISD/Planning | | | | | | | | | | | | | |



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| | hire a private company to remove trash and recycling on a regular basis. | | | |
| 4 | All snow shall be carted off-site. | Perpetual | ISD/Planning | |
| 5 | The Applicant shall submit to Planning Staff certified copies of the recorded/registered documents. | Building Permit | Plng. | |
| 6 | There shall be no parking in the front yard of any of the parcels. All front yards shall be landscaped/patio area and shall contribute to and not detract from landscaping and pervious surface calculations. | Perpetual | Plng./ ISD | |
| 7 | The Applicant shall present updated civil plans to the Planning Office and to the City's Engineering Department depicting how much fill will be added to the site, of what the fill is comprised, where the fill comes from, and detailing engineering renderings of what the actual finished grade will be. Planning and Engineering must sign off on these plans before any permits are issued for work on the site. | BP/site prep | Plng/Engineering/ISD | |
| 8 | The roof shall remain flat and there shall be no roof decks permitted on the site. | Perpetual | ISD/Planning | |
| 9 | Landscaping shall be installed exactly as rendered on the plans dated October 20, 2016. There shall be no reduction in plant count or changes in plant type without prior submission to and approval by Planning Staff | CO | Plng/ISD | |
| 10 | The applicant shall ensure that all landscape/pervious calculations match submitted plans. | BP | Plng/ISD | |
| 11 | <p>Prior to the start of construction, an engineering report shall be submitted on the retaining wall at the back of the lot. The engineering report shall:</p> <ul style="list-style-type: none"> • Present a plan for addressing the structural integrity of the existing retaining wall in relation to the proposed project; • Be presented to the City Engineer for review and sign off prior to the issuance of a building permit. • <p>Implementation of engineering plan:</p> <ul style="list-style-type: none"> • The engineering plan shall be followed exactly as signed off by the City Engineer • The City Engineer shall sign off on all work performed on the existing or new retaining wall. | BP | Plng/Engineering | |
| 12 | All environmental reports and testing shall be submitted to Planning Staff as they are completed. Staff reserves the right to ask that these reports be "peer reviewed" by a city consultant at the cost of the Applicant. | BP | Plng/Engineering | |
| 13 | ALL materials proposed for the exterior of the new construction will be presented to Planning Staff for their review and approval PRIOR TO their installation | CO | Planning/ISD | |



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| 14 | A new hydrant shall be installed on Ash Avenue. Said hydrant and its <u>exact</u> location shall be shown on revised civil plans. | BP | Fire Prevention/Planning/ISD | |
| 15 | 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. | BP | Wiring Inspector/Electrical | |
| 16 | The Applicant shall meet all of Fire Prevention's requirements | CO | Fire Prevention | |
| 17 | ALL exterior lighting on ALL facades of the building shall be downcast and shall not cast light only any abutting properties. | CO/Perpetual | ISD/Planning | |
| 18 | The Applicant shall consult with Lights and Lines to determine the need/location for transformers/conduits and the like on the property and/or the upgrade of any pole/line capacity. | BP | Lights & Lines | |
| 19 | The Applicant shall work with the Sustainable Neighborhoods Initiative coordinator to review air handling and filtration systems in the building. Air intakes shall not be located between the building and Mystic Avenue, shall provide adequate filtration systems to address the particulates that typically come off I-93. The final plan for particulate handling shall be submitted to Planning/ISD prior to the issuance of a building permit. | BP | ISD/Sustainable Neighborhoods/Planning | |
| 20 | The project shall be subject to the city stormwater policy, including the required removal of infiltration and/or inflow based upon providing either construction to reduce the inflow/outflow or a mitigation payment as established by the City Engineer's office. | BP | Engineering/Planning/ISD | |
| 21 | Any venting pipes shall be wrapped to match the color of the roofing material through which it protrudes or shall be painted to match the color of the siding through which it protrudes. | Perpetual | Planning/ISD | |
| 22 | There shall be no venting on the Mystic Avenue façade of the buildings. | Perpetual | Planning/ISD | |
| 23 | All greenery shall be installed and maintained in compliance with the American Nurserymen's Association Standards; | Perpetual | Planning/ISD | |
| 24 | 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. | Perpetual | Planning/ISD | |
| 25 | Storm water runoff shall not be routed into the City sewer system. Plans for such runoff must be approved by the Engineering Department and shall not create storm water maintenance issues for abutting properties or the City. | BP | Engineering | |
| 26 | The Applicant must provide an accessibility narrative prior to the issuance of a building permit. | BP | ISD/Plng. | |
| 27 | 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 | BP | Plng/OSE | |



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| | during demolition and construction. | | | |
| 28 | 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. | BP | OSE/FP/BOH | |
| 29 | Any new curb cuts shall be poured in accordance with the specifications of the Highway Superintendent | CO | Eng./Highways/Planning/ISD | |
| 30 | Venting from the garage shall be on the front of the building, and not adjacent to abutting properties at the side or rear | CO/Perpetual | | |
| 31 | The design of the wall (required by condition #8) shall incorporate the design of the French drain that will collect water by the wall and discharge it. | BP/Perpetual | Eng./Planning/ISD | |
| 32 | The garage area in the back yard shall be covered by a minimum of 18 inches of dirt. | CO/Perpetual | Planning/ISD | |
| 33 | Each unit shall include two deeded parking spaces. The remaining two parking spaces in each garage shall be available to visitors of all three of the units that share the garage. | CO/Perpetual | Planning/ISD | |
| 34 | If granted access by the abutting rear property owner at 50 Ash Avenue, the applicant shall remove the fence that is on the 50 Ash Avenue property just beyond, but alongside the adjacent property line with this property. The applicant shall then clear the area between the fence and the property line, and then the applicant shall install a new fence along the entire rear property line. Fence material and design shall be subject to Planning Staff review and approval prior to installation. | CO | Planning/ISD | |



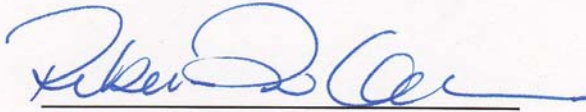
Attest, by the Planning Board:



Kevin Prior, Chairman



Joseph Favaloro


Dorothy A. Kelly Gay

Rebecca Lyn Cooper



Gerard Amaral

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 _____

