



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

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**Case #: ZBA 2019-19**  
**Site: 346 Somerville Avenue**  
**Date of Decision:** November 20, 2019  
**Decision:** *Petition Approved with Conditions*  
**Date Filed with City Clerk:** December 4, 2019

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**ZBA DECISION**

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**Applicant Name:** 346 Somerville Ave., LLC  
**Applicant Address:** P.O. Box 610312, Newton, MA 02461  
**Property Owner Name:** Palmac Realty Corp  
**Property Owner Address:** 346 Somerville Avenue, Somerville, MA 02143  
**Agent Name:** Richard Di Girolamo  
**Agent Address:** 424 Broadway, Somerville, MA 02143

**Legal Notice:** Applicant, 346 Somerville Ave., LLC, and Owner, Palmac Realty Corp propose a mixed-use structure with 94 residential units, ground floor commercial. A publicly-accessible park is proposed at the rear of the lot. The NB portion of the property requires the following relief from the ZBA: Special Permit with Site Plan Review (SPSR), variances including but not limited to FAR, height, lot area per dwelling unit, number of stories, and any and all other dimensionals that might be needed. Special Permit for parking relief under Article 9. The CCD-55 portion of the project needs relief from the ZBA for the following: variances including but not limited to landscaping, FAR, height, ground coverage, lot area per dwelling unit, number of stories, and all other dimensionals that might be needed. All special permitting in the CCD-55 zone is the purview of the Planning Board. CCD-55 & NB zones. Ward 2.

**Zoning District/Ward:** District CCD55/NB, Ward 2,

**Zoning Approval Sought:** SPSR §8.5, 7.11; SP §9

**Date of Application:** February 19, 2019

**Date(s) of Public Hearing:** March 6, 2019; March 20, 2019; April 4, 2019; April 17, 2019; May 1, 2019; May 15, 2019; June 5, 2019; June 19, 2019; July 17, 2019; August 7, 2019; August 21, 2019; September 4, 2019; September 18, 2019; October 2, 2019; October 16, 2019; November 6, 2019; November 20, 2019

**Date of Decision:** November 20, 2019

**Vote:** 4-1



Appeal #ZBA 2019-19 was opened before the Zoning Board of Appeals at Somerville City Hall on March 6, 2019. 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 **September 20, 2019**, the Zoning Board of Appeals took a vote.

**DESCRIPTION:** 346 Somerville Avenue is a through-block property that runs from Somerville Avenue down to Lake Street. The Somerville Avenue frontage presents a two-story commercial structure, gravel/dirt/bitumen areas used for parking, and portions of garage structures. The Somerville Avenue frontage is in the CCD-55 zoning district. The Lake Street portion of the property is in the NB zoning district and presents mostly gravel/dirt/bitumen areas used for parking, and portions of garage structures.

**FINDINGS FOR VARIANCES (SZO §5.5 and §8.5):**

Two dimensional charts are provided below showing the dimensions associated with each variance requested for the NB and CCD-55 zoning districts. Please refer to these charts as you perform your review of the project.

NB zone		
Dimension	Allowed	Proposed
Lot area per dwelling unit	1,000 <sup>1</sup>	437
Height	40 <sup>2</sup>	69' 11"
Stories	3 <sup>3</sup>	6
FAR (sq. footage)	24,502 s.f. <sup>4</sup>	15,976 s.f.

CCD-55 zone		
Dimension	Allowed	Proposed
Lot area per dwelling unit	600	137
Height	55	69' 11"
Stories	3 <sup>5</sup>	6
FAR (sq. footage)	27,252 sf	42,554 sf

*(a) There are special circumstances relating to soil conditions, shape or topography of land or structures which especially affect such land or structures but not affecting generally the zoning district in which it is located, causing a substantial hardship, financial or otherwise.*

The Board finds that the property presents several encumbrances. The lot slopes significantly away from Somerville Avenue toward Lake Street. In addition, the water table in this area is extremely high, causing flooding along Lake Street during significant rain events. As seen on the site plan and from aerial and surface views of the site, it is sloped from Somerville Avenue toward Lake Street and is oddly shaped. There is also an existing right-of-way along the right rear of the property from Lake Street.

<sup>1</sup> When more than 10 dwelling units are proposed in the NB zone, the minimum lot area per d.u. required increases from 875 to 1,000.

<sup>2</sup> Three stories are allowed in the NB district. Four stories up to 42 feet in height can be allowed in the NB zone if all four stories are proposed as all residential or if four stories are proposed with the first story being the commercial and the upper three stories are all residential. In the case of 346 Somerville Avenue, all six stories in the NB zone are proposed as residential.

<sup>3</sup> See footnote 2.

<sup>4</sup> Staff reminds the Board of the following explanation provided on prior pages regarding this relief: When a lot is in more than one zoning district, FAR is calculated in a “blended” fashion. This calculation is based on total allowable square footage. The numbers the board must work with in these circumstances are square footage numbers and not the ratio-derived numbers (such as .75, 1.0, 2.0, etc.) that the Board is used to working with when a property is located in a single zoning district.

<sup>5</sup> See footnote 2.



The Applicant proposes a taller building along Somerville Avenue so as to leave the rear of the lot as open space. The creation of a publicly-accessible park along the Lake Street frontage was a clearly stated desire of many of the neighborhood residents attending multiple public meetings over the course of the last year. The surrounding neighborhood preferred to see the building taller and pushed toward Somerville Avenue rather than to have additional structures built on the lower portion of the lot along Lake Street. By providing this park to the public, this has increased the number and severity of the variances being requested by the Applicant.

***(b) The specific variance as may be granted by the Board is the minimum variance that will grant reasonable relief to the owner, and is necessary for a reasonable use of the building or land.***

The Board finds that the relief is the minimum necessary since the Applicant to dedicate 7,000 square feet of this property to create a publicly-accessible park.

***c. The granting of the variance will be in harmony with the general purpose and intent of this Ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. In addition to considering the character and use of the nearby buildings, the Board, in making its findings, shall take into account the number of persons residing or working in such buildings or upon such land, and the present and probable future traffic conditions.***

**APPLICANT STATEMENT:** This is a neighborhood with many multi-unit residences. The proposal is harmonious with the neighborhood as it is a CCD55 zoning district it will offer new residential living in an area that was previously used as an auto-body repair facility. This project will allow for a better use of a formerly contaminated site, thus it will not be detrimental to the public welfare.

**Staff Response:** The Board finds this project harmonious with the changes in Union Square is undergoing. This building would be the first new construction in this part of the square in many years. The density in this immediate area will increase greatly over the next many years and coming decades. Along with increased density will gradually come increased services to this area oriented toward new and existing residents. The property will provide no parking. It is intentionally designed as a car-free building. This is in compliance with the proposed zoning which will not require a building such as this that is located in such close proximity to a “T” station to provide any on-site parking. Though the “new zoning” has not yet passed City Council, this does not mean that, as a community we should refrain from pushing toward the car-free goals outlined for this portion of the City. A condition is included for both the variance and any special permitting criteria which obligates the applicant to provide a mobility management program to building residents.

#### **FINDINGS FOR SPECIAL PERMIT WITH SITE PLAN REVIEW SZO § 7, 8, 9, & 13:**

With the proposal of 94 units, a Special Permit with Site Plan Review (SPSR) is required (7.11.c). Further, when an SPSR project is proposed, Article 13 of the SZO is triggered. This section of the SZO requires that 20% of the residential units for an SPSR project such as this be inclusionary. The Applicant is proposing a total of 94 units with this project. Twenty percent (20%) of 94 equates to 18 on-site inclusionary units plus a fractional payment of 0.8. The City of Somerville’s Housing Office will select which units will be deemed inclusionary and at what rate.

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



**1. Information Supplied:**

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

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

The Board finds that the proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to promote the health, safety, and welfare of the inhabitants of the City of Somerville; to provide for and maintain the uniquely integrated structure of uses in the City; to lessen congestion in the streets; to protect health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to conserve the value of land and buildings; to adequately protect the natural environment; to encourage the most appropriate use of land throughout the City; and to preserve and increase the amenities of the municipality.

Staff finds that the proposal for 94 residential units is greater density than is typically found in Union Square. However, the proposed increased density is not incompatible with the direction in which the City is moving in general and with regard to Union Square in particular. Staff finds the mixed-use nature of the proposal, the increased density, the de-emphasis on personal vehicular dependency, the inclusion of a new public park, and a partial green roof all in alignment with the goals of the City. One hundred and forty interior bicycle spaces and 20 outside bicycle spaces are proposed.

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

The Board finds this proposal is compatible with the site and area.

**Surrounding Neighborhood:**

This portion of Union Square – and Union Square as a whole – presents an eclectic mix of building forms, styles, scale, and uses. Immediate abutting properties include 2 ½-story wood-frame structures, triple-deckers, mansards, single-story faux stone veneered commercial structures, and old and updated storefronts. Immediately across Somerville Avenue is Bow Market. The Olive Square neighborhood, which includes Lake Street, is located behind this property and is residential in building type and use.

**Impacts of Proposal (Design and Compatibility):**

The proposal will be the first of its kind and size in this portion of Union Square. As with any project of this magnitude, it underwent a strenuous community process over the last year. The project presented to the Planning Board is the result of these discussions between the neighborhood, staff planner, ward councilor, and Applicant. The Somerville Avenue façade of the building is intended to be responsive to the more traditional feel of larger brick-faced storefront and residential buildings situated in Union Square without engaging in the mimicry thereof.

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 Board has addressed this criterion above in the “Site and Compatibility” assessment and reiterates those comments here.

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

The new building will be clad in a combination of “traditional” and “modern” materials. Current proposed materials include brick, limestone veneer, metal, brick. All brick used will be required to be **full brick** and not thin 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 main façade of the proposed building is oriented toward the main street, Somerville Avenue.

- 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 existing Somerville Avenue entry point to the site shall remain but shall be used only for a loading bay. There will be no other vehicular access to/from the site.

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

This staff report has been conditioned such that items such as this shall be screened and that trash and recycling shall be picked up by private contractor. Trash and recycling shall be required to be stored inside until trash/recycling day. In terms of transformers, a condition has been added that allows for transformers to be vaulted and buried or installed in the building. Ultimately, the siting of the transformer is solely within the purview of EverSource, not the Planning Office. The condition that was added regarding transformers was intended to try to guide the transformer installation according to City desires. However, there is no forcing the utility to follow this direction.

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

There is no overlay zoning district in this area and Staff finds that the proposal meets with the general purposes of the CCD-55 zoning district by providing a mixed-use building with ground floor, pedestrian-accessible commercial space. That the Applicant is also providing a publicly-accessible park that can be



reached from both Somerville Avenue and Lake Street as part of this project is not required by the zoning but is an added benefit to the neighborhood.

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

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

**6. Impact on Public Systems: *The project will “not create adverse impacts on the public services and facilities serving the development, such as the sanitary sewer system, the storm drainage system, the public water supply, the recreational system, the street system for vehicular traffic, and the sidewalks and footpaths for pedestrian traffic.”***

The Board finds that this proposal will not create such adverse impacts. The site is covered by building, pavement, and gravel/dirt/weeds. Much of the lot is used for surface parking. Despite the larger size of the proposed building on the site, improved positioning and a comprehensive landscaping plan calling for a public park and a partially-green roof will provide for significantly more quality green space on the parcel than is currently extant.

Conditions have been added that require the applicant to work with Mobility and with Engineering to address transportation management and city water/sewer issues that will be impacted as a result of this project. All related work undertaken in these regards will be under the direction of the Director of Engineering, the Director of Mobility and/or their designees.

In order to determine the specific impact that the proposed project will have on traffic operations, a traffic and parking study was performed in May, 2019.

**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 Board finds that the proposed mixed use and creation of a 7,000 +/- square-foot publically-accessible park are not expected to adversely impact the environment. No new noise, glare, smoke, vibration, nor emissions of noxious materials, nor pollution of water ways or ground water, nor transmission of signals that interfere with radio or television reception are anticipated as part of the proposal.

Typical construction noise for a project this size can be expected. Oversight and enforcement of environmental issues on the site rests with the Commonwealth of Massachusetts and not with the City of Somerville. The inclusion of a 7,000+/- square foot publically-accessible park along with a partial green roof provide visual, environment, and health benefits to site and area residents.

**8. Consistency with Purposes: *“Is consistent with: 1) the purposes of this Ordinance, particularly those set forth in Article 1 and Article 5; and 2) the purposes, provisions, and specific objectives applicable to the requested special permit with site plan review which may be set forth elsewhere in this Ordinance, such as, but not limited to, those at the beginning of the various sections.”***

The Board finds that the proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to promote the health, safety, and welfare of the inhabitants of the City of





Somerville; to provide for and maintain the uniquely integrated structure of uses in the City; to protect health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; to conserve the value of land and buildings; to adequately protect the natural environment; to encourage the most appropriate use of land throughout the City; to protect and promote a housing stock that can accommodate the diverse household sizes and life stages of Somerville residents at all income levels, paying particular attention to providing housing affordable to individuals and families with low and moderate incomes; and to preserve and increase the amenities of the municipality.

**9. Preservation of Landform and Open Space:** *The Applicant has to ensure that “the existing land form is preserved in its natural state, insofar as practicable, by minimizing grading and the erosion or stripping of steep slopes, and by maintaining man-made features that enhance the land form, such as stone walls, with minimal alteration or disruption. In addition, all open spaces should be designed and planted to enhance the attractiveness of the neighborhood. Whenever possible, the development parcel should be laid out so that some of the landscaped areas are visible to the neighborhood.”*

The Board finds that the project site slopes from Somerville Avenue down to Lake Street. The general slope of the site will be retained. The building mass has been pushed away from Lake Street after extensive feedback from the abutting residential neighborhood. For a building of this density, the mass is best positioned along the major thoroughfare of Somerville Avenue. It is intended in the Union Square plan that greater density be placed along this street frontage.

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

The Board finds that the proposed building is designed to work with the sloped site as noted above. With a building of this size, it is difficult to mask its height and massing from the smaller residential structures along Lake Street at the rear of the property. The construction of the park, planting of street trees, and the construction of the main massing away from Lake Street all work in concert to help mitigate the visual massing of the new structure.

**11. Stormwater Drainage:** *The Applicant must demonstrate that “special attention has been given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Storm water shall be removed from all roofs, canopies, and powered area, and routed through a well-engineered system designed with appropriate storm water management techniques. Skimming devices, oil, and grease traps, and similar facilities at the collection or discharge points for paved surface runoff should be used, to retain oils, greases, and particles. Surface water on all paved areas shall be collected and/or routed so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create puddles in the paved area. In larger developments, where practical, the routing of runoff through sheet flow, swales or other means increasing filtration and percolation is strongly encouraged, as is use of retention or detention ponds. In instances of below grade parking (such as garages) or low lying areas prone to flooding, installation of pumps or other devices to prevent backflow through drains or catch basins may be required.”*

The Board finds that the proposed project improves the permeability of this site through the installation of permeable hard surfaces and landscaping. The project further includes substantial pre-construction site work that will address water flow through the site itself and extensive drainage/stormwater capture systems. All of this infrastructure work is under the purview of the Director of Engineering and their designee(s). As is typical of a project of this scale, this report is conditioned to require the Applicant to submit their civil engineering plans to the City’s Engineering Department for their review, comment, and sign-off.

**12. Historic or Architectural Significance:** *The project must be designed “with respect to Somerville’s heritage, any action detrimental to historic structures and their architectural elements shall be discouraged*



*insofar as is practicable, whether those structures exist on the development parcel or on adjacent properties. If there is any removal, substantial alteration or other action detrimental to buildings of historic or architectural significance, these should be minimized and new uses or the erection of new buildings should be compatible with the buildings or places of historic or architectural significance on the development parcel or on adjacent properties.”*

The Board finds that existing building has already completed the demolition review process with the Historic Preservation Commission. The Applicant and Owners have entered into a Memorandum of Agreement (MOA) with the HPC allowing for the demolition of the building and for specific preservation goals to be met, including the creating of silicon molds of some of the decorative architectural trim and that castings of this trim be incorporated into the exterior façade of the new building. This has been captured in the current façade design. All HPC conditions have been codified in the MOA with the HPC.

**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 Board finds that the overall appearance of the site will improve as a result of the proposed development. Though the proposed building is much larger than the one currently extant on the property, the new structure is not inconsistent with the Union Square neighborhood plan and overall City goals. Enhancements to the site and public sphere have been discussed throughout this document. To recap, they include, but are not limited to creation of a publicly-accessible park, partial green roof, mobility management systems, planting of street trees.

**14. Lighting:** *With respect to lighting, the Applicant must ensure that “all exterior spaces and interior public and semi-public spaces shall be adequately lit and designed as much as possible to allow for surveillance by neighbors and passersby.”*

The Board has included a condition that all exterior lighting must be confined to the subject property, cast light downward and must not intrude, interfere or spill onto neighboring properties. Park lighting will be addressed during the park design process with the entities noted in condition #12.

**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.”*

The Board finds that emergency personnel will have access to the building from all sides of the property with the narrowest access being along the right elevation. The building is also required to meet state fire code. The City’s Fire Prevention personnel are responsible for inspecting and approving the building according to fire regulations.

**16. Location of Access:** *The Applicant must ensure that “the location of intersections of access drives with the City arterial or collector streets minimizes traffic congestion.”*

The Board finds that this condition will be satisfied. The existing curb cut on the right elevation of the property shall be retained.

**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 Board finds that these are effectively screened. The Applicant is required to present their electrical/utility plan to Lights & Lines and Highways. There is a condition that any new lines would be placed underground in accordance with the SZO and the policies of the Superintendent of Lights and Lines.





**18. Prevention of Adverse Impacts:** *The Applicant must demonstrate that “provisions have been made to prevent or minimize any detrimental effect on adjoining premises, and the general neighborhood, including, (1) minimizing any adverse impact from new hard surface ground cover, or machinery which emits heat, vapor, light or fumes; and (2) preventing adverse impacts to light, air and noise, wind and temperature levels in the immediate vicinity of the proposed development.”*

The Board finds that the proposal demonstrates these qualities: The site will be improved through new drainage systems, landscaping, and pervious material. Furthermore, there will not be machinery that emits heat, vapor, light or fumes beyond those of a typical multi-unit residential use. Staff finds that the proposed building is appropriately scaled along a key City thoroughfare.

**19. Signage:** *The Applicant must ensure that “the size, location, design, color, texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall reflect the scale and character of the proposed buildings.”*

N/A

**20. Screening of Service Facilities:** *The Applicant must ensure that “exposed transformers and other machinery, storage, service and truck loading areas, dumpsters, utility buildings, and similar structures shall be effectively screened by plantings or other screening methods so that they are not directly visible from either the proposed development or the surrounding properties.”*

The Board has conditioned this report to require interior storage of trash/recycling and private pick-up. Private snow removal is also required. Trash and recycling storage will be in/under the building.

**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 Board finds that there will be no parking provided with this project. Not providing on-site parking in this area is consistent with the City’s goals in transformational and transportation-focused areas of the City. This property is within walking distance of the in-progress Union Square Green Line “T” stop.

### **§9.13 of the SZO**

As noted earlier in this report, when inclusionary units are being provided under Article 13 of the SZO, parking relief can be requested as a Special Permit, regardless of the number of spaces of relief that are needed.

The applicant requires relief for 45 parking spaces in the NB portion of the lot (only the Planning Board has purview over the parking in the CCD-55 portion of the lot). The parking assessment is as follows:

24 studio units. Each studio requires 1.0 parking space.  $24 \times 1.0 = 24$  parking spaces

10 one-bedroom units. Each one-bedroom unit requires 1.5 parking spaces.  $10 \times 1.5 = 15$  parking spaces

One guest space is required for every 6 residential units.  $34 \text{ units} / 6 = 6$  guest parking spaces (rounded from 5.6)

The summary of the above results ( $24 + 15 + 6$ ) equates to **45 spaces of relief needed**

Pursuant to §9.13 of the SZO, Staff provides the following assessment:

1. *Increase in traffic volumes:* Given that 94 residential units will be provided on the site there may be an increase in traffic volume due to the increased density on the site. However, this project is specifically designed to attract residents who eschew personal vehicle dependency.



2. Increased traffic congestion or queuing of vehicles:  
The project site is along busy Somerville Avenue. There are and will continue to be traffic impacts because of future infrastructure work and private redevelopment efforts along this and other City streets.
3. Change in the type(s) of traffic:  
Other than during the construction phase of the project when construction-related vehicles will be approaching and retreating from the site, future vehicular traffic to-and-from this site will be for deliveries along Somerville Avenue, trash/recycling pick-up and snow removal.
4. Change in traffic patterns and access to the site:  
There will be no changes to the traffic patterning approaching or exiting the site as a result of this project.
5. Reduction in on-street parking:  
There will be no parking provided on this site. This is in concert with overall City goals, Union Square goals, and the pending zoning overhaul. Under the new zoning, there will be no requirement for an Applicant to provide parking on this site at all, with no zoning relief required. Under current zoning, due to the provisions of Article 13, all parking relief is granted under Special Permitting provisions.

Due to the size of the project and the amount of parking relief required, a Mobility Management Plan is required by the applicant for the review and approval of the Director of Mobility regarding transportation options for this project. A Mobility Management Plan can include items such as lobby systems that track and announce the arrival times of public bus routes and "T" trains to nearby stops. This area of expertise resides solely in the Mobility Department and the Director of Mobility will determine the appropriate approach and systems for this project.

The Board finds that this proposal sufficiently meets the criteria listed above,

#### **6. Housing Impact:**

The Board finds that the proposal provides for three 94 total units. 10 will be one-bedroom and 84 will be studios. Out of this number, a total of 18 inclusionary units will be provided on-site. A 0.8 fractional payment will be made into the Somerville Affordable Housing Trust Fund.

#### **7. SomerVision Plan:**

The Board finds that the proposal visually improves an existing property and increases the City's housing stock by 94 total units with 18 of those units inclusionary along with a 0.8 fractional payment. The proposal of not providing parking aligns with our goals of reducing individual vehicular dependency. The publicly-accessible park and partial green roof address environmental, health, and stormwater containment interests. The process of constructing the building and the future commercial tenants will both provide temporary and permanent jobs within the City.

### **DECISION:**

Present and sitting were Members Orsola Susan Fontano, Danielle Evans, Elaine Severino, Josh Safdie, and Anne Brockelman. Drew Kane recused himself. 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 **4-1** to **APPROVE** the request. In addition the following conditions were attached:



#	Condition	Timeframe for Compliance	Verified (initial)	Notes										
1	<p>Approval is for the following:</p> <p>NB variances: lot area per d.u. of 437; height of 69'11"; 6 stories;</p> <p>NB special permits: SPSR; 45 spaces of parking relief</p> <p>CCD-55 variances: lot area per d.u. of 137; height of 69' 11"; 6 stories</p> <p>Blended NB/CCD-55 FAR variance provide in terms of n.s.f. to construct a building of 58,530 n.s.f. on a two-zone lot where a maximum n.s.f. of 51,754 is allowed.</p> <p>18 affordable units provided along with a fractional payment of 0.8.</p> <table border="1"> <thead> <tr> <th>Date</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>February 19, 2019</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>August 27, 2019</td> <td>Updated plans submitted to OSPCD</td> </tr> <tr> <td>September 17, 2019</td> <td>Amended plan set submitted to OSPCD</td> </tr> <tr> <td>September 26, 2019</td> <td>Amended tables submitted to OSPCD; additional bike spaces added.</td> </tr> </tbody> </table> <p>Any changes to the approved elevations that are not <i>de minimis</i> must receive SPGA approval.</p>	Date	Submission	February 19, 2019	Initial application submitted to the City Clerk's Office	August 27, 2019	Updated plans submitted to OSPCD	September 17, 2019	Amended plan set submitted to OSPCD	September 26, 2019	Amended tables submitted to OSPCD; additional bike spaces added.	BP/CO	ISD/Plng.	
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<b>Affordable Housing</b>														
1	Affordable Housing Implementation Plan (AHIP) shall be approved by the OSPCD Housing Division and executed prior to issuance of Building Permit. Affordable units shall be provided on-site.	BP	Housing											
2	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											



3	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	
4	The OSPCD Housing Division shall determine which units shall be inclusionary and at what rate.	CO	Housing	
<b>Construction Impacts</b>				
5	The applicant shall post the name and phone number of the general contractor at the site entrance where it is visible to people passing by. This information shall be posted to be easily readable from the public sidewalk along Prospect Street.	During Construction	ISD	
6	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	
7	Construction shall occur from 7:30am – 5:00pm Monday-Friday ONLY. There shall be no construction or construction-related work allowed on the weekends or holidays or after hours. This includes deliveries and finish work.	During Construction	ISD	
8	There shall be no idling of construction vehicles on the site or on surrounding streets.	During construction	ISD/T&P	
9	No parking of construction-related vehicles, including personal vehicles, shall be permitted on Somerville Avenue, Hawkins or Lake Streets unless otherwise authorized by the Parking Division.	During construction	ISD/T&P	
10	Dumpsters shall not be allowed on Somerville Avenue, Hawkins or Lake Street.	Pre- and during construction	ISD/T&P	
<b>Design</b>				
11	Applicant shall provide material samples for siding, trim, windows, and doors to Planning Staff for review and approval prior to the issuance of a building permit.	BP	Plng./ISD	
12	Applicant shall make silicon molds of key architectural trim components as directed by the Planner/Preservation Planner so that casts can be made of these components for installation on the Somerville Avenue façade of the new building	CO	Plng/ISD	
<b>Site</b>				



13	Roughly 7,000+/- square feet on the Lake Street side of the property shall become a publicly-accessible park. The type of park (city-owned, POPS, or other) shall be determined between the City Legal, Public Space & Urban Forestry, and regulatory Planning departments and the Applicant. Under all circumstances, the park shall be 100% publically-accessible and cannot be closed to the public for the sole use of building residents, tenants, or private events. The Applicant and the City shall enter into a legal agreement of terms including, but not limited to access, maintenance, liability, design, construction, materials, etc. Park design shall include public input. Legal, regulatory planning, and public space planning/landscape planners shall all be involved. Park shall be completed in order for CO to be granted.	CO	Plng/Legal /ISD	
14	All bituminous material and/or cement shall be removed from the site and be replaced with pervious pavers, pea stone or similar. All materials to be used shall be submitted to Planning Staff for their review and approval prior to ordering/installation.	Prior to ordering/in stallation / CO	Plng./ISD	
15	Transformers shall be located inside the building or shall be vaulted. Location of transformers shall be shown on updated construction/site plans submitted to ISD.	BP and CO	Plng/ISD	
16	Garbage and recycling locations shall be clearly indicated on site plans. Storage areas shall be inside of the structure or shall be fully screened from view from both the public way and abutters by an appropriate material reviewed and approved by staff. The location shall not impact any parking, landscaping, or egress.	BP	Plng.	
<b>Engineering</b>				
17	The Applicant must contact the Engineering Department to obtain addresses for all units prior to a building permit being issued.	BP	Eng	
18	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.	
19	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.	
20	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.	
21	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.	





22	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 1 <sup>st</sup> to April 1 <sup>st</sup> and there is a list of streets that have additional opening restrictions.	BP	Eng	
23	The Applicant shall work with the Director of Engineering and perform any necessary mitigation, replacement or repair of water mains serving the site.	BP	Director of Engineering	
24	The Applicant shall work with the Director of Engineering to perform any and all investigations, mitigation, replacement, repair, or similar to any and all infrastructure items or systems that fall under the purview of the Engineering Department and are impacted by the project at 346 Somerville Avenue	CO	Director of Engineering	
<b>Miscellaneous</b>				
25	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.	Perpetual	ISD / Plng.	
26	Trash and recycling shall be stored in or under the building.	Perpetual	ISD	
27	Trash shall be picked up by a private contractor.	Perpetual	ISD	
28	Snow removal shall be undertaken by a private contractor and all shoveled/plowed snow shall be removed from the site.	Perpetual	ISD	
29	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	
30	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	
31	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.	



32	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	ISD	
33	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/BOH	
34	Any suspected or identified underground fuel tanks on this site must be removed under the supervision of the Fire Prevention Bureau. Permits will be required for these removals.	CO	FP	
35	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/ISD	
36	A Green Line payment of \$2.40 per gross square foot is required due to the proximity of the property to the future Gilman Square Green Line "T" stop.	CO	Director of Mobility/Plng/ISD	
37	All brick used on all exterior facades of the building area required to be full brick, <i>not</i> thin brick.	CO	Plng/ISD	
<b>Public Safety</b>				
38	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
39	Per Somerville fire safety regulations, grills, barbecues, chimineas and the like are NOT permitted on decks or porches. This shall be written into condo/rental documents. Proof thereof shall be provided to Planning Staff prior to the issuance of a CO.	CO/Perpetual	FP/ISD	
40	Outdoor lighting shall comply with the City of Somerville Dark Sky Policy.	CO	Plng.	
41	Indicators shall be installed alerting pedestrians and occupants of the below-building parking area of vehicles entering and existing the site. The indicators installed shall be reviewed by Planning Staff and Traffic & Parking prior to acquisition and installation.	CO	Plng/ISD/T&P	
42	The applicant shall work with the Director of Mobility (formerly Transportation and Infrastructure) to determine an appropriate warning mechanism to alert approaching pedestrians that vehicles are exiting the loading bay along Somerville Avenue.	CO	Mobility/Plng/ISD	
43	The applicant shall work with the Director of Mobility (formerly Transportation and Infrastructure) and the Streetscape and Public Space Planner to install a complaint and possibly vaulted sidewalk along the Somerville Avenue and Lake Street frontages of the building	CO	Mobility. Plng/ISD/Engineering	



44	The applicant coordinate the planting of four (4) new street trees, at the Applicants expense, along Somerville Avenue under the direction of the City Arborist	CO	City Arborist/Plng/ISD	
45	The applicant shall coordinate with the Director of Mobility to develop and implement a mobility management plan for residents and commercial tenants of the building in accordance with the Mobility Division’s policy for mobility management plans.	CO	Mobility/Plng/ISD	
<b>Traffic &amp; Parking</b>				
46	This property and all associated address are ineligible for Resident Parking Permits (RPP). Any property owner, lessee, renter, or tenant of the property and all associated addresses shall not apply for any Resident Parking Permits from the Somerville Parking Department. Disabled persons with a handicapped plate or handicapped placard from the Commonwealth of Massachusetts Registry of Motor Vehicles, or other duly authorized agency acting under the authority of the Commonwealth, or residents of an Affordable Dwelling Unit (ADU), with written verification from the Housing Division, may apply to the Traffic Commission for a waiver of this restriction. If the City adopts a more stringent policy, this condition will remain.	BP	Parking Department	
47	The Property Owner shall inform future buyers, lessees, renters, or tenants that the property and all associated addresses are ineligible for Residential Parking Permits. Notification must be provided using the RPP Restriction Disclosure form.	Perpetual	ISD	
48	The Property Owner shall complete and file a RPP Restriction Acknowledgement form as an appendix to a certified copy of this Decision with the Middlesex County Registry of Deeds prior to the issuance of a building permit.	BP	ISD	
49	The Property Owner shall provide a list of all addresses associated with the property to the Traffic Commission prior to the issuance of any Certificate of Occupancy for the building.	CO	ISD	
<b>Final Sign-Off</b>				
50	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	Zoning Review Planner	



Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chairman*  
Danielle Evans, *Clerk*  
Anne Brockelman  
Elaine Severino  
Josh Safdie  
Drew Kane (Alt.)

Attest, by the Planner: \_\_\_\_\_

Melissa A. Woods

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 \_\_\_\_\_

