



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

ZONING BOARD OF APPEALS MEMBERS

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Case #: ZBA 2019-37
Site: 391-395 Somerville Avenue
Date of Decision: June 19, 2019
Decision: *Approved with Conditions*
Date Filed with City Clerk: June 28, 2019

ZBA DECISION

Site: 391-395 Somerville Avenue
Applicant Name: Somerville Avenue Trust, LLC
Applicant Address: 1 Naomi Drive, Gloucester, MA 01930
Property Owner Name: same as above
Property Owner Address: same as above
Agent Name: Adam Dash, Esq.
Agent Address: 48 Grove Street, Somerville, MA 02144

Legal Notice: Applicant and Owner, Somerville Avenue Trust, LLC, seeks a Special Permit with Site Plan Review (SPSR) to increase the number of residential units on the site from seven to 10 by constructing a new, three-family structure on the lot (Article 7). Relief under Section 4.4.1 to further reduce the non-conforming lot area per dwelling unit ratio. Parking relief under Article 9. BA zone. Ward 2.

<u>Zoning District/Ward:</u>	BA zone. Ward 2.
<u>Zoning Approval Sought:</u>	SZO §4.4.1 and Article 9.
<u>Date of Application:</u>	March 12, 2019
<u>Date(s) of Public Hearing:</u>	3/6, 3/20, 4/3, 4/17, 5/1, 5/15, 6/5, 6/19
<u>Date of Decision:</u>	June 19, 2019
<u>Vote:</u>	5-0

Case number # **ZBA 2019-37** was opened before the Zoning Board of Appeals in the 3rd floor Community Room at the Visiting Nurse Association on 259 Lowell Street. 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 June 19, 2019, the Zoning Board of Appeals took a vote.



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I.PROJECT DESCRIPTION

The Applicant proposes leaving the existing mixed-use structure as-is; there will be no renovation performed on this building. The Applicant proposes constructing a new, three-family structure on the Church Street portion of the lot. The new structure would be a “modern-style” version of a triple-decker form. An ADA ramp to one of the units will be provided along the left elevation of the building. The Applicant will voluntarily provide an inclusionary unit on the property.

II. FINDINGS FOR SPECIAL PERMIT with SITE PLAN REVIEW (SZO §7.2 and §7.3) and SPECIAL PERMIT (SZO §4.4.1, Article 7, and §9.13):

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

1. Information Supplied:

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

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

Article 4 of the SZO

Section 4.4.1 states that “[l]awfully existing one-and two-family dwellings which are only used as residences, which are nonconforming with respect to dimensional requirements, may be enlarged, extended, renovated or altered by special permit granted by the SPGA in accordance with the procedures of Article 5.”

Lot area per dwelling unit

As noted in the “Proposal” section, the property is non-conforming with regard to lot area per dwelling unit. The BA zone requires a lot area per dwelling unit ratio of 875 square feet. Existing conditions on the property present a lot area per d.u. of 871 square feet. The Applicant proposes further exacerbating the lot area per d.u. ratio to 609 square feet.

Increase in Gross Floor Area (GFA)

Article 4 of the SZO requires that an applicant obtain special permit in order to increase the gross floor area (GFA) of a property by more than 25%. The GFA of the existing mixed-use structure is 6,834 square feet. The GFA of the proposed three-family structure is 3,739 square feet, an increase of well over 25%.

Article 9 of the SZO

SZO §9.13 allows for sites with nonconforming parking to apply for a Special Permit to modify parking requirements if the total number of spaces is six or fewer. The total number of spaces of parking relief for this project is **three (3.0)**. The calculations for the parking relief needed for this project appear below:

Existing Conditions



The existing structure contains seven (7) one- and two-bedroom units. One- and two-bedroom units each require 1.5 parking spaces. One (1) guest space is required for every six residential units. Therefore:

- Requirements for the residential units of the existing structure:

$$7\text{units} \times 1.5\text{spaces ea.} = 10.5 \text{ residential spaces}$$

$$10.5 \text{ residential spaces} + 1 \text{ guest space} = \mathbf{12 \text{ residential spaces}}$$
 (rounded from 11.5)

- Requirements for the commercial unit of the existing structure:

One parking space for every 425 square feet is required.

The commercial space is 800 square feet in size, therefore 1.8 parking spaces is required. This is rounded to **2.0 commercial parking spaces** being required.

Based on the above, **12 residential spaces + 2.0 commercial spaces = 14 total spaces** required under existing conditions. No legal parking spaces are provided.

Proposed Conditions

The proposed three-family structure proposes three 2-bedroom units. The parking requirement for 2-bedroom units is 1.5 spaces per unit. Therefore:

$$3\text{units} \times 1.5\text{spaces} = \mathbf{5.0 \text{ new spaces}}$$
 (rounded from 4.5)

The applicant proposes providing two (2.) parking spaces on-site. This reduces the total number of new parking spaces required to three (3) for the new residential structure.

Combined with the parking requirements for the existing mixed-use building, new parking requirement for the site is 17 spaces (14 spaces + 3.0 spaces = 17 spaces).

Parking relief required

Based on the multiple sets of calculations above, the total number of parking spaces of relief required for this project is three (3). The formula follows:

$$\text{new parking requirement} - \text{old parking requirement} = \text{spaces of relief needed.}$$

$$17 \text{ spaces} - 14 \text{ spaces} = \mathbf{3 \text{ spaces of relief needed}}$$

In order to grant the parking relief, the following criteria must be assessed:

1. Increase in traffic volumes

While there may be some up-tick in construction traffic to and from the site during the construction phase of the project, the Board finds that such increase in traffic would diminish



once the project is completed. If two of the units each park a car on-site, there will be more traffic coming and going from the property than usual, when one considers that no vehicles should be entering/existing the site under existing conditions. However, as the times that people leave for/return from work and errands vary, there is no expectation of increased traffic volumes or queueing of vehicles at any point in the day.

2. Increased traffic congestion or queueing of vehicles

See item #1 above.

3. Change in the types of traffic

There will be more construction-type traffic during the construction phase of the project. Post-construction, the traffic to-and-from the site will be largely residential in nature. Commercial traffic to the front building on this lot will proceed as under existing conditions.

4. Change in traffic patterns and access to the site

The traffic pattern in the area will not change. The site will be accessed from the same location as current.

5. Reduction in on-street parking

It is possible that granting relief for 3.0 parking spaces will create an increase in on-street parking in the area. One of the new units on the site will not be provided with an on-site space.

6. Unsafe conflict of motor vehicle and pedestrian traffic

As the location for vehicular entry/exit to the site will be the same as current, using the same curb cut, there is no anticipation of additional conflicts between vehicular and pedestrian traffic at this location. There has not been a structure on this part of the site for many years, so area residents, including owners of vehicles at this site, will need to be cognizant of vehicles and pedestrian traffic, respectively.

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 BA district, which is, "[t]o establish and preserve business areas bordering main thoroughfares that are attractive to a wide range of uses, including retail business and services, housing, government, professional and medical offices, and places of amusement. While it is anticipated that most users will arrive by motor vehicle, it is intended that the area should be safe for and conducive to pedestrian traffic."

Vehicular as well as pedestrian access to this site is anticipated. The site is well-suited to access to public transportation and has good walkability to nearby businesses and services.

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 along Church Street is an RB zoning district. Such a district allows for a maximum of 3 residential units. This portion of Church Street contains mostly two- and three- unit residential structures. The Board finds that the proposed density of three units for the new building is consistent with the abutting district in general and with the existing structures on this portion of Church Street in particular.

Impacts of Proposal (Design and Compatibility): The Board finds that the overall massing and siting of the new structure is consistent with that of other residential buildings along this portion of Church Street. The proposed style of the building differs from the “traditional” design of nearby structures but this does not necessarily make the new structure incompatible with the surrounding neighborhood.

- 1. Buildings should be generally of the same size and proportions as those existing in the neighborhood. This shall apply in cases of multi-family development as well as one-, two-, and three-family units. For example, if relatively small two- and three-family structures are common in a neighborhood where multi-family development is proposed, the multi-family development should be physically broken into components that, from a design perspective, are housed in buildings of similar width, depth, and height as those typically found in the neighborhood.***

The proposed building is taller than the 2 ½-story gable-fronted structures along Church Street. However, at 35’, the proposed height of this new building is equivalent to the +/- 35 feet of the existing structure fronting on Somerville Avenue. Further, at 35 feet, the proposed structure is five (5) feet under the maximum height allowed for a building abutting an RB zone.

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

The proposed materials will be a mixture of modern and traditional materials.

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

N/A

- 4. Although additions should not clash with or be incompatible to the existing structure, it is acceptable and even desirable for the new construction to be distinguishable from the existing building, perhaps by maintenance of design elements of the original building that would otherwise be lost (e.g. false rakes, fasciae, and the like).***

N/A

- 5. Where practical, new or infill building construction should share the same orientation to the street as is common in the neighborhood. When not contrary to any other zoning law, front and side yards should be of similar dimensions as those typical in the area.***

The proposed structure will have its front façade facing Church Street as do all of the other residential structures along this portion of the street.



6. *Driveways should be kept to minimal width (perhaps a maximum of twelve feet), and be designed so that no vehicle parked on the drive may straddle the public sidewalk in any way. Low barriers or plantings may be required to separate the parking area from the pedestrian space.*

The proposal will maintain the existing curb cut. There is no driveway currently extant on the site. The parking area will be a maximum of 18 feet in width to accommodate two side-by-side vehicles.

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

A condition of approval is that any transformers, heating and cooling systems, antennas, and the like, should be located in a manner so that are not visible from the street or should be screened.

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

N/A

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

The project meets accepted standards and criteria for the functional design of facilities, structures, and site construction.

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 has already addressed the issue of traffic – pedestrian and vehicular – in an earlier portion of this report. The Engineering Department will conduct a review of this proposal as relates to multiple engineering areas of purview, including site drainage and impact on City sewer and water systems.

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 proposal is not expected to create an adverse impact on the environment such as those noted above.

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.”*



As conditioned, the Board believes that the proposal would 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 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 proposal will involve minimal grading of land given the relatively flat topography of the site. While some members of the community will be dismayed at the loss of this currently un-built lot, it is not unreasonable for a property owner to construct a new building in the location where a previous three-family structure existed.

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 scale of the building is subservient to that of the existing building on the site and compatible with other two- and three-family residential structures extant on this portion of Church Street. The property will be re-landscaped.

11. **Housing Impact:** *Will not create adverse impacts on the stock of existing affordable housing.*

The proposal will create three new market-rate housing units.

12. **SomerVision Plan:** *Complies with the applicable goals, policies and actions of the SomerVision plan, including the following, as appropriate: Preserve and enhance the character of Somerville’s neighborhoods and preserve and expand an integrated, balanced mix of safe, affordable and environmentally sound rental and homeownership units for households of all sizes and types from diverse social and economic groups.*

<i>SomerVision Summary</i>	<i>Existing</i>	<i>Proposed</i>
<i>Dwelling Units:</i>	7	10
<i>Affordable Units:</i>	0	1
<i>Commercial</i>	1	No change



13. 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.*

Though the Applicant is not required to provide either an inclusionary unit or a fractional payment into the Affordable Housing Trust Fund, the Applicant is voluntarily providing a unit at an affordable rate. This will add one additional inclusionary unit to Somerville’s affordable housing stock.

III.DECISION:

Present and sitting were, Susan Fontano, Danielle Evans, Josh Safdie, Anne Brockelman, Elaine Severino, and Drew Kane. Upon making the above findings, Danielle Evans made a motion to approve the request for a Special Permit. Elaine Severino seconded the motion. The Zoning Board of Appeals voted **5-0** to **APPROVE** the request **WITH CONDITIONS**. The following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	Approval is to construct a new three-unit structure on the site, parking relief for 3 spaces, increase the GFA by more than 25%, and further exacerbate the non-conforming lot area per dwelling unit ratio. One inclusionary unit will be provided on the property.	CO / BP	ISD/PIng.							
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>March 12, 2019</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>June 11, 2019</td> <td>Updated stamp dated plans submitted to OSPCD</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	March 12, 2019	Initial application submitted to the City Clerk’s Office	June 11, 2019	Updated stamp dated plans submitted to OSPCD
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Any changes to the approved site plan or elevations/use that are determined by Planning Staff to not be <i>de minimis</i> in nature 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	
Engineering				
5	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.	
6	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.	
7	The Applicant shall submit a proposed drainage report to the City's Engineering department (stamped by a registered PE if requested by the City Engineer) that demonstrates compliance with the City's stormwater policy.	BP	Eng.	
8	The Applicant shall 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 st to April 1 st and there is a list of streets that have additional opening restrictions.	BP	Eng.	
9	The applicant must comply with the: "Policy for new connections to and modifications to existing connections to the municipal sewer and drainage system stormwater management and infiltration/inflow mitigation." The Applicant shall work with Engineering to meet this condition and provide the required fees/mitigation.	BP	Eng.	
Construction Impacts				



10	The Applicant shall post the names and phone numbers of the contractors, including the general contractor, at the site entrance where it is visible to people passing by.	During Construction	ISD	
11	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
12	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	
13	All construction materials and equipment shall be stored on-site. 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				
14	Applicant shall provide material samples for siding, trim, windows, and doors and the like to Planning Staff for their review and approval prior to construction. No vinyl, including PVC, shall be allowed. Preference given to natural materials.	BP	Plng.	
15	All vents and pipes shall be painted or wrapped to match the color of the area of the building from which they protrude	CO	Plng.	
Site				
16	Landscaping shall be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD	
17	All materials to be used for hardscape shall first be supplied to Planning Staff for their review and approval prior to ordering and installation.	BP	Plng/ISD	
18	A fence or hedge row shall be installed along the right side of the parking pad through the length of the property. Proposals shall be submitted to Planning Staff for their review and approval.	BP – review CO - installation	Plng/ISD	
19	If the site needs to be serviced by a transformer, an updated landscaping and site plan shall be submitted showing the location thereof.	BP	Plng/ISD	
20	All trash, recycling, mechanicals, including transformers, shall be screened from the public way and from the view of abutting properties. All screening materials shall be submitted to Planning Staff for their review and approval prior to ordering and installation.	BP	Plng/ISD	



21	All utility/power lines to the new structure shall be buried.	CO	ISD/Plng/ Wiring- Electrical	
22	All parking spaces shall be constructed of permeable pavers or pea stone or similar and shall first be reviewed and approved by planning staff prior to installation	Prior to installation/ CO	ISD/Plng	
Miscellaneous				
23	The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the building and all on-site amenities, including landscaping, fencing, lighting, parking areas and storm water systems, ensuring they are clean, well-kept and in good and safe working order.	Perpetual	ISD	
24	The property shall be serviced by a snow removal contractor and all snow shall be carted off-site. That a snow removal contractor shall be engaged must be written into the condo docs.	CO	ISD	
25	There shall be no loitering by project workers on the project site. All personnel shall be respectful of abutting properties and shall not leave equipment or vehicles idling, shall not play loud music at the site, shall not engage in loud conversation prior to or after permitted working hours.	During construction	ISD	
26	All construction waste shall be stored neatly on-site and carted away on a regular basis.	During construction	ISD	
27	Food waste shall be removed from the site daily.	During construction	ISD	
28	Rodent baiting shall be performed as-necessary.	During construction	ISD	
29	Construction and construction-related activity shall occur between the hours of 7:30pm and 5:00pm Monday through Friday only. There shall be no construction or construction-related work occurring on weekends or holidays, including deliveries.	During construction	ISD	
30	All trash and recycling shall be removed from the premises through a private hauling company. This shall be written into the condo documents.	CO	ISD	
Public Safety				
31	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements including, but not limited to, sprinkling/fire suppression.	CO	FP	
32	The Applicant shall submit a construction traffic management plan to the Traffic and Parking division for their review and approval. Plan should include delivery locations, delivery windows, anticipated number of vehicles, parking proposals and the like. Traffic and Parking shall be responsible for reviewing (if necessary, amending), and signing off on the plan.	BP	T&P	
33	All exterior lighting shall be confined to the subject property, cast light downward and must not intrude, interfere or spill onto neighboring properties.	CO	Plng.	
34	Barbeques, grills, chimineas, and the like are not permitted on decks or porches per Somerville fire safety regulations.	Perpetual	ISD/Fire Prevention	



35	A full utility and electrical plan shall be submitted to the Lights and Lines, Wiring/Electrical Inspector for review and approval prior to the issuance of a building permit. Location of any transformers shall be subject to approval by Lights & Lines.	Electrical permits & CO	Lights and Lines/Wiring/electrical/ISD	
36	Utility meters shall not be installed on the front façade of the new structure.	CO	ISD/Plng	
Miscellaneous				
37	Granting of the applied for use or alteration does not include the provision for short term rental uses, such as AirBnB, VRBO, or the like. Separate approvals are needed for the aforementioned uses.	Ongoing	ISD / Plng.	
Final Sign-Off				
38	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:

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

Attest, by Administrative Assistant: _____
Monique Baldwin

Copies of this decision are filed in the Somerville City Clerk's office.
Copies of all plans referred to in this decision and a detailed record of the
SPGA proceedings are filed in the Somerville Planning Dept.

CLERK'S CERTIFICATE

Any appeal of this decision must be filed within twenty days after the date this notice is filed in the Office of the City Clerk, and must be filed in accordance with M.G.L. c. 40A, sec. 17 and SZO sec. 3.2.10.

In accordance with M.G.L. c. 40 A, sec. 11, no variance shall take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title.

Also in accordance with M.G.L. c. 40 A, sec. 11, a special permit shall not take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and either that no appeal has been filed or the appeal has been filed within such time, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The person exercising rights under a duly appealed Special Permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone.

The owner or applicant shall pay the fee for recording or registering. Furthermore, a permit from the Division of Inspectional Services shall be required in order to proceed with any project favorably decided upon by this decision, and upon request, the Applicant shall present evidence to the Building Official that this decision is properly recorded.

This is a true and correct copy of the decision filed on _____ in the Office of the City Clerk, and twenty days have elapsed, and

FOR VARIANCE(S) WITHIN

_____ there have been no appeals filed in the Office of the City Clerk, or
_____ any appeals that were filed have been finally dismissed or denied.

FOR SPECIAL PERMIT(S) WITHIN

_____ there have been no appeals filed in the Office of the City Clerk, or
_____ there has been an appeal filed.

Signed _____ City Clerk Date _____

