



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*

**Case #:** ZBA 2017-122

**Date:** January 17, 2018

**Recommendation:**  
**SPSR:** Conditional Approval  
**SP:** Conditional Approval  
**Variance:** Unable to Recommend

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**PLANNING STAFF REPORT**

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**Site:** 10-12 Ward Street

**Applicant Name:** Block Properties, LLC

**Applicant Address:** 129 Newbury St., Suite 400, Boston, MA

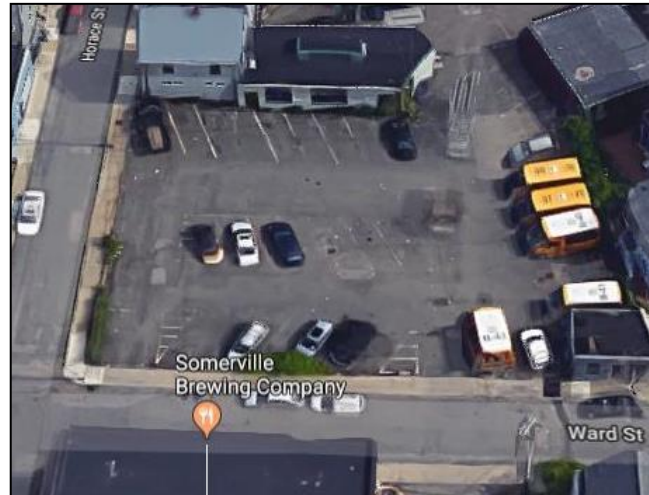
**Property Owner Name:** F&L Realty Development

**Property Owner Address:** 46 Medford Street, Somerville, MA 02143

**Agent Name:** Sean O'Donovan

**Agent Address:** 741 Broadway, Somerville, MA

**Alderman:** J.T. Scott



**Legal Notice:** Applicant, Block Properties, LLC, and Owner, F & L Realty Development, seek a Special Permit with Site Plan Review (SPSR) under §5.2, Variances to reduce the lot area per dwelling unit ratio under §5.5 and §8.5 of the SZO, height and setbacks. Special Permits under §4.4.1 of the SZO to alter a non-conforming property by demolishing the existing buildings and constructing a residential building, §7.11 to increase the number of dwelling units, to provide inclusionary housing units and a payment under Article 13 of the SZO, special permits for parking relief under Article 9 of the SZO. BA zone. Ward 2.

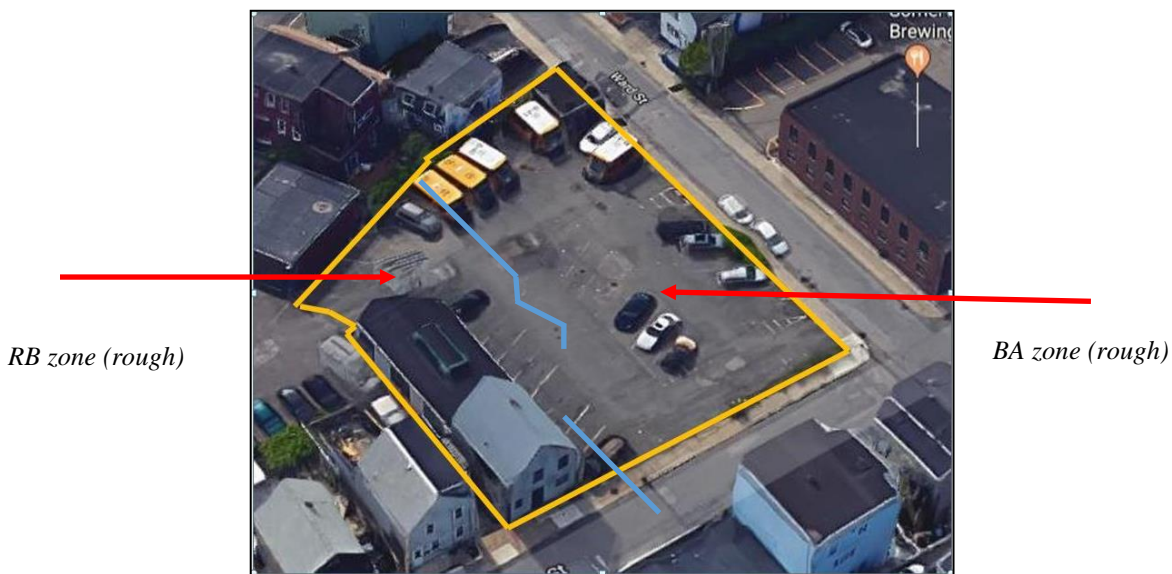
**Dates of Public Hearing:** Zoning Board of Appeals – January 31, 2017



## I. PROJECT DESCRIPTION

1. **Subject Property:** The property for this application is located at the intersection of Ward and Horace Streets. Most of this property is located in the BA zone and about 20% of the property is located in the RB zone. The property consists of two parcels, each containing structures that have been owned in common for decades. The parcel is currently used mostly for surface parking and is completely covered with bituminous material, leaving no green space or pervious area present.

This property is unusual in that it is situated across two zoning districts. Approximately 80% of the lot is located in the BA zone and approximately 20% of the property is located in the RB zone. The RB zone of the property is roughly where the single-story residential structure with the light industrial addition is located facing Horace Street.



*Approximation of property boundaries. Horace Street is on the bottom and Ward Street is on the right.*

2. **Proposal:** The proposal is to demolish the existing, non-conforming residential and light industrial buildings on the site. Currently, a building situated on the Ward Street side of the property is 6.5 feet over the property line and resting on the abutting property. This will be removed, the encroachment corrected, and a non-conforming right side yard setback will be maintained.

The Applicant's proposal for a replacement structure on the site is multi-fold. The proposed building will be comprised of two major sections (front and rear), each culminating at different heights. The front section of the new building (fronting on Ward Street) is proposed at three stories. The rear portion of the building is proposed at four stories.

The proposed structure will contain 24 dwelling units comprised of a studio along with one, two, and three bedrooms. Of these 24 units, four will be affordable through Article 13 of the SZO which addresses inclusionary housing for projects requiring SPSR. The Applicant will also make a fractional payment into the Somerville Affordable Housing Trust as per Article 13 of the SZO.

All vehicular parking is proposed for underneath the building. Twenty-four parking spaces are proposed as follows: 13 compact spaces and 11 standard spaces, two of which can be used as handicapped spaces. 24 sheltered bicycle spaces are also proposed.

As all bituminous matter is being removed from the site, this provides an opportunity for landscaping. To that end, the Applicant proposes increasing the amount of landscaping on the site from 0% to 19%

Included on the Ward Street façade of this building will be a series of interpretive signs approved by the Historic Preservation Commission (HPC) in order to document the history of the site as well as the history of the immediate area. The Applicant has entered into a Memorandum of Agreement (MOA) with the HPC ensuring the Applicant's commitment to the installation of the interpretive signage. All content (text and images) and design of the signs will be determined by Preservation Planning Staff.

This project was designed in a manner that looks toward the proposed new zoning for this area of the City. As such, the project is substantially consistent with proposed zoning, but deviates in a number of key areas from current zoning. Therefore, the applicant is in need of variances for height and lot area per dwelling unit, building height and setbacks (rear and right side yard). Despite the compatibility with the new proposed code, the variances must stand on their own, under the current ordinance. .

**3. Green Building Practices:** The application states that the Applicant is exploring all green building practices including materials, electric car charging stations, and alternative energy possibilities such as solar.

**4. Comments:**

Ward Alderman: Former Alderman Maryann Heuston and current Ward Alderman, J.T. Scott had/have both been involved with this project.

Two neighborhood meetings were held regarding this proposal. The first neighborhood meeting was sponsored by former Ward 2 Alderman, Maryann Heuston prior to the November election. The second neighborhood meeting was sponsored by current Ward 2 Alderman, J.T. Scott in late December.

First neighborhood meeting

Planning Staff was unable to attend the first neighborhood meeting. However, after the first neighborhood meeting occurred, Staff communicated with abutters of the property in order to learn of their concerns, answer questions, and explain the zoning relief process. The majority of the concerns raised by these abutters revolved around parking and traffic flow. The abutters noted that parking was a considerable challenge in the Ward/Horace area, particularly on Horace Street. Horace Street itself is a dead-end, an impediment to good traffic flow. The abutters also noted that the narrowness of Horace Street made it difficult to navigate under current conditions. Initially, the Applicant proposed having an entrance/exit to the new building on Horace Street. Given the conditions noted on Horace by abutters, they felt that adding a potential total of 24 new vehicles entering and exiting onto that street would have a significant negative impact on traffic and parking in that immediate area.

Second neighborhood meeting

Planning Staff was able to attend the second neighborhood meeting. At this meeting, Staff observed concerns about parking and traffic, reiterating the concerns noted by abutters after the first neighborhood meeting. In response to neighborhood concerns, the Applicant changed their proposal so as to have the entrance/exit to the new building off of Ward Street.

Additional concerns surrounded storm water management/street flooding. It was explained to the abutters that the Applicant will be required to submit their civil engineering plans to the City's Engineering Department for review and approval prior to a building permit being issued. Staff does anticipate improvement in storm water management given the removal of the site's bituminous material and installation of pervious drive and parking areas as well as the inclusion of limited landscaping. Further, on-site storm water management systems will be required to be installed as part of the project and in conjunction with the Engineering Department's requirements.

It was also noted that the rear of the new building (the portion facing the RB zone) needed a more interestingly articulated façade in order to add visual interest and reduce the feeling of a tall, blank wall looming over abutting properties. In response, the Applicant has worked the design to improve the rear façade's visual interest.

Historic Preservation Commission (HPC):

The Historic Preservation Commission (HPC) reviewed this project under the City's Demolition Delay ordinance. As noted earlier, the HPC and the Applicant entered into a Memorandum of Agreement (MOA) that details the means of historic preservation in which the Applicant is required to engage in exchange for being allowed to demolish the structure located in the RB zone of this site.

The HPC approved the installation of interpretive panels along the Ward Street façade of the new building. These interpretive panels are required to be installed at a height that is easily readable by passing pedestrians, the purpose being to provide "passive education" about the history of the site and the immediate area to the public. All content (text and images) and design of the signs will be determined by Preservation Planning Staff in coordination with the Staff Planner for the zoning relief component of this project.

**II. FINDINGS FOR SPECIAL PERMIT with SITE PLAN REVIEW (SZO §5.2) and  
FINDINGS FOR SPECIAL PERMITS (SZO §4.4.1, §7.11, Article 9 & Article 13)**

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

**1. Information Supplied:**

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

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

**Nature of Application:**

**§7.11 of the SZO**

When 7 or more units are proposed for a site in the BA zone, a Special Permit with Site Plan Review (SPSR) is required. 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 (affordable). The Applicant is proposing a total of 24 units at 10-12 Ward Street. 20% of 24 is 4.8. This results in the Applicant having to provide four of these 24 units as affordably units. The .8 results in a “fractional payment” on the part of the Applicant, meaning that the Applicant is also required to make a substantial payment into the Somerville Affordable Housing Trust.

The proposal does not comply with the lot area per dwelling unit requirements for 24 residential units. The proposal also does not comply with building height or floor area ratio (FAR) in the BA and RB zones. The proposal does not comply with the rear yard setback in an RB zone or the left and right side yard setbacks in an RB zone.

The application includes a request for a Special Permit for relief from the number of required parking spaces. Pursuant to SZO §9.13.g, projects incorporating inclusionary housing may reduce the total number of parking spaces if the Applicant submits documentary evidence that parking is adequate to serve the development. The requirements of Article 9 shall be considered met if approval is granted for the requested Special Permit under SZO §9.13.

**§4.4.1 of the SZO**

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

Existing conditions on the site present a property that is non-conforming with regard to pervious area, landscaping and left, right, and rear yard setbacks. Because this is a corner property, the Applicant must decide which frontage they wish to use as their front yard. The Applicant has determined that the length of property fronting on Ward Street will be considered the front yard from here forward. This means that the frontage running along Horace Street is considered the left side yard.

Regarding the right side yard, it is currently non-conforming as one of the existing structures currently fronting on Ward Street is resting 6.5 feet over the property line and onto the abutter’s property. The left side yard setback located along Horace Street in the RB portion of the parcel is non-conforming at 4.3 feet in a zone where a minimum of 8 feet is required. The rear yard, located in the RB zone, is currently at 4.1 feet from the property line in a zone where 20 feet is required. Lastly, there is currently no landscaping on the property and the entire parcel is covered either by structures or bituminous material.

The Applicant proposes improving these existing non-conformities as follows:

- Right side yard:** improves from 6.5 feet over the property line to 5.5 feet from the property line
- Left side yard:** improves from 4.3 feet to 10.3 feet
- Pervious area:** improves from 0% to 25%
- Landscaping:** improves from 0% to 19%

Although all of these dimensions are improving under the Applicant's proposal, they remain non-conforming, therefore requiring the Applicant to request relief under §4.4.1 of the SZO.

**3. Purpose of District: *The Applicant has to ensure that the project "is consistent with the intent of the specific zoning district as specified in Article 6".***

The RB portion of this proposal conforms with the purpose of the RB zone which is: "to establish and preserve medium density neighborhoods of one-, two- and three-family homes, free from other uses except those which are both compatible with and convenient to the residents of such districts." The proposal includes a studio, one-, two- and three-family residential units which Staff finds to be compatible with and convenient to the residents of the district.

The BA portion of this proposal conforms with the purpose of the BA zone which is "To 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." The Applicant's proposal includes housing for which parking is provided for vehicles as well as bicycles. The new development will be situated in an area that is easily and safely accessible to pedestrian traffic.

**4. Site and Area Compatibility: *The Applicant has to ensure that the project "(i)s designed in a manner that is compatible with the existing natural features of the site and is compatible with the characteristics of the surrounding area, and that the scale, massing and detailing of the buildings are compatible with those prevalent in the surrounding area".***

Surrounding Neighborhood: The surrounding neighborhood is a mixture of residential properties (two-, three-, and multi-family), commercial/light enterprises such as a storage facility, auto body shop, a beer brewing facility and associated bar and bounded on two sides by Gentle Giant Moving Company facilities and an active rail bed. In recent months, new buildings have been under construction at the corner of Ward and Medford Streets. The designs of these buildings are resulting in larger, three-story-minimum structures, at least one of which provides commercial space on the ground floor.

Impacts of Proposal (Design and Compatibility): The proposed design and layout of the new building contrasts with that of the residential structures directly across from it on Horace Street. The Horace Street residential buildings are largely gable-fronted, one- and two-family houses. The proposed design also differs from that of the light commercial buildings in the immediate area including Somerville Brewing Company (SlumBrew) which is located in a large, two-story brick building directly across Ward Street. The new construction happening along the corner of Ward and Medford Streets is similar in style to the proposed building at 10-12 Ward. Like those, 10-12 Ward will be taller (three and four stories) and

present a more modern style in terms of shape, orientation, materials, and fenestration. As this is an area that presents a smorgasbord of heights, styles, massings, materials, and uses, the Applicant's proposal presents an opportunity to create a centerpiece building in this area that can help set the tone for future development.

Applications for Special Permits with Site Plan Review in Residence Districts must meet the design guidelines under SZO §5.2.4. The design guidelines for residential districts are as follows:

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

The portion of the proposed building fronting on Ward Street is three stories tall and the rear portion of this building is proposed at 4 stories tall. Three stories is not uncommon in the surrounding neighborhood given that there are a few three-story residential houses and that some of the newer construction in the area is resulting in three-story buildings. The four-story portion of the proposed building is not common in the area and creates a new non-conformity on the parcel. In the RB zone, the maximum number of stories allowed is three.

As noted earlier in this report, the design and density for this building is geared toward the proposed new zoning. By focusing a proposal that includes aspects of the proposed zoning such as increased height and density, this allows for the Applicant to provide more affordable housing units along with a payment into the Affordable Housing Trust. In addition, the varying heights of the two sections of the proposed building draw the eye upward from the street level and provide visual interest. By placing the shorter portion of the new building along the street frontage, the Applicant avoids producing the effect of a monumental structure looming over the public way. Moreover, from Ward Street, the new structure reads as three separate buildings. The three-story portion of the building is separated in the middle by steps and an entryway with open air above. Staff finds that this approach successfully allows for more light and air to pass into this area and prevents a heavy, looming façade from darkening Ward Street. Lastly, positioning open-air decks and balconies at the right and left corners of each 3-story building section further reduces the visual massing of the building along the streetscape.

- 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 modern and traditional materials (including cedar, metal, and paneling), providing visual interest.

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

N/A

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

N/A

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

The proposed buildings and their setbacks along Ward and Horace Streets are oriented toward the street and set back similarly to most other buildings if not reducing building encroachment onto the public way.

- f. ***Driveways should be kept to minimal width (perhaps a maximum of twelve (12) feet), and be designed so that no vehicle parked on the drive may straddle the public sidewalk in any way. Low barriers or plantings may be required to separate the parking area from the pedestrian space.***

The proposed driveway off of Cedar Street will be the point of access to and from the building. This will be a two-way driveway that is 18 feet wide. No parking shall be possible in this entry area. All site parking will be located underneath the building.

- 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.

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

The RB portion of this proposal conforms with the purpose of the RB zone which is: “to establish and preserve medium density neighborhoods of one-, two- and three-family homes, free from other uses except those which are both compatible with and convenient to the residents of such districts.” The proposal includes a studio, one-, two- and three-family residential units which Staff finds to be compatible with and convenient to the residents of the district.

The BA portion of this proposal conforms with the purpose of the Ba zone which is “To 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.” The Applicant’s proposal includes housing for which parking is provided for vehicles as well as bicycles. The new development will be situated in an area that is easily and safely accessible to pedestrian traffic.



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

The site meets the acceptable standards for a functional design. The site is designed with a two-way driveway entering the site from Ward Street with 24 spaces under the building. Parking includes standard, compact, and handicapped spaces. 24 bicycle spaces are also included.

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

The site currently is 100% covered by pavement or structures. All of this will be removed as part of this proposal. The new site layout will have less impervious coverage. Impacts on the sanitary sewer system are likely; therefore it is a condition that if the minimum threshold is met the Applicant shall make an I/I payment.

There will be some increase in the utilization of the City’s street system. In order to determine the specific impact that the proposed project will have on traffic operations, Traffic & Parking or the ZBA may wish to request a traffic study.

**7. Environmental Impacts: *“The proposed use, structure or activity will not constitute an adverse impact on the surrounding area resulting from: 1) excessive noise, level of illumination, glare, dust, smoke, or vibration which are higher than levels now experienced from uses permitted in the surrounding area; 2) emission of noxious or hazardous materials or substances; 3) pollution of water ways or ground water; or 4) transmission of signals that interfere with radio or television reception.”***

The proposed residential use will not adversely impact the environment. No new noise, glare, smoke, vibration, nor emissions of noxious materials, nor pollution of water ways or ground water, nor transmission of signals that interfere with radio or television reception are anticipated as part of the proposal. Typical construction noise for a project this size can be expected. That said, from a noise perspective, the ZBA should note that the property is surrounded by a large moving company and an active train line. Further, the application states that the Applicant will submit all necessary 21E reports as required. Ultimately, oversight and enforcement of environmental issues on the site rests with the Commonwealth of Massachusetts and not with the City of Somerville.

**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.”***

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

and moderate incomes; and to preserve and increase the amenities of the municipality.

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

The site currently two main structures and is entirely paved. It is mostly flat. The site is completely devoid of natural features. The site is proposed to include increased permeability and a 19% increase in landscaping. Overall the proposal is designed to enhance the attractiveness the site and the neighborhood. Landscaped areas and interpretive signage are also proposed along the Ward and Horace Street frontages.

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

The proposed use of the site, which is residential, is a compatible use with the surrounding residential neighborhood. The structures are designed at a scale and with features that are visually related to variety of building heights, styles, and massings extant in the immediate surrounding area.

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 proposed project greatly 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. 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 proposal includes the demolition of at least one building over 50 years of age located on Horace Street. As noted earlier in the report, the HPC has reviewed and signed off on a Memorandum of Agreement (MOA) regarding alternate means of historic preservation. Those means are enumerated once again below:

The HPC approved the installation of interpretive panels along the Ward Street façade of the new building. These interpretive panels are required to be installed at a height that is easily readable by passing pedestrians, the purpose being to provide “passive education” about the history of the site and the immediate area to the public. All content (text and images) and design of the signs will be determined by Preservation Planning Staff in coordination with the Staff Planner for the zoning relief component of this project.

**13. Enhancement of Appearance:** *The Applicant must demonstrate that “the natural character and appearance of the City is enhanced. Awareness of the existence of a development, particularly a non residential development or a higher density residential development, should be minimized by screening views of the development from nearby streets, residential neighborhoods of City property by the effective use of existing land forms, or alteration thereto, such as berms, and by existing vegetation or supplemental planting.”*

The overall appearance of the site - which is now mostly a very large bituminous-covered surface parking lot - will improve as a result of the proposed development. Improvements will come in the form of well-designed residential units, landscaping and interpretive panels.

**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.”*

Staff 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.

**15. Emergency Access:** *The Applicant must ensure that “there is easy access to buildings, and the grounds adjoining them, for operations by fire, police, medical and other emergency personnel and equipment.”*

Emergency vehicles will have access to site via an 18 foot wide two-way driveway off of Ward Street and from Horace Street itself.

**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.”*

An 18-foot curb cut will exist along Ward Street for vehicular entry/exit to the site.

**17. Utility Service:** *The Applicant must ensure that “electric, telephone, cable TV and other such lines and equipment are placed underground from the source or connection, or are effectively screened from public view.”*

The Applicant is required to present their electrical/utility plan to Lights & Lines and the Electrical

inspector. There is a condition that any new lines would be placed underground in accordance with the SZO and the policies of the Superintendent of Lights and Lines.

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

Minimal negative impacts are anticipated as a result of the proposed residential use. The 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 residential use.

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

Interpretive signage requirements from the Historic Preservation Commission (HPC) have already been addressed earlier in this report.

**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.”*

Staff has conditioned this report to require interior storage of trash/recycling and private pick-up.

**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.”*

All parking will be located underneath the building.

**21. SomerVision Plan:** *Complies with the applicable goals, policies and actions of the SomerVision plan, including the following, as appropriate: Preserve and enhance the character of Somerville’s neighborhoods, transform key opportunity areas, preserve and expand an integrated, balanced mix of safe, affordable and environmentally sound rental and homeownership units for households of all sizes and types from diverse social and economic groups; and, make Somerville a regional employment center with a mix of diverse and high-quality jobs. The areas in the SomerVision map that are designated as enhance and transform should most significantly contribute towards the SomerVision goals that are outlined in the table below. The areas marked as conserve are not expected to greatly increase the figures in the table since these areas are not intended for large scale change.*

<b><u>SomerVision Summary</u></b>	<b><u>Existing</u></b>	<b><u>Proposed</u></b>
<i>Dwelling Units:</i>	1	24
<i>Affordable Units:</i>	0	4
<i>Commercial Sq. Ft.:</i>	0	0
<i>Estimated Employment:</i>	0	Temporary construction
<i>Parking Spaces:</i>	Parking lot	24

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

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

## II. FINDINGS FOR VARIANCES (SZO §5.5 & §8.5)

*Section 5.5.3 of the SZO states that: "...a variance from the requirements of this Ordinance may be authorized by the Board of Appeals only for reasons of practical difficulty and substantial hardship, and only where the Board finds that all of the following conditions apply:*

- 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.*
- 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.*
- 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 and Staff responses to these criteria appear below:

- 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.*

**Applicant:** "The soil conditions recognized is in [sic] environmental conditions know [sic] as "REC". Soil removal at excavation will require additional testing and soil removal thus necessitating costly LSP involvement and soil removal costs."

**Staff Response:** Staff can neither confirm nor deny information regarding contamination of the soil. Staff can, however, confirm that the parcel in question is an odd-shaped lot that crosses two zoning districts, requiring the Applicant to comply with two sets of dimensional criteria. This circumstance alone establishes a unique situation that impacts this site and does not impact others in either zoning district.

- 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.*

**Applicant:** “The developmet [sic] program as submitted allows the applicant to construct a building that will cover all remediation costs and adhere to the new proposed zoning “overhaul” as published by the City Administration while achieving more affordable units to increase the inclusionary housing stock. The expense to remediate the build additional inclusionary units is very costly.”

**Staff Response:** The variances requested – one for height and one for lot area per dwelling unit – would allow the Applicant to construct a residential building that is compatible with city planning efforts for this area while improving existing non-conformities under the existing zoning code (such as landscaping, pervious area, and setbacks). By allowing the Applicant to construct a portion of the new building at a height of four stories rather than three, the Applicant is able to increase the residential density such that four new affordable housing units can be brought online. The relief provided will also allow for the Applicant to make a substantial fractional payment into the Somerville Affordable Housing Fund. The improvement of this site, the creation of 20 market-rate units, the creation of 4 affordable units, and a fractional payment all are significant contributions to SomerVision goals. The project will meet the City’s new 20% inclusionary housing requirement. With the 20% inclusionary regulation going forward ahead of the new zoning, this is one area where the zoning has not caught up to the level of density that may be required in order to build a viable project. Therefore, without the ability to make these adjustments at this time, this would be a much more difficult project to accomplish.

- 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:** “The granting of the variance requested will be in harmony with the existing surrounding residential neighborhood and will replace a private impervious parking lot. Further, this development is in line with Somerville Zoning Overhaul as proposed for this zoned area.”

**Staff Response:** Earlier in this report, Staff enumerated the positive impacts that this proposed project would have on the surrounding area. The project will contribute much-needed housing, including affordable housing units. The project serves as a gateway location into the Boynton Yards neighborhood that is anticipated to be a site for substantial new development. The area is very mixed in use from light industrial/commercial (auto body and Gentle Giant Moving facility, Somerville Brewing Company) to urban residential in the form of mostly two-, three-, and multi-family residential structures. Further, new construction at the corner of Ward and Medford Streets sees the erection of larger, 3-story buildings with both residential and commercial spaces. This immediate area is bounded by an active train line. The residential use of this building is consistent with other buildings in this area both large and small. The addition of 24 dwelling will have some impact on traffic conditions. However, Staff does not presume that each of the 24 units will have cars nor that all vehicle-dependent residents of the new building will be entering and exiting the site at the same time during the day. Staff finds that by providing 24 parking spaces underneath the building, the Applicant has made good efforts to ensure that new residents have as little impact as possible on the on-street parking in the neighborhood.

**III. RECOMMENDATION**

**SPECIAL PERMIT with SITE PLAN REVIEW (SZO §5.2, §7.11) and SPECIAL PERMIT (SZO §4.4.1, §7.11, Article 9 and Article 13)**

Based on the materials submitted by the Applicant, the above findings and subject to the following conditions, the Planning Staff recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT with SITE PLAN REVIEW and SPECIAL PERMIT**.

This recommendation is based upon a technical analysis by Planning Staff of the application material based upon the required findings of the Somerville Zoning Ordinance, and is based only upon information submitted prior to the public hearing. This report may be revised or updated with new recommendations, findings and/or conditions based upon additional information provided to the Planning Staff during the public hearing process.

**IV. RECOMMENDATION  
 VARIANCES (§5.5 and §8.5 of the SZO)**

Based on the materials submitted by the Applicant, the above findings and subject to the following conditions, the Planning Staff is **UNABLE TO RECOMMEND** the requested **VARIANCES**.

Staff notes that the applicant makes a case for each variance finding, and the staff certainly believes that the project requires the variances to go forward and is compatible with the surrounding area. The board must also find that the shape of the lot, or soil conditions are enough to create the required hardship.

This recommendation is based upon a technical analysis by Planning Staff of the application material based upon the required findings of the Somerville Zoning Ordinance, and is based only upon information submitted prior to the public hearing. This report may be revised or updated with new recommendations, findings and/or conditions based upon additional information provided to the Planning Staff during the public hearing process.

#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	Approval is for the construction of 24 dwelling units, four of which shall be affordable.	CO / BP	ISD/PIng.							
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>November 17, 2017</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>January 3, 2018</td> <td>Modified plans submitted to OSPCD</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	November 17, 2017	Initial application submitted to the City Clerk’s Office	January 3, 2018	Modified plans submitted to OSPCD
	Date (Stamp Date)				Submission					
November 17, 2017	Initial application submitted to the City Clerk’s Office									
January 3, 2018	Modified plans submitted to OSPCD									
Any changes to the approved site plan or elevations/use that are not <i>de minimis</i> must receive SPGA approval.										
<b>Affordable Housing/Linkage</b>										

2	Affordable Housing Implementation Plan (AHIP) should be approved by the OSPCD Housing Division and executed prior to issuance of Building Permit. Affordable units shall be provided on-site.	BP	Housing	
3	Written certification of the creation of affordable housing units, any fractional payment required, or alternative methods of compliance, must be obtained from the OSPCD Housing Division before the issuance of a Certificate of Occupancy (C.O.). No C.O. shall be issued until the OSPCD Housing Division has confirmed that the Affordable Housing Restriction has been approved and recorded and the developer has provided the promised affordable units on-site.	CO	Housing	
4	No Certificate of Occupancy shall be issued until the OSPCD Housing Division has confirmed that: (for Condominium Projects) the Condominium Documents have been approved and the Developer has agreed to a form of Deed Rider for the Affordable Unit(s), or (for Rental Projects) the Developer has agreed to and executed a Memorandum of Understanding for Monitoring of the Affordable Unit(s).	CO	Housing	
5	Affordable Housing payments shall be required to be paid to the Somerville Housing Trust Fund before a CO is issued.	CO	Housing	
<b>Pre-Construction</b>				
6	The Applicant must contact the Engineering Department to obtain street addresses prior to a building permit being issued.	BP	Eng	
7	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.	
8	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.	



9	<p>Because of the history of the site and the intended use, the Applicant shall, prior to issuance of any demolition permit and/or any building permit for the project, provide to the Planning Department and the Inspectional Services Division:</p> <p>a) a copy of the Response Action Outcome (RAO) Statement, signed by a Licensed Site Professional (LSP) and filed with DEP, verifying that a level of no significant risk for the proposed residential use has been achieved at the site; or</p> <p>b) if remediation has not reached the RAO stage, a statement signed by an LSP describing (i) the management of oil and hazardous materials/waste at the site, including release abatement measures intended to achieve a level of no significant risk for residential use at the site, treatment and storage on site, transportation off-site, and disposal at authorized facilities, (ii) a plan for protecting the health and safety of workers at the site, and (iii) a plan for monitoring air quality in the immediate neighborhood.</p>	Demolition Permit	Plng/ISD	
10	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.	
11	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	
12	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 1st to April 1st and there is a list of streets that have additional opening restrictions.	BP	Eng	
13	The Applicant shall conduct a survey of foundations and buildings adjacent to the site and across the street (Horace Street and immediately-abutting Medford Street properties) prior to construction and shall address concerns about impact to these structures from project construction.	BP	Plng. / ISD	
14	The Applicant shall conduct a survey of the houses of the abutting property owners prior to excavation of the site, and document their findings. These findings shall be submitted to the Planning Department as public record. The Applicant then shall survey any damage to the abutting property owner's houses after excavation and reimburse the property owners for any damages.	BP	Plng. / ISD	
<b>Construction Impacts</b>				

15	The applicant shall post the name and phone number of the general contractor at the site entrance where it is visible to people passing by.	During Construction	Plng.	
16	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
17	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	
18	All construction materials and equipment shall 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	
<b>Design</b>				
19	Applicant shall provide final material samples for siding, trim, windows, and doors and the like to Planning Staff for their review and approval prior to construction.	BP	Plng.	
20	An exterior light and electrical receptacle is required for the first (or all) level of porches and an electrical receptacle is required for the second level (if there is no access to the ground).	Final sign off	Wiring Inspector	
21	Any rooftop mechanical equipment shall be screened so as it is not visible at ground level.	CO	Plng.	
<b>Site</b>				
22	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD	
23	There shall be a minimum of one tree for each 1,000 sf of required landscaped area under SZO §10.3.	Perpetual	Plng. / ISD	
24	The Applicant shall submit a landscaping plan to Planning Staff for their review and approval prior to installation.	Prior to installation	Plng/ISD	
25	The electric, telephone, cable TV and other such lines and equipment shall be placed underground from the source or connection. The utilities plan shall be supplied to the Wiring Inspector before installation.	Installation of Utilities	Wiring Inspector	
26	All new sidewalks shall be installed by the Applicant in accordance with the specifications of the Highway Superintendent. Specifically, all driveway aprons shall be concrete;	CO	Plng.	
27	One tree must be planted and maintained according to National Nurseryman's Standards, and in accordance with SZO §10.2.2 and §10.6.2;	CO	Plng.	
28	Applicant shall supply 24 sheltered bicycle spaces.	CO	Plng.	

29	The subsurface of the fire lane and emergency access aisle shall be constructed to standards acceptable to the Fire Prevention Office	BP	Plng. / Fire	
<b>Miscellaneous</b>				
30	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	
31	For developments with 7 or more residential units or commercial development, the Owner/Applicant is required to hire a private company to remove trash and recycling on a regular basis. Refuse shall be picked up frequently enough so that no trash is stored outside of the shed.	Perpetual	Plng./ISD	
32	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.	During construction	ISD	
33	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	
34	All construction waste shall be stored neatly on-site and carted away on a regular basis.	During construction	ISD	
35	Food waste shall be removed from the site daily.	During construction	ISD	
36	Rodent baiting shall be performed as-necessary	During construction	ISD	
<b>Public Safety</b>				
37	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
38	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	
39	Any transformers shall be fully screened and installed in a location approved by Lights and Lines	Electrical permits & CO	Lights and Lines	
40	Per City ordinance, no grills, barbeques, chimineas or similar cooking or heating devices shall be used or stored on decks, balconies or patios. These conditions shall also be written into any condo or rental documents. Proof of such inclusion shall be provided to the sign-off divisions.	Perpetual	ISD/Fire Prevention	
41	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	

42	The Applicant shall be required to install an indicator at the entry/exit location to the site to inform passing pedestrians of exiting vehicles. Proposals for such indicators shall be submitted simultaneously to Planning, ISD, and Traffic and Parking for their review and approval.	CO	Plng/ISD/T&P	
43	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.	
<b>Final Sign-Off</b>				
44	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.	