



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2019-111

Date: December 5, 2019

Recommendation:

Special Permits: Conditional approval
Variances: Unable to recommend

UPDATED PLANNING STAFF REPORT

Site: 121 Washington Street

Applicant Name: Wooden Teeth, LLC
Applicant Address: 17 Village Street, Unit 1, Somerville, MA 02143
Owner Name: same as applicant
Owner Address: same as applicant
City Councilor: Matthew McLaughlin

Legal Notice: Applicant & Owner, Wooden Teeth, LLC, seek Special Permits under §4.4.1 of the SZO to alter a non-conforming property to build a mixed-use building. Special Permits including, but perhaps not limited to: §7.11.1 to establish 5 residential units, §8.5 for left and front yard setbacks and a Special Permit with Design Review for a café in a commercial space. Variances including right side yard setback and rear yard setback. Parking relief under Article 9. RC zone. Ward 1.

Dates of Public Hearing: Zoning Board of Appeals – November 20, 2019

*This staff report has been updated from the original dated November 20, 2019. Additions are highlighted, deleted items are struck.

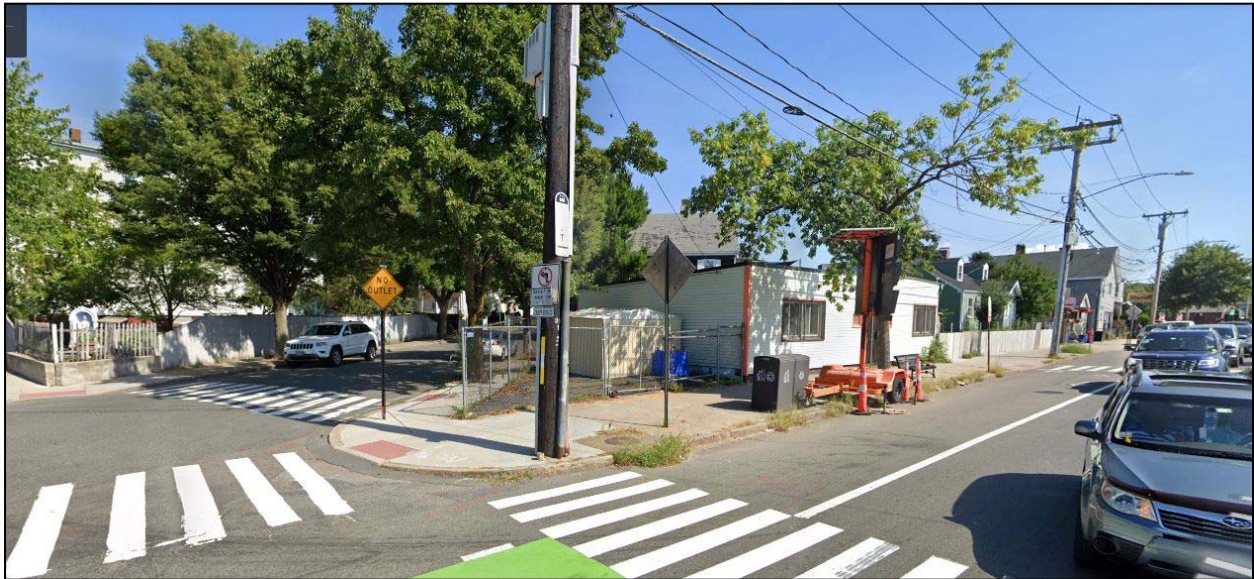
I. PROJECT DESCRIPTION

1. **Subject Property:** The locus presents an oddly-shaped (largely triangular) corner lot at the intersection of Washington and Knowlton Streets. The parcel contains a single-story structure and a storage shed. The site is completely covered with bituminous material. The single-story structure is currently being used as a membership-based commissary kitchen that is rentable by the hour by members. It appears possible to fit at least five vehicle spaces on the site. However, as the site is not striped for



parking, it is not possible for staff to determine the exact number of parking spaces truly available on the site under existing conditions. Images of the site appear immediately below.

Top: View of property from Washington St; **Middle:** View from corner of Washington & Knowlton; **Bottom:** Aerial view



2. **Proposal:** The proposal is to construct a three story mixed-use building at the corner of Washington and Knowlton Streets. The existing shed will be removed. The commercial structure will also be removed with the exception of a small portion of the front elevation's foundation off of whose non-conforming setback line the front elevation of the new building will be built.

Five residential units and one commercial unit are proposed. The setbacks have changed. The right side setback is now 4'-11 1/2" and the rear setback is 11'.

The basement level will present storage space for the commercial unit as well as an office associated with the first floor café use. Mechanicals and an elevator machine room round out the basement level.

The mechanicals have been moved to the roof.

The parking for the project has been removed. The first floor will present is primarily commercial space, with a storefront that wraps around the corner of the building from Washington to Knowlton. The remainder of the first floor is service to the residential including stairs, an elevator, bike and trash storage. The total square footage of the first floor commercial space (1,163 2,538 sf) plus the commercial space's storage and office located in the basement (950 sf), is 2,113 sf. Five open air compact spaces are proposed under the building at the rear. Entrance to the open air garage will be from Knowlton Street. Pedestrian entry to the commercial space will be located on the Washington Street elevation.

Floors two and three will present the residential units. The front corner units on these levels will have front corner balconies.

The roof level will present separate roof decks for the two units on the third floor. A partial roof green roof/roof garden is also proposed. Set back from the roof edge along the rear of the structure are the building condensers.

The proposal is broken down by floor as follows:

Basement level

- ~~storage space for commercial unit(s),~~
- ~~office space for commercial unit~~
- ~~mechanicals~~
- ~~elevator machine room~~

First floor level

- 1,163 2,538 sf of commercial space
- Entry vestibule for residential units
- Mail/package room
- Trash room
- Elevator shaft
- ~~Open air garage~~
- Bike parking

Second floor level

Three residential units as follows:

- Unit 1 - 1,308 sf
- Unit 2 – ~~1,024~~ 824 sf
- Unit 3 – ~~991~~ 854 sf

Third floor level

Two residential units as follows:

- Unit 4 – 1,400 sf
- Unit 5 – ~~1,960~~ 1,625 sf

Roof level

- Deck for unit 4
- Deck for unit 5
- Condensers
- Roof garden +/- 1,450 sf

3. Green Building Practices: The application states the following:

“Green roof (sedum and wildflowers), energy efficient windows and doors, and adding permeable space to a current asphalt parking lot. The building will meet LEED silver standards, but Applicant will not be seeing LEED Certification.”

4. Comments: The following comments received to-date are noted below:

City Councilor: Councilor McLaughlin has been aware of this project and held at least one neighborhood meeting. Councilor McLaughlin has been in contact with abutters and planning staff about this project.

II. FINDINGS FOR SPECIAL PERMITS (§7.11.1, §4.4.1, §8.5) and SPECIAL PERMIT with DESIGN REVIEW (SZO §7.11.10.1.1)

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

1. Information Supplied:

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

2. 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." Further, Section 4.4.1 of the SZO 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.”*

Section 4.4.1 of the SZO allows for legally existing, non-conforming one and two family residences to be enlarged by Special Permit as long as the proposed changes do not create a situation that is more detrimental to the site or surrounding neighborhood than current conditions.

Lawfully 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.

Number of Units

§7.11.1 of the SZO allows for four-to-six (4-6) residential units on an RC-zoned property via Special Permit.¹ The Applicant proposes five (5) residential units. As this is a transit-oriented area, this site could benefit from a greater number of residential units, although a greater amount of zoning relief would be needed. Five units is consistent with the RC zoning district which allows for multi-unit residential structures. The proposal is consistent with the denser projects already approved on this portion of Washington Street (107 Washington and 103 Washington, which are noted elsewhere in this report).

Front yard setback

The front yard setback is currently non-conforming at 0 feet; the existing commercial structure directly abuts the public way (sidewalk) on Washington Street. The applicant seeks to maintain this non-conforming front yard setback across the frontage. The applicant also proposes an upward extension of this non-conformity by raising the building height to 35 feet (40 feet is the max in this zone). **The proposed front setback is 2'-8"**.

This portion of the proposal is consistent with a pedestrian-friendly urban streetscape and creates a long, consistent street wall on the Washington Street frontage.

Left side yard setback

The left side yard setback is currently non-conforming at 3'7" in a zone where a minimum 8-foot setback is required. The applicant proposes increasing this non-conformity by reducing the setback to two (2) feet.

Right side yard setback

The right side yard setback is currently nonconforming, especially at the front corner of the lot. The proposal is to lessen this nonconformity by creating a fairly consistent setback of 4'-11 1/2" with the exception of a more narrow setback at the front corner of the lot.

Fast Foot Use

In order to seek a tenant and be able to cast the broadest net, the Applicant is seeking design review for a café use which is classified as a fast food under definitions since café's have carry out clientele. Retail is a by right-use.

Parking Analysis (Article 9) – Narrative Moved to Variance Section (findings related to the Special Permit have been deleted out of the staff report since this relief is not necessary)

3. Consistency with Purposes: The Applicant has to ensure that the project "is consistent with (1) the general purposes of this Ordinance as set forth in Article 1, and (2) the purposes, provisions,

¹ Other dimensionals need to conform or, if not, relief sought.

and specific objectives applicable to the requested special permit which may be set forth elsewhere in this Ordinance, such as, but not limited to, those purposes at the beginning of the various Articles.”

The proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to promote the health, safety, and welfare of the inhabitants of the City of Somerville; to provide for and maintain the uniquely integrated structure of uses in the City; to protect health; to secure safety from fire, panic and other dangers; to conserve the value of land and buildings; to encourage the most appropriate use of land throughout the City; and to preserve and increase the amenities of the municipality.

The proposal is consistent with the purpose of the RC district, which is, “*to establish and preserve a district for multi-family residential and other compatible uses which are of particular use and convenience to the residents of the district.*” This area will soon be served by a Green Line “T” station directly across the street from the project site. Five residential units coupled with ground floor commercial space can provide a positive impact on this portion of Washington Street, particularly when taken in conjunction with the on-going changes in-process in this immediate area.

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

Surrounding Neighborhood: The subject property is located at the intersection of Washington and Knowlton Streets. Directly across Washington Street is the site of the future Green Line “T” stop. This area will be well-served by public transportation in the relative near future. Immediately across the Washington Street as well is Oliveira’s Steak House. The City recently acquired land on this side of Washington Street where a new ~~Public Works complex~~ **Public Safety Building** will be constructed.

To the right of the subject property is one of the few-remaining 18th-century buildings in Somerville. To the left of the subject property, the Washington Street bridge can be seen. Further to the right is Buddy’s restaurant. Further still to the right are 107 Washington Street and 103 Washington Street, two abutting parcels that are both being re-developed into multi-unit, mixed-use buildings.

The neighborhood on Knowlton Street immediately behind the subject property is residential in nature and is zoned RB. A mix of designs, styles, and density are present. 2 ½-story gable-fronted and triple-decker styles pervade the street. The street dead-ends to the back of the Capuano Early Childhood Center. Single-, two-, and three-family structures are the most common on Knowlton Street.

Section 7.11.10.1.a of the SZO, requires ~~restaurants~~ **fast food uses** of less than 2,500 square feet in the RC district to obtain a special permit with design review (SPD). **A condition of this report is that the café use does not exceed 2,500 sf since it is not an allowed use.**

Impacts of Proposal (Design and Compatibility): *Special Permits with Design Review applications must meet the design guidelines under SZO §5.1.5. The design guidelines for business districts are as follows:*

- 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.***

This portion of Washington Street is in flux, as described in the section above, “Surrounding Neighborhood”. It should be noted that the right-abutting property that presents the 18th-century residential structure is a single-building Local Historic District (LHD). Except under exceptional circumstances, that property is unlikely to significantly change. There is no prohibition on building a structure such as the one proposed at 121 Washington Street next to the boundaries of this Local Historic District (LHD).

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

As rendered, the materials presented are not “traditional” in nature, but the proposed style of the building does not necessarily lend itself to the use of “traditional” materials in the manner in which Somerville is accustomed. The buildings already approved for 107 Washington Street and 103 Washington Street are building built to have facades that utilize non-traditional building materials.

Ultimately, Planning Staff will be required to review and approve all final materials to be used on this project, as conditioned.

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

This is a new build, not an addition. This criterion does not apply to this proposal.

- 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).***

This is a new build, not an addition. This criterion does not apply to this proposal.

- 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 is on a corner lot. The main “front” façade presenting the commercial unit and main residential entry will be oriented parallel to Washington Street.

- 6. *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 entry drive off of Knowlton Street leading to the open air parking underneath the building has been designed such as to allow two-way traffic entering and exiting the building. **This criterion does not apply to this proposal.**

- 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.***

The report has been conditioned such that any transformers are required to be buried or located within or under the building.

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.

There is no overlay zone in this location.

5. Housing Impact:

- Will not add to the existing stock of inclusionary housing units.
- Five market-rate units will be added to the City’s existing housing stock.

6. SomerVision Plan: Complies with the applicable goals, policies and actions of the SomerVision plan, including the following, as appropriate: Enhance the character of Somerville’s neighborhoods. However, one of the goals of SomerVision is to provide for transit-oriented development. A greater density than five units is desired across the street from a future GLX station.

III. FINDINGS FOR VARIANCE: (§5.5, §8.5):

Applicant wishes to seek approval for a café/fast food use. The parking requirement is either .75 per employee + 1 per every 4 seats OR 1 per 110 gsf. Since no layout is provided, this is just to seek a tenant, the square footage calculation was used. The proposal to convert the commercial space into a café/restaurant use increases the parking requirement to five (5) spaces. Since the locus does not currently have sufficient off-street parking, SZO §9.4.2 requires the proposal to only provide 50% of the additional requirement. SZO §9.13 allows for applicants to request relief under special permit from providing the required number of parking spaces on a site (commercial and/or residential) as long as the number of spaces of relief needed is six (6) or less. In the case of 121 Washington Street, 5 spaces of relief are needed. The analysis for the commercial and residential parking appears immediately below.

	<i>Existing commercial space</i>	<i>Proposed commercial (café)²</i>
Requirement	1 space per 450 n.s.f	1.0 space for every 450 sf
	1,248 / 450 = 2.7	2,113 sf / 450 sf = 4.6
	3 spaces (rounded up from 2.7)	5 spaces (rounded up from 4.6)

	<i>Existing commercial space</i>	<i>Fast Food Use (café)</i>
Requirement	1 space per 450 n.s.f	1.0 space per 110 gsf
	1,248 / 450 = 2.7	2,538 sf / 110 sf = 22.7
	3 spaces (rounded up from 2.7)	23 spaces (rounded up from 22.7)

*New parking requirement – old parking requirement * 50% = spaces of relief needed*

*5 23 spaces – 3 spaces * 50% = **10 spaces of relief needed***

For the residential portion of the building, the required parking is as follows:

² The use type that most closely fits the current use of a membership-based/rent-by-the-hour kitchen space, is “caterer”. The parking calculation was based on the requirement of 1.0 parking space for every 450 sf of space. As the applicant does not yet know what type of café/restaurant space will occupy the first floor (therefore seating, number of employees, etc., is unknown), for parking calculation purposes, the use type of “caterer” was used for the proposed commercial space as well.

Unit #	Existing BDR	Required PKG	Unit #	Proposed BDR	Proposed PKG
1	none	none	1	3	2.0
2	none	none	2	2	1.5
3	none	none	3	2	1.5
4	none	none	4	3	2.0
5	none	none	5	2	1.5

TOTAL: 9.0
 (rounded up from 8.5)

The total residential units required is nine (9.0). ~~The applicant proposes providing five (5.0) spaces on-site, therefore reducing the amount of residential parking relief needed to four (4.0) spaces.~~

~~The combined residential parking (4) and commercial parking (1) calculations result in the need for five (5.0) spaces of parking relief.~~

With no parking proposed on-site, a total of 19 spaces of relief are necessary.

5.5.3. Authorization and Conditions for Variances. 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.

Applicant Statement: The site has an unusual shape, which makes it impossible to comply with the dimensional and parking requirements in the current zoning ordinance. In fact, the existing structure does not comply with all dimensional requirements. The dimensional relief sought is as close to the required amount as possible, and a part of the existing nonconforming structure is being retained. Commercial spaces require a certain shape and minimum size to be viable, and the shape of the lot prevents creating such a commercial space without a variance. Additionally, [the] applicant requires parking relief for 13 spaces as the number of spaces required by ordinance is far in excess of what will be needed for the proposed uses across the street from a proposed Green Line station.

Staff Response: ~~A variance for parking is not needed (as described in the parking analysis earlier in this report, only 5 spaces of parking relief are required under the current proposal.~~ The project needs variances for right and rear yard setback and parking relief of 19 spaces.

The property does present an unusual shape. The land is largely triangular in nature and comes to a point at the intersection of Washington and Knowlton. However, this shape does not necessarily preclude the construction of a more-conforming building.

For example, in the RC zone, the required rear yard setback is 20 feet. This requirement can be reduced by 3 inches for every foot that the parcel is less than 100 feet in depth (this parcel varies in depth due to its triangular nature: at one point the property is 107.30 feet deep and at the opposite side it is 47.30 feet deep). However, no rear yard setback can be less than 10 feet, even with a shallow lot reduction. The applicant proposes a rear yard setback of ~~two feet eight inches (2' 8")~~ 11' - 0 1/4". This

is a significant encroachment **an improvement in the proposal** toward the abutting property on Knowlton Street.

A variance is also needed for the right side yard setback. The RC zone requires a right side yard setback of 8 feet. The existing right side yard setback is eighteen (18) feet. The applicant proposes reducing the setback to one foot, seven and a quarter inches (1' 7.25"). Staff's position regarding this reduction in right side yard setback is the same as that of the rear yard. **The right side yard setback only requires a special permit because the proposal is to alter a nonconformity.**

The existing commercial building does present an existing non-conformity (the front yard setback). Under special permit, the applicant can request to retain and even exacerbate this non-conformity.

The Applicant may be able to achieve a **has proposed a** more **dimensionally** conforming building **were because** all of the parking on the site **to be was** eliminated. (This project site is directly across the street from the new Green Line "T" stop. By the time this building is completed, the construction of the stop will be much further along.) However, it is Staff's understanding that parking may be an issue with residents in the rear-abutting residential streets.

(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 Statement: The variances sought are for the minimum number of parking spaces and minimal dimensional relief to develop the site for a viable mixed-used project.

Staff Response: If the applicant were to increase the number of residential units on-site such that at least one affordable unit were to be provided, all parking relief, regardless of the amount of spaces of relief needed, would automatically fall into the Special Permit category rather than the Variance category. ~~Providing on-site parking eats into a significant amount of space that could otherwise be utilized for larger commercial space and, through re-design, the inclusion of additional residential units.~~ **This project would be easier to achieve under the zoning overhaul proposal.**

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

Applicant Statement: The project will remove an unattractive, incompatible commercial use, and replace it with a mixed-use structure which is fitting for a zone such as this. The current look and use do not comply with the goals of the RC zoning district, which is "[to] establish and preserve a district for multi-family residential and other compatible uses which are of particular use and convenience to the residents of the district." Building a mixed-use neighborhood infill which enhances the lively, human-scaled and walkable character of the neighborhood. While a parking variance is required, that is because the current parking requirement is far in excess of what will be needed for a property like this which is across the street from a proposed Green Line station.

Staff Response: Planning Staff does not disagree with the Applicant's statements addressing Variance criterion "c". ~~Staff underscores the importance of removing the proposed parking on the site as a manner~~

~~of further improving the existing proposal.~~ Generally, Staff finds that the proposal will enhance the appearance of this portion of Washington Street, particularly when considered together with the current and future changes underway in this area. As long as the future commercial tenants provide café/restaurant or quality, non-convenience store retail offerings, the proposed commercial space could begin to provide pedestrian-friendly goods and services to this area.

III. RECOMMENDATIONS

1. SPECIAL PERMITS (~~Article 9, §7.11.1, §4.4.1, §8.5~~) and SPECIAL PERMIT with DESIGN REVIEW (SZO §7.11.10-1.1-a and)

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 PERMITS and SPECIAL PERMIT WITH DESIGN REVIEW**.

The 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.

2. VARIANCES (§5.5, §8.5 and §9 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.

The 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
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1	Approval is to construct a 3-story, mixed-use building with five residential units and ground floor commercial space for café use with parking relief.	BP/CO	ISD/ Plng.							
	<table border="1"> <thead> <tr> <th>Date</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>August 28, 2019</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>October 30 December 3, 2019</td> <td>Updated plan set submitted to OSPCD (A-000, A-020, A-021, A-100, A-101, A-102, A-103, A-300, A-301, AV-1, AV-2, AV-3, AV-4)</td> </tr> </tbody> </table>				Date	Submission	August 28, 2019	Initial application submitted to the City Clerk's Office	October 30 December 3, 2019	Updated plan set submitted to OSPCD (A-000, A-020, A-021, A-100, A-101, A-102, A-103, A-300, A-301, AV-1, AV-2, AV-3, AV-4)
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Any changes to the approved site plan or elevations/use that are not <i>de minimis</i> must receive SPGA approval.										
Construction Impacts										
2	The applicant shall post the name and phone number of the general contractor at the site entrance where it is visible to people walking by.	During Construction	Plng./ISD							
3	The Applicant shall, at their 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							
4	All construction materials and equipment must be stored onsite. If occupancy of the street layout is required, such occupancy must be in conformance with the requirements of the Manual on Uniform Traffic Control Devices and the prior approval of the Traffic and Parking Department must be obtained.	During Construction	T&P							
5	For the convenience of and respect for the neighborhood, during the construction phase, construction work shall not begin prior to 7:30am and shall finish no later than 5pm Monday through Friday. There shall be no construction or construction-related work performed on weekends or holidays.	During Construction	ISD							
Design										
6	Applicant shall provide material samples for siding, trim, windows, exterior doors, railings, trim and the like to Planning Staff for review and approval prior to the issuance of a building permit.	BP	Plng./ISD							
Miscellaneous										
7	Electrical conduits on the exterior facades of buildings shall be painted to match the wall material to which they are attached. Conduits are not allowed on the front of any structure.	CO	Plng./ISD							
8	The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the building and all on-site amenities, including landscaping, fencing, lighting, parking areas and storm water systems, ensuring they are clean, well kept and in good and safe working order.	Cont.	ISD							

9	Granting of the applied for use or alteration does <u>not</u> include the provision for short term rental uses, such as AirBnB, VRBO, or the like. Separate approvals are needed for the aforementioned uses.	Perpetual	ISD / Plng.	
10	Trash and recycling shall be picked up by a private contractor. All trash and recycling, including for the commercial/restaurant space, shall be stored in the building	Perpetual	ISD/ Plng	
11	Snow removal shall be undertaken by a private contractor and all shoveled/plowed snow shall be removed from the site.	Perpetual	ISD	
12	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	
13	Gas and electric meters shall not be on the front of the structure. Gas and electric meters may be located on the side of the structure but shall be screened from the street by a hardy, staff approved evergreen planting. Utilities shall not be located adjacent to windows and shall not impact any parking, landscaping, or egress. The provisions of this condition may be waived by staff if the applicant submits a letter from the utility, signed by a utility representative, on utility letterhead, indicating that there is no feasible alternative to placing meters in violation of this condition.	CO	ISD	
14	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	
15	Any suspected or identified underground fuel tanks on this site must be removed under the supervision of the Fire Prevention Bureau. Permits will be required for these removals.	CO	FP	
16	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/IS D	
17	A Green Line payment of \$2.40 per gross square foot is required due to the proximity of the property to the future Gilman Square Green Line "T" stop.	CO	Director of Mobility /Plng/IS D	
18	Any required transformers shall be buried underground or installed within or under the building structure.	Perpetual	Planning /ISD.	

19	All utility, communication, and similar lines shall be buried	CO	Lights & Lines/Highways/ISD/Plng	
Public Safety				
20	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
21	Per Somerville fire safety regulations, grills, barbecues, chimineas and the like are NOT permitted on decks or porches.	Perpetual	FP/ISD	
22	To the extent possible, all exterior lighting must be confined to the subject property, cast light downward and must not intrude, interfere or spill onto neighboring properties.	CO	Plng.	
23	The applicant shall work with the Director of Mobility (formerly Transportation and Infrastructure) to determine an appropriate warning mechanism to alert approaching pedestrians that vehicles are exiting the under building garage and approaching the public sidewalk along Highland Avenue.	CO	Mobility/Plng/ISD	
24	The applicant shall work with the Director of Mobility (formerly Transportation and Infrastructure) and the Streetscape and Public Space Planner to install a complaint and possibly vaulted sidewalk along the Highland Avenue frontage of the building	CO	Mobility. Plng/ISD/Engineering	
25	The applicant shall pay into a fund for or plant new street trees along Washington Street if determine and as directed by the City Arborist.	CO	City Arborist/Urban Forestry/Plng/ISD	
26	The applicant shall coordinate with the Director of Mobility to install reasonable traffic-calming and pedestrian safety features in this area of Washington Street if the Director of Mobility so determines that such is needed.	CO	Mobility/Plng/ISD	
Engineering				
27	The Applicant must contact the Engineering Department to obtain a street address prior to a building permit being issued.	BP	Eng.	
28	The proposed basement finished floor elevation shall not be less than is 1 foot above the Seasonal High Ground Water elevation. The seasonal high ground water elevation shall be determined by a Massachusetts certified soil evaluator and stated on a signed soil test pit log.	BP (plans) CO (execution)	Eng.	
29	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.	
30	The Applicant shall submit a proposed drainage report, stamped by a registered PE in Massachusetts that demonstrates compliance with the City's stormwater policy.	BP	Eng.	

31	The Applicant must contact the Engineering Department to coordinate the timeline for cutting or opening the street and/or sidewalk for utility connections or other construction. There is a moratorium on opening streets from November 1 st to April 1 st and there is a list of streets that have additional opening restrictions.	BP	Eng	
32	The Applicant shall hire a structural engineer to conduct a survey of the foundations of the houses of the direct-abutting property owners on Washington Street and Knowlton Street prior to the excavation of the site, and document their findings. These findings shall be submitted to the Inspectional Services Department (ISD) as public record through CitizenServe. The Applicant shall have this same structural engineer conduct a survey of the foundations of these same direct-abutting properties after the completion of construction, but before sign-off and CO. These findings shall be documented and submitted to the Inspectional Services Department (ISD) as public record through CitizenServe.	BP/CO	Eng./ISD	
Signage				
33	Signage must include individual letters and logos. A plan showing such must be reviewed and approval by Planning Staff prior to the issuance of a building permit. Signage shall be installed within the sign band area only. Installation of signage shall be executed prior to the issuance of a CO.	BP/CO	Plng.	
Traffic & Parking				
34	The Property Owner shall inform future buyers, lessees, renters, or tenants that the property and all associated addresses are ineligible for Residential Parking Permits. Notification must be provided using the RPP Restriction Disclosure form.	BP	Parking Department	
35	The Property Owner shall complete and file a RPP Restriction Acknowledgement form as an appendix to a certified copy of this Decision with the Middlesex County Registry of Deeds prior to the issuance of a building permit.	Perpetual	ISD	
36	The Property Owner shall provide a list of all addresses associated with the property to the Traffic Commission prior to the issuance of any Certificate of Occupancy for the building.	BP	ISD	
Final Sign-Off				
37	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.	
38	A fast food use shall not cannot exceed 2,500 SF	Perpetual	Plng	