

INFORMATION  
For Planning Board and Zoning Board of Appeals Approval



**CITY OF SOMERVILLE**  
Joseph A. Curtatone, Mayor  
Office of Strategic Planning and Community Development (OSPCD)  
City Hall 3<sup>rd</sup> Floor . 93 Highland Avenue . Somerville, MA 02143  
617-625-6600 ext. 2500

*This fact sheet is for general information only. The information provided is not intended to be a substitute for legal advice. The Planning Division staff is not permitted to provide legal advice to applicants.*

**General Information**

**What is a Special Permit?**

Some land uses in a zoning district are allowed as a property owner’s right. Other activities, because of their potential impact on the City or the neighborhood, need individual attention and therefore require Special Permits. These are granted by the Special Permit Granting Authority (SPGA) which is either the Zoning Board of Appeals (ZBA) or the Planning Board (\*see table below).

In reviewing a Special Permit application, the SPGA considers such factors as: compatibility with surrounding uses, neighborhood input, and other site or area-specific issues, as well as compliance and consistency with the standards and purposes set forth in the Somerville Zoning Ordinance. The SPGA may grant a “conditional” Special Permit, which attaches conditions to the permit that are designed to mitigate the expected impact of your intended land use upon the surrounding neighborhood.

Certain Special Permit applications require design review or a Special Permit with Design Review (SPD) in order to review the design merits of a project. In addition, certain activities, due to their size or nature, are likely to have significant impacts on the City and are therefore designated as requiring a Special Permit with Site Plan Review (SPSR). These processes allow for a more thorough review by the SPGA.

Type of Permit	*Special Permit Granting Authority
Special Permit (SP)	ZBA in Residential, Industrial, Business, University & Open Space Districts
Special Permit with Design Review (SPD)	Planning Board in Assembly Square Mixed-Use District, Arts Overlay District, Corridor Commercial District, Transit Oriented Districts, North Point Special District
Special Permit with Site Plan Review (SPSR)	Planning Board
Site Plan Approval (SPA)	Planning Board
Planned Unit Development (PUD) (SPSR for phases)	ZBA
Variance	ZBA
Administrative Appeal	SPGA that originally granted approval
Revision to Permit	

*An Applicant for new construction or a renovation in excess of 15,000 square feet for a Special Permit with Site Plan Review (SPSR) or approval of a Planned Unit Development (PUD) after January 1, 2017 must file a complete Mandatory Disclosure and Certification Form pursuant to the City of Somerville Campaign Contribution Ordinance Sec. 15-72.*

**What is a Variance?**

A Variance allows for the departure from strict terms or provisions (often related to dimensional or parking requirements) of the Somerville Zoning Ordinance. A variance is a request to ask the ZBA to waive the laws of the city for a specific special case. Variances are granted only in limited circumstances where such departure from the law will not adversely affect the public. A Variance may be authorized only where the ZBA finds that all three of the following conditions apply:

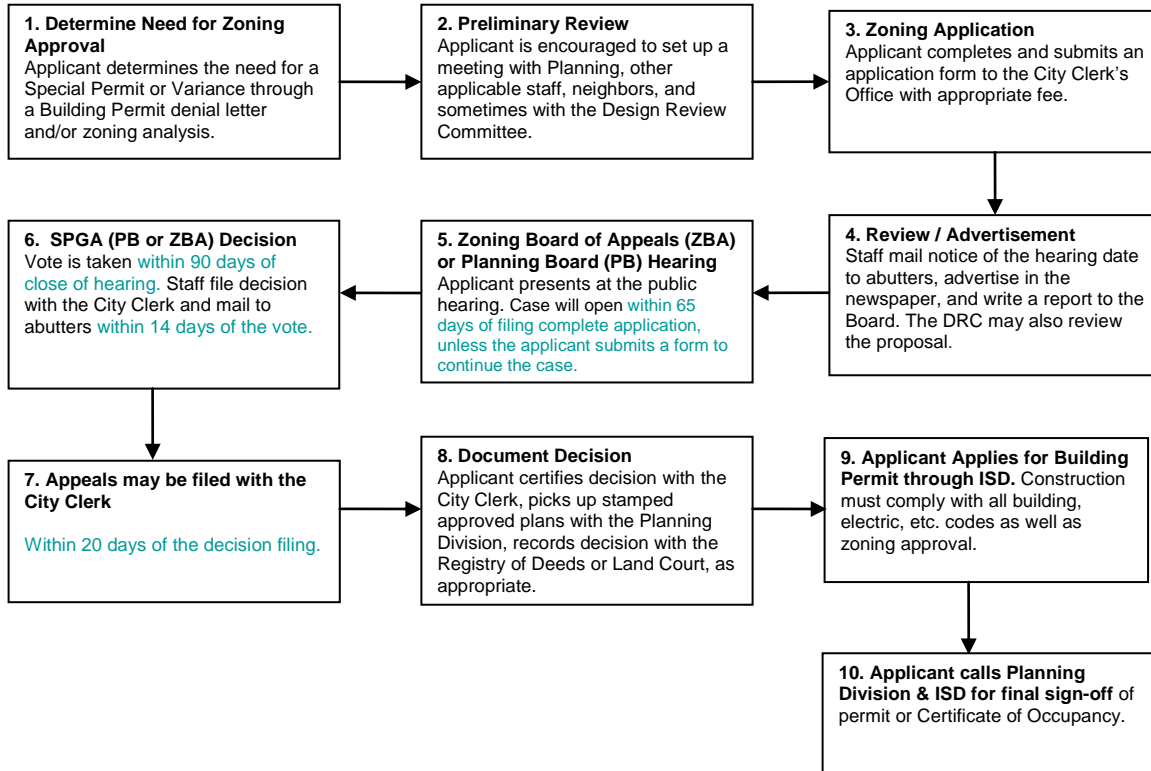
- 1) There are special circumstances related to the soil conditions, the shape, or the topography of the land or structures on the land which affect it, but do not generally affect other properties in the zoning district in which it is located, therefore causing substantial hardship for the owner.
- 2) The Variance, as it is proposed, is the minimum change that will give the owner reasonable relief from these conditions, and that is necessary to allow the owner reasonable use of the building or land.

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3) The granting of the Variance will be in harmony with the general purpose and intent of the Somerville Zoning Ordinance, and will not be detrimental to the neighborhood or to the public welfare.

**Application Process**  
Note: It is the Applicant's responsibility to submit all required information, to attend all meetings and hearings, and to complete each step of the process.



**Step 1 – Determine Need for Zoning Approval:** If you apply for a Building Permit, and are denied for zoning purposes by the Inspectional Services Division, apply for the appropriate relief. If you know you need zoning relief, apply directly to the Planning Division.

**Step 2 – Preliminary Review:** You are strongly encouraged to set up a pre-application meeting with Planning Staff before filing. Planning Staff will help coordinate meetings with other departments if needed and assist in determining required zoning relief. If there is an affordable housing component to your proposal, call the Housing Division to set up a meeting before filing the application (617-625-6600 x2560). It is also recommended that projects of any significant size should include a meeting with neighbors and your Alderman to explain your project. Occasionally, review will be required by the Design Review Committee before going to the Board. The Design Review Committee plays an advisory role to the Planning Board and Zoning Board of Appeals, who have the final authority over the design of projects.

**Step 3 – Zoning Application:** You may obtain the Application Form for Planning Board and Zoning Board of Appeals Approval at ISD, the Planning Division (617-625-6600 x2533), or the City's website (<http://www.somervillema.gov>). Complete the application form and compile the documents in the checklist of required information.

**Initial Filing:** Submit the application to the City Clerk's Office on the first floor of City Hall. The Clerk's Office is open on Mon-Wed 8:30 AM - 4:30 PM, Thurs 8:30 AM - 7:30 PM, and Fri 8:30 AM - 12:30 PM. After reviewing your initial filing, Planning Staff will contact you to tell you whether revisions or additional information is required and how many copies of the final plans are required (from 6-20 depending on the type of application).

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**Final Filing:** On or before the final filing deadline, come to the Planning Office on the third floor of City Hall to deliver these items and pick up a notice sign, which you must post at the subject property. If Planning Staff determines that the application is not complete after the final filing date (20 days before the hearing for which the application was submitted) the incomplete application will not be scheduled for that hearing. If applications are still not complete 20 days before the following hearing, the Planning Staff will request that the Applicant submit a written request to waive the timeframe requirements of MGL Chapter 40A, Section 9, and request that the hearing be scheduled at a time when the application is complete.

To meet the statutory timeframes of MGL Chapter 40A, Section 9, incomplete applications that have not received an extension of time will automatically be scheduled for the last meeting of the SPGA that will still meet the required application timeframe, and will be forwarded with a staff report that indicates that the Planning Staff is unable to recommend approval of the project because the application is incomplete.

Additional application materials submitted after the final filing date will not be incorporated into the Planning Division's recommendation to the SPGA, except at the discretion of the Planning Staff.

**Step 4 – Review / Advertisement:** Staff will place an advertisement in the Somerville Times and send notices to abutters for the first public hearing where the Board opens your case. Based on the information in your application, a site visit, and comments from City Departments, Staff will prepare a report for the Board.

**Step 5 – Zoning Board of Appeals (ZBA)/Planning Board (PB) Hearing:** On the date scheduled for your case, attend the public hearing and present your case. Please attend all meetings where the Board will be discussing your proposal. If you cannot attend a hearing, you may send a representative, or request a continuance to a later date; continuances must be requested by 12:00 Noon the Thursday before the hearing.

**Step 6 – Board Decision:** After the Board's vote, Staff will file the Board's decision with the City Clerk within fourteen (14) days. You will receive a copy of the notice of the decision in the mail indicating the date on which it was filed with the City Clerk. A Special Permit or Special Permit with Site Plan Review will lapse after two years or a shorter time as specified on the permit. A Variance will lapse after one year.

**Step 7 – Appeal Period:** Within 20 calendar days of the decision being filed with the City Clerk, you or another aggrieved party may file an appeal of the Board's decision with the City Clerk in accordance with MGL Chapter 40A, Section 17. If the decision was filed on a Wednesday, the appeal period will be over on the Wednesday three weeks later, and you will be able to proceed with Step 8.

**Step 8 – Document Decision / Return Sign:** After the appeal period, you must go to City Hall to the Planning Division to return the sign that you posted at the site, pick up your stamped approved plans, and obtain the Clerk's stamp on the original copy of the decision. If no appeals have been filed, the Clerk's Office will stamp the decision with a Certificate, for a fee, that states that 20 days have lapsed and no appeals have been received. Next, take the decision with the Clerk's Certificate (and approved plans, in cases of subdivision) to the Middlesex South District Registry of Deeds to record and index the documents. If the property is registered land (the Massachusetts Land Court has adjudicated and decreed the status of the title), bring the certified decision to the Middlesex South District Registry of the Land Court. Both Registries are located at 208 Cambridge Street, Cambridge, MA. You must pay the fee for recording or registering.

**Step 9 – Apply for Building Permit:** You are now ready to apply for a Building Permit with ISD. A permit is required in order to proceed with any project approved by the SPGA. You must present evidence to the Building Inspector that the decision is properly recorded with the Somerville City Clerk and the Middlesex South District Registry of Deeds or Registry of the Land Court.

**Step 10 – Call for Final Site Visit:** Project MUST be built according to the plans and conditions that were approved by the SPGA. Five business days before you plan to get a final permit inspection or Certificate of Occupancy (CO), you will need to contact the Planning Division for a final site visit. Once you hear back from Planning Staff that the proposal was constructed in accordance with the plans and information submitted and the conditions attached to the approval, you may call ISD for the final inspection or Certificate of Occupancy.

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**Exceptions**

**Revisions**

For projects that have received approval but have not yet received a Certificate of Occupancy or final inspection under the approval, "revisions to permits" may be sought. If you believe the changes are extremely minor, you may apply for a (*de minimis*) finding by the Planning Division; if the revision is *de minimis*, a public hearing is not required and Staff will approve or deny the changes according to SZO §5.3.8. For changes that are not *de minimis*, notice and a public hearing with the Board that granted the permit are required.

In order to modify the use or development of a project that has already received a Certificate of Occupancy or a final inspection, a new permit would be required under the applicable code section. This does not jeopardize the original permit. Contact the Planning Division if you have any questions about how to apply.

Application Fees	Base Fee	Additional Fee (Per Gross Square Foot / Unit) For mixed use, apply residential and commercial fees	Waive Additional Fee If:	Max Fee*	Ad and Notice Fee	Abutters List Fee
<b>Special Permits &amp; Special Permits with Design Review</b>						
Dimensional	\$185	20 cents per new gross square foot (residential or commercial)	1 or 2 family home	\$3,500	\$250	\$25
Sign		\$1.50 per square foot over allowed by right		\$6,500		
Parking		\$100 per space	Shared or Offsite Parking	\$8,000		
Change or Establish Use		15 cents per new or existing commercial gross square foot or \$150 per new dwelling unit	1 or 2 family home	\$4,000		
<b>Special Permits for Wireless Communications</b>						
Wireless Communication Facility	\$2,700				\$300	\$25
<b>Special Permit with Site Plan Review</b>						
Change or Establish Use	\$300	20 cents per new or existing commercial gross square foot or \$150 per new dwelling unit	1 or 2 family home	\$4,000	\$250	\$25
New Development				\$6,000	\$350	
<b>Variances</b>						
Dimensional	\$250	22 cents per new gross square foot (residential or commercial)	1 or 2 family home	\$4,000	\$250	\$25
Sign		\$1.50 per square feet over allowed by right or Special Permit		\$8,000		
Parking		\$100 per space	Shared or Offsite Parking	\$8,000		
<b>Planned Unit Developments</b>						
Master Plan	\$300	\$500 per acre		\$8,500	\$350	\$25
Revision to a Master Plan	\$150	\$250 per acre		\$8,500		
SPSR for each Phase	\$250	20 cents per new commercial gross square foot and/or \$150 per new dwelling unit		\$14,000		
SP or SPSR for Parking, Sign or Wireless	Based upon fees for SP listed above					
Minor Amendment to PUD	\$250				n/a	n/a
<b>Site Plan Approval</b>						
Minor Project	\$150				n/a	n/a
Site Plan Approval	\$200	17 cents per new commercial gross square foot or \$100 per new dwelling unit		\$6,500	\$250	\$25
Subdivision of Recorded Land	\$400	\$100 per new lot proposed	Lot Line Adjustment			
Subdivision of Registered Land	\$400	\$100 per new lot proposed	Lot Line Adjustment			
<b>Revisions</b>						
De Minimis	\$125				n/a	n/a
Revision with Notice	75% Application Fee - Not less than \$125			\$1,200	\$250	\$25
<b>Technical Review / Assistance</b>						
Design Review Committee	no fee				n/a	n/a
Pre-Application Technical Review Meeting (SPSR)	no fee				n/a	n/a
Pre-Application Technical Review Meeting (PUD)	no fee				n/a	n/a
<b>Other</b>						
Administrative Appeal	\$150				\$350	\$25
Planning Board Review of Repetitive Petition	\$200				\$250	\$25
Comprehensive Permit	\$300	\$150 per new dwelling unit			\$350	\$25
Extension of Time for Approved Permit	\$150				\$250	\$25
Waiver from Signage/Storefront Standards in Assembly Row	\$185				-	-

\* Total fees for an Applicant seeking any combination of a Special Permit, Variance, or SPSR on a single site shall not exceed \$25,000. Applicants must submit separate checks for the application fee, the ad/mailling fee, and for the abutter list fee. These fees are calculated on top of the 'maximum fee'. Applicants seeking multiple permits need only pay one (the highest) noted ad/mailling fee and abutter fee.

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**2019 Submission, Meeting and Hearing Dates for Small Home Additions / Renovations & Change of Use**

- Staff will contact you to discuss meeting dates and application materials.
- Applications for large projects – [see schedule on the following page.](#)
- Staff reserves the right to ask for additional information or to change meeting dates.
- This schedule is an approximation based upon a case where all material is submitted on-time, staff recommendations can be completed on time, hearing notices are properly published and the Board has a quorum ready to act on the date identified below. Sometimes, circumstances happen that are out of our control, and therefore we cannot guarantee that a case will be heard on the first available hearing date.

Initial Application Filing by: Thursday at <b>Noon</b> to City Clerk	Final Application Filing by:	Zoning Board of Appeals (ZBA)* - Wed. at 6:00 PM, Aldermanic Chamber, 2nd Floor City Hall	Planning Board (PB)* - Thursday at 6:00 PM, Aldermanic Chamber, 2nd Floor City Hall	Document Decision/Return Sign	
				ZBA	PB
	<i>(Additional copies, sign pick-up)</i>	<i>For decisions made on this date...</i>		<i>...You may Document Decision on this date &amp; return your sign.</i>	
Dec 6	Dec 20	Jan 9	Jan 10	Feb 12	Feb 13
Dec 20	Jan 3	Jan 23	Jan 24	Feb 26	Feb 27
Jan 3	Jan 17	Feb 6	Feb 7	Mar 12	Mar 13
Jan 17	Jan 31	Feb 20	Feb 21	Mar 26	Mar 27
Jan 31	Feb 14	Mar 6	Mar 7	Apr 9	Apr 10
Feb 14	Feb 28	Mar 20	Mar 21	Apr 23	Apr 24
Feb 28	Mar 14	Apr 3	Apr 4	May 7	May 8
Mar 14	Mar 28	Apr 17	Apr 18	May 21	May 22
Mar 28	Apr 11	May 1	May 2	Jun 4	Jun 5
Apr 11	Apr 25	May 15	May 16	Jun 18	Jun 19
May 2	May 16	June 5	June 6	Jul 9	Jul 10
May 16	May 30	June 19	June 20	Jul 23	Jul 24
Jun 13	Jun 27	July 17	July 18	Aug 20	Aug 21
Jul 4	Jul 18	Aug 7	Aug 8	Sep 10	Sep 11
Jul 18	Aug 1	Aug 21	Aug 22	Sep 24	Sep 25
Aug 1	Aug 15	Sept 4	Sept 5	Oct 8	Oct 9
Aug 15	Aug 29	Sept 18	Sept 19	Oct 22	Oct 23
Aug 29	Sep 12	Oct 2	Oct 3	Nov 5	Nov 6
Sep 12	Sep 26	Oct 16	Oct 17	Nov 19	Nov 20
Oct 3	Oct 17	Nov 6	Nov 7	Dec 10	Dec 11
Oct 17	Oct 31	Nov 20	Nov 21	Dec 24	Dec 25
Oct 24	Nov 21	Dec 11	Dec 12	Jan 14	Jan 15
Nov 21	Dec 19	Jan 8	Jan 9	Feb 11	Feb 12

**\*See the table on Page 1 to determine which Board will review your case.**

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**2019 Submission, Meeting and Hearing Dates For Larger Projects with new Commercial Space and/or new Residential Units**

- Staff will contact you to discuss meeting dates and application materials.
- Some larger projects **may require a longer review period than noted below** (especially those that need review by DRC and/or neighborhood meetings prior to opening a hearing). In limited cases staff may permit a shorter review period.
- Staff reserves the right to ask for additional information or to change meeting dates.
- **This schedule is an approximation based upon a case where all material is submitted on-time, staff recommendations can be completed on time, hearing notices are properly published and the Board has a quorum ready to act on the date identified below. Sometimes, circumstances happen that are out of our control, and therefore we cannot guarantee that a case will be heard on the first available hearing date.**

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Jul 18	Aug 15	Sept 4	Sept 5	Oct 8	Oct 9
Aug 1	Aug 29	Sept 18	Sept 19	Oct 22	Oct 23
Aug 15	Sep 12	Oct 2	Oct 3	Nov 5	Nov 6
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