



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2014-63
Site: 260 Beacon Street
Date of Decision: September 17, 2014
Decision: Petition Approved with Conditions
Date Filed with City Clerk: September 24, 2014

ZBA DECISION

Applicant Name:	Highland Development, Inc.
Applicant Address:	98 Winchester Street, Medford, MA 02155
Property Owner Name:	50 Beacon Street Realty Trust
Property Owner Address:	P.O. Box 1413, E. Arlington, MA 02474
Agent Name:	Richard G. DiGirolamo, Esq.
Agent Address:	424 Broadway, Somerville, MA 02145

Legal Notice: Applicant, Highland Development, Inc., and Owner, 50 Beacon Street Realty Trust, seeks a Special Permit with Site Plan Review (SZO §5.2) to establish 17 residential units (§7.11.1.c), in a new mixed-use building with 3 approx 1,000 sf commercial units. Also, a Special Permit (§5.1) is sought for the number of compact parking spaces and to establish a shared driveway (§9.13.b & §9.13.c). A Variance (§5.5) is sought to reduce the parking required by approx 12 spaces (§9.5).

<u>Zoning District/Ward:</u>	RC zone/Ward 2
<u>Zoning Approval Sought:</u>	§5.2, §7.11.1.c, §5.1, §9.13.b, §9.13.c, §5.5 & §9.5
<u>Date of Application:</u>	June 26, 2014
<u>Date(s) of Public Hearing:</u>	8/6, 8/20, 9/3 & 9/17/14
<u>Date of Decision:</u>	September 17, 2014
<u>Vote:</u>	5-0



Appeal #ZBA 2014-63 was opened before the Zoning Board of Appeals at Somerville City Hall on August 6, 2014. Notice of the Public Hearing was given to persons affected and was published and posted, all as required by M.G.L. c. 40A, sec. 11 and the Somerville Zoning Ordinance. After one hearing of deliberation, the Zoning Board of Appeals took a vote.

DESCRIPTION:

The current proposal is to demolish the building and construct a 3-story mixed use building with 3 commercial spaces on the ground floor totaling 2,905 square feet and 17 residential units. There will be a shared driveway with the proposed development at 266 Beacon Street. The shared driveway will lead to 24 parking spaces located under the building. Four of these spaces will be accessed directly from the driveway and will be used for the retail portion of the building or for those who need to park in an accessible space. One of the spaces is a guest parking spot located at the end of the driveway. The remaining number of spaces is 19 for the 17 residential units.

The building will have a contemporary design. There will be storefront systems with a large amount of glazing. The residential above will be clad with fiber cement panels, wood clapboards and there will be large casement windows. The units will be approximately 1,500 square feet – 2 will be 3-bedrooms, 14 will be 2-bedrooms and 2 will be 1-bedrooms. Twelve units are two-story units with the bedrooms on the second floor. On the third floor of the building will be a roof garden along the middle of the building, which will be visible from a bedroom and study in each unit. The roof garden will include skylights to bring light to the second floor corridor.

FINDINGS FOR SPECIAL PERMIT (SZO §5.1, §9.13.b & §9.13.c) TO ESTABLISH A SHARED DRIVEWAY

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

1. **Information Supplied:**

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

2. **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."*

Parking design standards of the provisions of 9.11 may be modified by special permit. The current proposal has no more than the allowed number of compact parking spaces under this section of the Ordinance and so the special permit is not needed. The requirement allows for up to 20% of spaces to be compact when there is a minimum of 20 parking spaces required. Thirty-four parking spaces are required and 24 will be provided. Twenty percent or 5 spaces will be compact.

A special permit is also possible for shared driveways under 9.13.c that allows for a driveway to straddle the lot line and serve a parking space on two or more lots. A binding agreement satisfactory to the City and executed and filed with the Registry of Deeds is required and will be a condition of approval.

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 I, and (2) the purposes, provisions, and specific objectives applicable to the requested special permit which may be set forth elsewhere in this Ordinance, such as, but not limited to, those purposes at the beginning of the various Articles."*



The proposal as a whole is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to providing for and maintaining the uniquely integrated structure of uses in the City and conserving the value of land and buildings. The shared driveway is consistent with the purposes of promoting the safety of the inhabitants of the City and facilitating the adequate provision of transportation.

The proposal is consistent with the purpose of the Residence C district in providing multi-family housing with small scale, neighborhood serving retail uses.

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."*

The shared driveway will improve the development of both sites by reducing the number of curb cuts along the street, improving safety and reducing the amount of space devoted to vehicles. The driveway will be 20 feet 4 inches wide, which is sufficient to handle the two-way traffic.

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

The proposal will add housing to Beacon Street which is a main thoroughfare through the City and will indirectly help with affordability by increasing the supply of housing to meet the demand. The development will directly increase affordable housing because two units will be deed restricted affordable units and there will be a fractional payout to the Affordable Housing Trust Fund.

6. 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.*

Beacon Street is marked as a Neighborhood Mixed Use area on the Future Land Context Map and as an area to Enhance in the SomerVision Map. The proposal will improve the experience along Beacon Street and add people to patron the businesses and enhance the vibrancy of the area.

<u>SomerVision Summary</u>	<i>Existing</i>	<i>Proposed</i>
<i>Dwelling Units:</i>	-	17
<i>Affordable Units:</i>	-	2

FINDINGS FOR SPECIAL PERMIT with SITE PLAN REVIEW (SZO §5.2 & 7.11.1.C) for the PROPOSED 17 RESIDENTIAL UNITS

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

1. Information Supplied:

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



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

The establishment of seven or more units requires a Special Permit under SZO section 7.11.1.c. Commercial uses including retail, office, and others of 3,000 square feet are typically by-right in the RC district. The specific users of the space will be evaluated when tenants are sought.

The dimensions of the building are in the table below and all are conforming. A Special Permit is being applied for to have the shared driveway. A variance is required for the number of parking spaces.

Requirements	RC	Proposal	Permit Required
Min Lot Size	7,500	17,784 sf	-
Use		17 residential / 2,900 commercial	Res: SPSR / Comm: byright
Min Lot Area/Dwelling Unit	875 sf for <10 units / 1000 sf for 10 or more units	1,046_sf	-
Max Ground Coverage	70%	65%	-
Min Landscaped Area % of lot	25%	26%	-
Floor Area Ratio (based on nsf)	2.0	1.8	-
Max Height	3 stories / 40 ft	3 stories / 39.9 ft	-
Min Front Yard	15’ but 10’ allowed due to neighboring property setbacks	10	-
Min Side Yard	10’	10’	-
Min Rear Yard	20’	20’	-
Min Frontage	50’	112’	-
Pervious Area	30%	30%	-
Parking	Res: 1.5 per unit, 2 for 3-bedrooms, plus 1 visitor space Comm: 1/425 sf Total = 35	24	Variance for 11 spaces

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".*

See Section II, number 3, above.

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”.*

The proposal was designed to be compatible with the surrounding area. The massing creates better definition to the street, which is undergoing a complete renovation. The private property investment will complement the public investment in the streetscape work. The block will become more interesting to walk by with commercial uses and a plaza with seating and landscaping. The contemporary design uses quality materials, landscaping and fenestration patterns that make for an attractive building. The parking is below the building and out of site.

The design complies with the Design Guidelines in SZO §5.2.4. for residence districts.



1. The building is generally the same size and massing as those existing in the neighborhood. There are many triple-deckers attached and detached that are of the same height and bulk as the proposed building.
2. Traditional building materials will be used such as wood clapboards, fiber cement panels, and glass storefronts.
- 3/4. Since there are no proposed additions these guideline do not apply.
5. The building is oriented toward the street and has similar setbacks to the surrounding properties.
6. The driveway is kept to a minimal width with the proposed shared driveway between 260 and 266 Beacon Street.
7. There will be mechanical space in a utility room for the commercial space and the mechanicals for the residential units will be on the roof.
8. There are no additional guidelines for the RC district and the site is not in an overlay district.

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

The site will meet the accepted standards and criteria for a functional design in terms of movement of people, cars and bikes. Site construction will have to be coordinated with the construction of the Beacon Street reconstruction project.

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 proposal will have to address the increase in infiltration and/or inflow for the water usage of the proposal. There is a 4:1 removal requirement. The increase in the number of pedestrians on the sidewalk will be a benefit for the businesses along Beacon Street.

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

The proposal will not have any adverse impact beyond a typical residential development. Remediation of the site is underway and a License Site Professional has submitted documentation to the MassDEP.

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.”*

See Section II, number 3, above.

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.”

There are no existing land forms to preserve.

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 design is compatible in scale with surrounding residential buildings and meets of the dimensional requirements for a RC district. The sides of the building are angled to avoid a direct view into the abutting building that is located a few feet from the property line. Within the courtyard of the building, bedroom windows do not align with windows across the green roof to minimize intrusion of views.

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.”*

Civil plans have been submitted and there are conditions of approval that will require that the City’s stormwater management policies are followed.

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 building on the site will likely not be deemed significant or preferably preserved. The design of the building is contemporary but fits into the historic pattern of development for larger residential buildings along Beacon Street.

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.”*

There is no landscaping on the site currently. Some landscaping will be incorporated into the plaza, which will be visible and there will be grass on the side of the building and trees lining the rear of the site.



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

The storefronts on the ground floor will be lit when the businesses are open. The only additional lighting will be residential in nature and will be conditioned to not 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 access is possible from Beacon Street or the shared driveway which has a slight slope to get down 4.5 feet in grade but then is flat.

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

The shared driveway will reduce traffic congestion and conflict with pedestrians on the sidewalk. The large curb cuts on the 260 and 266 Beacon Streets lots will be closed and only one 20 foot curb cut is needed. The pavement at the top of the driveway is a different material to signal to drivers to slow down when approaching the sidewalk.

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 utility service plans needs to be submitted to Lights and Lines prior to construction and utilities will be conditions to be placed underground.

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

The lot is currently completely covered with the hard surfaces of the building and asphalt. The proposal will include landscaping and a portion of the roof will be a green roof. There will not be an increase in hard surface ground cover on the site and there will not be negative externalities from machinery emissions. The utilities will be on the roof away from the residential abutters. Shadows are not anticipated to be a concern because of the proposed height and building footprint. The building is similar in height to neighboring buildings and the footprint is along the street in line with the other buildings on the street.

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.”*

No residential signage will be posted beyond the address. Retail signage outside of that shown on the canopies above each door will be conditioned to require review and approval from Planning Staff.

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.”*

Mechanical equipment will be on the roof and must comply with the setback requirements. The utility information must be supplied to the City and must be screened. Trash and recycling storage will be in the garage and bins will be brought out to a truck at pickup times.

21. Screening of Parking:

Parking will be screened because it will be located under the building.

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

See Section II, number 5, above.

23. 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.*

See Section II, number 6, above.

FINDINGS FOR VARIANCE (SZO §5.5 & §9.5) for PARKING

A Variance (§5.5) is sought to reduce the parking required by 11 spaces (§9.5).

The parking requirement calculation can be found in Section III, number 2, above. In order to grant a variance the Board must make certain findings and determinations as outlined in §5.5.3 of the SZO.

1. *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 substantial hardship, financial or otherwise."*

Applicant's response: The lot shape and size would not permit sufficient parking on this site. This project takes on the feel of its own small community with the many amenities included in this proposal. Therefore this project will be an asset to the surrounding neighborhood which is currently under much needed development.

The Board finds: The environmental contamination of the site precludes having multiple levels of underground parking. The Applicant was able to use the slope of the site to get as much parking as possible a half story below the street level so that there is a large parking lot that is hidden from the street. Additional parking would have to be located along the street and this scheme would not be supported from an urban design or safety perspective. Parking that would be visible from the street would not work functionally with the slope of the site. Additional curb cuts along this busy street create unsafe situations. Finally, the development would not be attractive with parking visible from the street.

2. *"The variance requested 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's response: A parking variance would be the minimum relief necessary as discussed previously the lot shape and size would not provide for the required parking spaces. There is a close proximity to bike paths, public transportation, as well as an increase in residents that walk as their method of transportation, this would offset the need for parking space on the site, based on nearly 15% of Somerville residents walk or use a bike to get to work.



Bike paths are used as a means of travel by walkers and bicyclists and not just for recreational purposes in the Somerville area.

The Board finds: The parking variance will allow for the reasonable use of the land as an attractive mixed use building that meets the dimensional requirements and the parking demand anticipated based on census data and parking usage for similar buildings in the City. Considering the parking data that shows that this census tract has fewer vehicle ownership and a higher percentage of commuting to work without an automobile compared to the state and nation, it is a reasonable use to establish residential and small scale commercial spaces with reduced parking.

3. *“The granting of the variance would be in harmony with the general purpose and intent of this Ordinance and would not be injurious to the neighborhood or otherwise detrimental to the public welfare.”*

Applicant’s response: The requested variance would be in harmony with the Somerville Zoning Ordinance and the surrounding neighborhood, as the proposal does allow for a beautifully landscaped project, which will give the neighborhood a true look of being a residential neighborhood in an urban city. If the variance is granted it is highly unlikely that the residents of the project will need to park on the street, thus taking up additional on street parking spaces in the neighborhood. As a basis for this conclusion, almost 60% of the owner occupied homes/condos in Somerville have only one vehicle or less available to them. Such findings can be based on the excellent access to public transportation that Somerville provides, particularly a neighborhood so close to a rapid transit station, as is the case with this proposal. Also, as discussed many residents will use bike paths as their means of transportation. This proposal being so close to the bike paths will attract residents that will want to utilize this type of transportation.

The Board finds: The proposal will contribute to the revitalization of Beacon Street into a vibrant, walkable, and bikable thoroughfare. With the parking data showing reduced car ownership and increased mode split for travel to work away from the automobile compared to national and state data, there is less demand for parking in this area. Reducing the parking below that requirement will not be injurious to the neighborhood. In fact, providing less parking will reduce the number of vehicles that come to the neighborhood. Additionally, the parking study submitted with this application also states that there is sufficient availability of on-street parking if people do drive to the site and do not choose to or are not able to park in the garage and therefore the on-street parking would not be negatively impacted.



DECISION:

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Danielle Evans and Elaine Severino with Josh Safdie absent. Upon making the above findings, Susan Fontano made a motion to approve the request for a Special Permit, Special Permit with Site Plan Review and a Variance. Richard Rossetti seconded the motion. Wherefore the Zoning Board of Appeals voted **5-0** to **APPROVE** the request. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes								
1	Approval is to establish 17 residential units in a new mixed-use building with ~2,900 sf of commercial space, 24 parking spaces, and a shared driveway with 266 Beacon Street. This approval is based upon the following application materials and the plans submitted by the Applicant:	CO / BP	ISD/PIng.									
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>June 26, 2014</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>Sept 10, 2014</td> <td>Modified plans submitted to OSPCD (Z2-3 zoning compliance, A1.1 parking floor plan, A1.2 1st fl plan, A1.3 2nd & 3rd fl plan, A2.1-2.2 elevations, A1.0 combined site plan, A1.01 color rendered elevation)</td> </tr> <tr> <td>Feb 10, 2014</td> <td>Plot Plan</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	June 26, 2014	Initial application submitted to the City Clerk's Office	Sept 10, 2014	Modified plans submitted to OSPCD (Z2-3 zoning compliance, A1.1 parking floor plan, A1.2 1 st fl plan, A1.3 2 nd & 3 rd fl plan, A2.1-2.2 elevations, A1.0 combined site plan, A1.01 color rendered elevation)	Feb 10, 2014	Plot Plan
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Feb 10, 2014	Plot Plan											
Any changes to the approved site plan, elevations or use that are not <i>de minimis</i> must receive SPGA approval.												
2	A binding agreement regarding use and maintenance of the shared drive that satisfactory to the City must be executed and filed with the Registry of Deeds.											
Affordable Housing/Linkage												
3	Affordable Housing Implementation Plan (AHIP) should be approved by the OSPCD Housing Division and executed prior to issuance of Building Permit. Two affordable units shall be provided on-site and a fractional payout is required.	BP	Housing									
4	Written certification of the creation of the two affordable housing units and 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									



5	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	
Pre-Construction				
6	The Applicant must contact the Engineering Department to obtain a street address prior to a building permit being issued.	BP	Eng	
7	Full site/civil plans, prepared by a Massachusetts registered PE, in conformance with the City's site plan review checklist must be submitted to Engineering. Conformance with the City's Stormwater Management Policy must be adhered to. The design engineer must demonstrate that the City system downstream of the proposed sewer connections is capable of handling increased sewer flows.	BP	Eng.	
8	New sanitary connection flows over 2,000 GPD require a 4:1 removal of infiltration and/or inflow by the Applicant. This will be achieved by submitting a mitigation payment to the City based on the cost per gallon of I/I to be removed from the sewer system. The Applicant shall work with Engineering to meet this condition before a certificate of occupancy is issued.	CO	Eng.	
9	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	
10	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 1st to April 1st and there is a list of streets that have additional opening restrictions.	BP	Eng	
Construction Impacts				
11	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	



12	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	
13	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.	
14	The Applicant shall conduct a survey of foundations and buildings adjacent to the site prior to construction and shall address concerns about impact to these structures from project construction.	Prior to BP and prior to CO	Plng.	
15	During construction of the exterior of the building, construction hours shall be limited to 7am to 6pm Monday through Friday and 9am-6pm on Saturdays.	During Construction	ISD	
Design				
16	Applicant shall provide final material samples for siding, trim, windows, and doors (to the Design Review Committee for review and comment and) to Planning Staff for review and approval prior to construction.	BP	Plng.	
17	An electrical receptacle is required for the second level porches.	Final sign off	Wiring Inspector	
18	Applicant will make best efforts to allow the middle portion of the second floor front balcony to be open to residents.	BP	Plng.	
19	The sidewalk and plaza shall be made of different materials to provide a visual distinction between the spaces.	CO	Plng.	
20	Retail signage shall be reviewed and approved by Planning Staff. Applicant shall make best efforts to keep the signage in conformance with the signage location, size and technology shown on the elevations.	BP for signage	Plng.	
21	The rooftop mechanical equipment shall be visually and acoustically screened and shall comply with the City's noise regulations. The design of the screening shall be supplied to the direct abutters and to Planning Staff for review and approval. The abutters shall provide timely feedback to Planning Staff for consideration in the review of the screening.	CO and Continuous	ISD / Plng.	
Site				
22	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards. The living wall shall be maintained so that it covered with living vegetation.	Perpetual	Plng. / ISD	
23	A landscape plan shall be submitted to the direct abutters and to Planning Staff for review and approval. The abutters shall provide timely feedback to Planning Staff for consideration in the review of the plan. The landscape plan will preclude access to the back yards of the abutting Cambridge lots. There shall be a minimum of one tree for each 1,000 sf of required landscaped area under SZO §10.3.	CO	Plng.	



24	Applicant shall make best efforts to preserve the mature trees in the rear yard.	CO	Plng.	
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 will be installed by the Applicant in accordance with the specifications of the Highway Superintendent. Specifically, all driveway aprons shall be concrete;	CO	Plng.	
Miscellaneous				
27	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	
28	The Owner/Applicant is required to hire a private company to remove trash and recycling on a regular basis.	Cont.	ISD	
Public Safety				
29	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
30	Any transformers should be located as not to impact the landscaped area, and shall be fully screened.	Electrical permits & CO	Plng.	
31	A lighting plan shall be submitted to the direct abutters and to Planning Staff for review and approval. The abutters shall provide timely feedback to Planning Staff for consideration in the review of the plan. 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.	



32	<p>Because of the history of the site and the intended use, the Applicant shall, prior to issuance of any foundation 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>	Foundation Permit	Plng/ISD	
Final Sign-Off				
33	<p>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.</p>	Final sign off	Plng.	



Attest, by the Zoning Board of Appeals:

Herbert Foster, *Chairman*
Orsola Susan Fontano, *Clerk*
Richard Rossetti
Danielle Evans
Elaine Severino

Attest, by the Administrative Assistant:

Dawn M. Pereira

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

CLERK'S CERTIFICATE

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

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

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

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

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

FOR VARIANCE(S) WITHIN

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

FOR SPECIAL PERMIT(S) WITHIN

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

Signed _____ City Clerk Date _____

