



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

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ELIZABETH MORONEY

Case #: PB 2012-21
Site: 70 Prospect Street
Date of Decision: April 18, 2013
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: April 24, 2013

PLANNING BOARD DECISION

Applicant Name:	Douglas Beaudet
Applicant Address:	14 Ibbetson Street, Somerville, MA 02143
Property Owner Name:	Emily Trust, Laurel Shuman, Trustee
Property Owner Address:	19 Locust Street, Suite #3, Burlington, MA 01803
Agent Name:	Richard G. DiGirolamo, Esq.
Agent Address:	424 Broadway, Somerville, MA 02145

Legal Notice: Applicant Douglas Beaudet and Owner Emily Trust, seek a Special Permit with Site Plan Review under SZO §6.1.22.D.1 to construct a new five story building and a Special Permit to establish 14 residential units in the building under SZO §7.13.E. The building would also include approx. 1,500 square feet of retail and 14 at-grade parking spaces. The Applicant and Owner are also seeking a Variance from the side yard setback requirements under SZO §8.5.H, SZO §6.1.22.G.5, and SZO §5.5.3 and a Special Permit under SZO §9.17.2.B for the modification of parking space dimensions and for shared parking between the required residential and commercial parking spaces

<u>Zoning District/Ward:</u>	CCD 55 zone/Ward 2
<u>Zoning Approval Sought:</u>	§6.1.22.D.1, §7.13.E, §8.5.H, §6.1.22.G.5, §5.5.3 & §9.17.2.B
<u>Date of Application:</u>	October 30, 2013
<u>Date(s) of Public Hearing:</u>	1/24/13 – 4/18/13
<u>Date of Decision:</u>	April 18, 2013
<u>Vote:</u>	5-0



Appeal #PB 2012-21 was opened before the Planning Board at Somerville City Hall on January 24, 2013. 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 two hearings of deliberation, the Planning Board took a vote.

DESCRIPTION:

The proposal is to demolish the structure on the lot and build a five-story mixed-use building totaling approximately 21,000 square feet including the basement space. The ground floor will include two retail spaces that total 1,296 square feet, 3480 square foot garage, and 766 square feet of common area. The remaining four floors will contain 14 residential units that range in size from 938 to 1217 square feet. There will be 10 parking spaces in an at-grade garage and 4 spaces at-grade outside. The curb cuts on Webster Avenue and the one on Prospect Street will be closed. A new curb cut will be required on Prospect Street.

Commercial Space

Two tenants will occupy the 1,296 gross square feet of commercial space. One of the retail spaces will be 951 square feet on the first floor and in the basement there will be 698 square feet of storage and two bathrooms. The other space is 346 square feet. Entrances to the retail spaces will be along Webster Avenue. Either of these spaces could be converted to an "Eating and Drinking" use (SZO §7.13 Use Cluster D); however, the parking requirement for a restaurant of any size would need to be met as the requirement for this use is higher than it is for Retail and Service

Residential Units

The residential entrance and lobby will be on Prospect Street. The lobby is also accessible from the parking garage. There will be fourteen residential units ranging in size from 938 to 1217 square feet with an average of 1044 square feet. Two of the units will be designated with an affordability restriction in perpetuity as required by Somerville Zoning Ordinance Article 13, Inclusionary Housing. Nine of the residences will have balconies.

Sidewalk Depth

The building will sit on or close to the property line. The width of the sidewalk is approximately 8 feet around the site. One of the newly installed street trees on Prospect Street will be transplanted to make space available for the proposed curb cut location. Five new street trees are proposed along Webster Avenue. The sidewalk along Webster Avenue and a portion of the sidewalk along Prospect Street will be replaced.

Site & Landscaping

Landscaping will consist of a ten-foot landscape buffer along the back of the property and five street trees along Webster Avenue. The vegetation will include a mix of shrubs and ground cover. A patio is proposed next to the small retail space and a berm is proposed in the back corner to retain runoff with an emergency overflow system. The parking area will be made of concrete unit pavers.

There will be a cedar wood ship-lap fence that will be 48 inches tall along the parking area on Prospect Street so that it will be completely opaque and will screen the cars along the street. The fence will be located 6 inches behind the property line with 12 inches of planting room including the space below the board fence) for some vine plantings proposed to be Virginia Creeper. A retaining wall will be constructed along a portion of the rear property line.

There will be trellises on the stair towers and on the rooftop planter. The plant proposed here is an extremely hardy honeysuckle vine. The Landscape Architect stated that this plant can grow to 40 feet and has fragrant flowers. Typically a three gallon pot has a plant that is about 3 feet high. It would grow about 10 feet during the first growing season.



Parking & Traffic

There will be a total of 14 parking spaces onsite. Ten parking spaces will be in the at-grade garage and 4 will be outside. The spaces will be accessible via a new curb cut on Prospect Street and the three existing curb cuts will be closed. There will be 4 ring bike racks for 8 bikes on concrete pavers behind the building.

The applicants have submitted a study evaluating the impact of the proposed development on traffic and access in the area including traffic volumes, site distance analysis, parking counts, and intersection capacity analysis. The study concludes that the additional vehicle-trips that will be generated at the project site are low, the proposed driveway location will have safety benefits relative to the location of the existing curb cuts, and there is sufficient on-street parking to capture additional parking needs for the retail component of the project. The Traffic and Parking Department's comments in the Comments Section below include a detailed response to the study.

Building Design

The building is a flat iron building with a distinctive base, middle and top for the rounded portion of the building marked by cornices. The materials of the building are conditioned to be primarily brick for the main body of the building, hardie clapboards on the stair towers and azek panels for the rounded portion of the building. The ground floor contains storefront systems for the two retail spaces. The garage façade contains space for murals to be installed along it. The upper stories of the building have balconies to add interest to the building. The rear portion of the building is three stories to comply with the required dimension in the district. There are two stair towers on the Prospect Street side of the building and one will be approximately five feet taller than the parapet of the building to screen the rooftop mechanical equipment.

Lighting and Signage

Details about the exterior lighting are not included in the plans at this time. Signage locations are shown above the doors of the retail spaces. Review and approval of the specifications of the lighting scheme and materials of the signage will be a condition of approval and if additional signage locations are desired, a new special permit will be required.

Trash/Utilities

There is a room for trash and recycling that is accessed from the outdoor parking area for all of the uses on-site.

The mechanical equipment for the building will be located on the roof and surrounded by a solid material on top of the stair tower to screen it.

The transformer will be located in the rear yard along Webster Avenue.

FINDINGS FOR SPECIAL PERMIT WITH SITE PLAN REVIEW (SZO §6.1.22.D.1, §7.13.E, & §9.17.2.B):

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 development standards for the CCD (SZO §6.1.22.G) are met.

- a. *Penthouse and Mechanical Equipment:* The proposed mechanical equipment will be located on the roof. Sixteen condenser units will be on the stair tower roof and will be screened by a wall projecting up from



the façade of the building. The building is not along a street line or rear property line so it does not need to be setback at a 45 degree plane. The rooftop equipment is shown to be less than fifteen feet in height and complies with this standard.

- b. *Service Area and Loading Spaces:* The utility area for trash and recyclables for all of the uses on-site will be in a trash room that is accessible from the parking area. The receptacles will not be visible from the right of way. There will not be a loading dock onsite. Loading will occur either from an on-street parking space or on-site in the driveway. Large amounts of loading times are not anticipated for these small commercial spaces.
- c. *Pedestrian Oriented Requirement:* The building has separate pedestrian entrances for each separate portion of the building along the sidewalk as required by this standard. There will be two separate entrances to the retail spaces along Webster Avenue and one entrance to a residential lobby along Prospect Street.
- d. *Lighting:* The lighting scheme of the site has not yet been developed. A recommended condition of approval is to submit a lighting plan prior to receiving a building permit. The lighting shall be appropriate to the historic and pedestrian-oriented character of the surrounding area and shall enhance the safety and security while minimizing glare and light trespass.
- e. *Transition to Abutting Residential District:* The site plan complies with this standard for the portion of the site along its abutter on Webster Avenue. There is a 20 setback from the lot line, the outermost 10 feet will be exclusively landscaped, and the building has a tapering height of 35 feet within 15 feet of the setback. The portion of the site and building along the abutting property on Prospect Street does not comply with this standard. The Applicant is seeking a variance from the Zoning Board of Appeals to deviate from this standard.
- f. *Parking Design:* Parking may be located at the side or rear of a lot or in concealed structures suitably screened both visually and acoustically from the street and abutters. Any views into parking structures shall be minimized through use of landscaping or architectural treatment. The Applicants have proposed murals on the Webster Avenue façade and a wood ship-lap fence along the Prospect Street façade to screen parking from the street and concrete block pavement treatment to improve the appearance of the parking area. Ideally, the parking would be located underground because due to the location of the site at a prominent intersection, both sides of the property act as a front along major streets. The Architect submitted schemes to show why underground parking was not pursued at the site. The schemes show that there is only room for between 7 and 10 parking spaces underground and the Applicant would not build the project without providing one on-site parking space for at least nights and weekends for each of the 14 residential condominium units.
- g. Payment in Lieu of Parking and dedication of land for public infrastructure is not applicable to this application.

All new development must undergo design review under Section 5.6 of this Ordinance, with findings giving consideration to the Design Guidelines of Section 6.1.22.H.

- i. The building will complete the streetwall along Webster Avenue and more than half of the length of Prospect Street. A wood fence will frame the rest of the site along Prospect Street except for the driveway entrance.
- ii. The massing and the height of the building are articulated in a manner that is compatible with the physical character of the surrounding area. A rhythm to the building is established with base, middle and top, with cornice lines and varying material. Balconies created recessed portions of the façade, which reduce the massing of the building from the iconic rounded corner to the residences behind.



- iii. The mass of the structure is proposed towards Webster Avenue and the corner and Webster Avenue and Prospect Street, away from the residential neighborhood to the west.
- iv. The shape of the site does not allow for typical 30 foot wide commercial bays; however, the retail portions of the building have storefront systems and individual entrances to the sidewalk, which are typical elements for Somerville storefronts. The retail portions of the façade meet the guideline for having 75 percent transparent material on the ground floor. The windows will be conditioned to maintain the ability for pedestrians to view the interior of the space as specified in this guideline. Unfortunately the parking is located on the ground floor creating an approximately 80 foot wall without fenestration along Webster Avenue. There will be murals to break up this façade and make it more interesting for pedestrians. The residential upper floors will have sufficient, typical residential windows.

Flat facades have been avoided by incorporating balconies into the Webster Avenue facade. The entire building along Prospect Street is broken up by several planes. Also, balconies create variation in the façade.

- v. The exterior building materials will be high quality, durable materials including nichiha panels, in the form of brick for the main body of the building, hardie clapboards on the stair towers and azek panels for the rounded portion of the building and.
- vi. All four sides of the building contain the same material as the front of the building. The first floor cornice line will wrap around the back of the building and the windows in the rear will be the same quality as those on the other sides of the building.
- vii. Details about the exterior lighting are not included in the plans at this time. Signage locations are shown above the doors of the retail spaces. Review and approval of the specifications of the lighting scheme and materials of the signage will be a condition of approval and if additional signage locations are desired, a new special permit will be required.
- viii. The uses on the ground floor will be pedestrian-oriented as they are proposed to be in the retail and service cluster. The Somerville Zoning Ordinance classifies these uses to be pedestrian-oriented uses because they are typically uses that people frequent and are open to passersby. It is unfortunate that due to the shape and size of the site it is difficult to have underground parking and therefore parking comprises much of the ground floor of the building and site.
- ix. The proposal does not include artist live/work spaces.
- x. Units range from 938 to 1217 square feet and the average is 1044 square feet. The residential uses do not vary in size to accommodate a variety of family sizes as is recommended. The recommended average unit size of greater than 1,000 square feet is achieved.
- xi. The sidewalks will be 9.5 feet wide and the building will be setback from 0 to 0.5 feet from the property line effectively satisfying the guideline that encourages at least a 10-foot sidewalk in the district.

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

The proposal is consistent with the purpose of the district, which is to promote appropriate infill development along heavily traveled transportation corridors. The proposal will increase investment in the neighborhood in a high-profile location that project into a busy intersection between Union and Inman Square. There is a mix of commercial space and residential units that will contribute to the active mix of uses in the Square and around the



future Green Line Station. The small size of the commercial space will likely attract neighborhood serving businesses. The elimination of two curb cuts and the relocation of another improves pedestrian safety on the block. The three main entrances along the sidewalk promote pedestrian activity and the shared parking space will reduce the amount of land required to be devoted to parking.

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 building form as a flat iron building is appropriate for this site. This form creates an iconic building that completes the street wall. Union Square has historically had five-story buildings that allowed for the Square to be the commercial center of the City. While this building is further away from the square than other taller buildings, its location defines the gateway into Union Square on Webster Avenue and Prospect Street. The proposed building includes detailing in the cornice lines, recessed entryways, balconies, storefront systems and variation in materials that creates a modern looking building that relates to the surrounding area. The site is currently all paved with minimal landscaping and the proposal will improve this situation by providing a landscape buffer for one of the residences abutting the rear of the property. The land uses of retail and service tenants with residential units above are compatible with the uses in the surrounding area.

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

The structure will function well as a mixed-use building. The two retail spaces and residential lobby are accessible from the street and from the parking garage. The retail spaces would have a better functional design if the parking was constructed underground or on a separate lot; however, since at-grade parking is the only proposed option, the configuration of these spaces on site work well. The few outdoor spaces provide space for shared parking with the retail component of the project leaving the garage spaces to be secured parking for the majority of the residential units.

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.”

As conditioned, the project will not create adverse impact on the public services and facilities serving the development. The City’s stormwater policy must be followed. An infiltration bed and concrete pavers for the parking area will help to improve the amount of stormwater that is retained onsite. The sidewalk along Webster Avenue and a portion of the sidewalk on Prospect Street will be replaced.

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.”

A Phase I-Initial Site Investigation Report relative to M.G.L. Chapter 21E has not yet been complete. A Response Action Outcome (RAO) Statement, signed by a Licensed Site Professional (LSP) and filed with DEP will be a condition of approval to ensure that any contamination of the site reaches a level of no significant risk.

The proposed residential building will not result in any environmental impacts beyond activities that are typically associated with residential units. Less environmental impacts are anticipated from the small scale retail and service tenants than the current vehicle rental business that is located a few feet from the residential abutter.



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.”

The proposal is consistent with the general purposes of the Ordinance as set forth under Section 1.2, which includes, but is not limited to providing for and maintaining the uniquely integrated structure of uses in the city, encouraging housing for persons of all income levels, and encouraging the most appropriate use of land throughout the city. The proposal eliminates the auto-oriented use and fills a mostly vacant parcel with a mixed use building that is appropriate for the urban environment of today and the one coming with the Green Line extension to Union Square. The development provides new options for housing near transit and other amenities. The redevelopment creates two units of permanent affordable housing and increases the supply of housing to help to meet the future demand and alleviate spikes in housing prices.

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

The site is currently paved with only a small landscaped area that is pervious. The site is flat and only minimal grading is necessary if any. Landscaping will be added to the site to buffer the residential neighbor to the southeast. Landscaped areas in this infill districts is encouraged to be along residential abutters. Pedestrians and people using the outdoor patio will see this landscaping. Many of the residents will have open space in porches off of their units.

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.”

There are no remaining natural features of the site. The building design visually relates to the development site as detailed in the design guidelines in finding 2. The building is oriented to the street and the massing is shifted away from the residential abutters. Portions of the building that will be close to the residential abutter and not visible to the street do not contain windows.

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.”



Applicant will be required to demonstrate that the project meets the current City of Somerville stormwater policy and the Application will be required to provide the City Engineer with a copy of an Operation and Maintenance plan for any stormwater control devices utilized on the property.

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 garage was not deemed to have historic significance. The building design visually relates to the development site as detailed in the design guidelines in finding 2.

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

The proposal replaces a concrete block garage and parking lot that is surrounded by a chain link fence with a modern mixed use building. The proposal includes landscaped buffers along the residential district and a wood fence along the at-grade parking. A six foot wood fence is proposed along the rear property line. Pursuant to the SZO, if the fence is closer than 4 feet to the abutting dwelling, it must be at least 75 percent open faced.

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.”

All lighting shall be directed downward to light the parking areas and site without spilling onto adjacent properties and the night sky. This is conditioned to ensure that this issue is addressed as well as the design guideline related to lighting above.

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.”

The building will be accessible from the public streets that surround the building on two sides.

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.”

Two curb cuts on Webster Avenue will be closed and the one on Prospect Street that is close to the intersection will be moved south on Prospect to a much safer location. The traffic study submitted by the Applicant includes an analysis of the sight distance from this location and concludes that its location meets the requirements and is safer than the existing driveway along Prospect Street.

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.”

All utilities will be located 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 proposal will increase the amount of landscaped area on the site. The proposed residential building will not result in any adverse impacts beyond activities that are typically associated with residential units. The trash will be located behind a wall and not visible from public view. Less adverse impacts are anticipated from the small scale retail and service tenants than the current vehicle rental business, which impacts traffic and pollution from vehicles. The proposed building will not cast a shadow on the residential abutters on the same block because of their orientation to the south of the subject site.

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.”

Signage locations are shown above the doors of the retail spaces. Review and approval of the specifications of the lighting scheme and materials of the signage will be a condition of approval and if additional signage locations are desired, a new special permit will be required.

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.”

The utility area for trash and recyclables for all of the uses on-site will be in a trash room that is accessible from the parking area. The receptacles will not be visible from the right of way. There will not be a loading dock onsite. Loading will occur either from an on-street parking space or on-site in the driveway. Large amounts of loading times are not anticipated for these small commercial spaces.

21. Screening of Parking:

Ten parking spaces will be inside of the building and there will be murals along the garage façade to add interest to the building along this wall. Four parking spaces will be outside of the building and will be screened by a wood ship-lap fence and climbing plants.



DECISION:

Present and sitting were Members Kevin Prior, Elizabeth Moroney, James Kirylo, Joseph Favaloro and Michael Capuano. Upon making the above findings, Kevin Prior made a motion to approve the request for a Special Permit. Elizabeth Moroney seconded the motion. Wherefore the Planning Board voted **5-0** to **APPROVE** the request. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes								
Application and Plans												
1	<p>Approval is to construct a five story, ~21,000 sf building and to establish 14 residential units in the building (§7.13.E). The building will also include 1400 nsf of Use cluster B – Small Retail and Service. Approval is also for shared parking for 1 of the 14 parking spaces and for reduced parking space lengths. This approval is based upon the following application materials and the plans submitted by the Applicant:</p> <table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>October 30, 2012 – complete February 28, 2013</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>July 24, 2012</td> <td>plans submitted to OSPCD (plot plan)</td> </tr> <tr> <td>4/18/13</td> <td>Modified plans submitted to OSPCD (A00 Cover Sheet, A100 basement level, A101.1 Site Plan, A101 Ground Floor, A102 Second Floor Plan, A103 Third Floor Plan, A104 Fourth Floor Plan, A105 Fifth Floor Plan, A106 Roof Plan, A300 Elevations, A301 Building Elevations, A900 Perspective Views, A901 Area Plans), Landscape Plan</td> </tr> </tbody> </table> <p>Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.</p>	Date (Stamp Date)	Submission	October 30, 2012 – complete February 28, 2013	Initial application submitted to the City Clerk’s Office	July 24, 2012	plans submitted to OSPCD (plot plan)	4/18/13	Modified plans submitted to OSPCD (A00 Cover Sheet, A100 basement level, A101.1 Site Plan, A101 Ground Floor, A102 Second Floor Plan, A103 Third Floor Plan, A104 Fourth Floor Plan, A105 Fifth Floor Plan, A106 Roof Plan, A300 Elevations, A301 Building Elevations, A900 Perspective Views, A901 Area Plans), Landscape Plan	BP/CO	Plng.	
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2	Applicant must obtain a variance from the ZBA in order to construct the building as proposed. If a variance is not obtained, revisions to the plans to accommodate the required setback must receive SPGA approval.	BP	Plng.									



3	Applicant will be required to demonstrate that the project meets the current City of Somerville stormwater policy for stormwater impacts as well as sanitary sewer impacts (over 2,000 GPD anticipated). Application will be required to provide a copy of an O&M plan for any stormwater control devices utilized on the property for the City Engineer's review and approval.	BP	Engineer	
Affordable Housing				
4	The Applicant shall complete an Affordable Housing Implementation Plan (AHIP). Affordable units shall be provided on-site.	Prior to BP	SPGA / Housing	
5	No certificate of occupancy shall be issued until the OSPCD Housing Division has confirmed that the Condominium Documents have been approved and the Developer has agreed to a form of Deed Rider for the Affordable Unit(s).	CO	Housing	
Construction Impacts				
6	The Applicant shall reconstruct sidewalks abutting development to bring them into compliance with current ADA/AAB regulations. Work should include curb ramps and any reciprocal ramps impacted by work. 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 any other portion of the sidewalk that was not proposed to be replaced immediately abutting the subject property if damaged as a result of construction activity.	CO	DPW	
7	The location of a new electrical pole to service the development shall be provided to the Superintendent of Lights and Lines for review and approval. The location shall be on Webster Avenue unless it is proven to the Superintendent that will is not possible at the time of approval. The utilities servicing the site shall be located underground.			
8	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	
9	The Applicant shall conduct a survey of foundations and buildings adjacent to the site and across Webster Avenue and Prospect Street prior to construction and shall address concerns about impact to these structures from project construction.	BP	ISD	
10	The Applicant shall identify an on-site project manager to be a primary point of contact for all questions and concerns about quality of construction. The project manager shall be available at all times during construction and at all inspections.	BP – through construction	ISD	



11	The Applicant shall “repaint” all pavement markings from Prospect St and Webster Ave from Somerville Ave and Washington St to Oak St and Columbia with thermoplastic upon completion of the project and prior to the issuance of the certificate of occupancy.	CO	T&P	
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.	CO	FP	
Development Impacts				
13	Delivery times and trash pick up shall be limited to 7am to 7pm.	Perpetual	ISD	
Design				
14	The climbing vines on the fence and trellises shall be trimmed annually. Landscaping should be installed and maintained in compliance with the American Nurserymen’s Association Standards.	Perpetual	Plng. / ISD	
15	The climbing plants shall be Virginia Creeper on the fence and an extremely hardy honeysuckle vine on the trellises except that a substitute plant of similar hardiness could be planted with Staff review and approval. If the plants do not grow about 10 feet on the trellises and 3 feet on the fence during the first growing season, a landscape architect shall submit a revised planting plan for review and approval and the plan shall be implemented to ensure that vines grow in this location in a timely manner.	1 year after CO	Plng.	
16	The material of the building shall primarily be red brick with hardie clapboards on the stair towers, nichia panels on the first floor and Azek for the rounded portion of the building. Th material samples and colors shall be submitted to Planning Staff for review and approval.			
17	The material and lighting technology of the commercial and residential signage shall be submitted to Planning Staff for review and approval.	BP for signs	Plng/ ISD	
18	Signage footprint beyond that which is shown on the elevations shall require a Special Permit.	BP for signs	Plng/ ISD	
19	The commercial windows shall not be blocked by interior storage, non-artistic displays or greater than 30% internally mounted signage per SZO Section 6.1.22.H.4.	Perpetual	Plng/ ISD	
20	Murals shall be installed in all 6 of the areas labeled for murals on the east elevation. Applicant shall make best efforts to work with local artists to produce these murals.	CO / Perpetual	Plng.	
21	If the fence along the rear property line will be closer than 4 feet from the abutting dwelling, the fence must have at least a 75% open face or consent from the neighbor for a closed fence must be obtained.	Perpetual	Plng.	
Traffic and Parking				



22	If not taken off-site, snow plowed from the development can only be stored the landscaped area in the back of the site.	Perpetual	ISD	
23	Applicant will supply 8 bicycle parking spaces on site, which can be satisfied with U type bicycle racks.	CO	Plng.	
24	At least one of the parking spaces will be signed to allow customers of the retail portion of the project to park between the hours of 9am to 5pm on weekdays.	Perpetual	Plng.	
Public Safety				
25	A code compliant fire alarm and suppression system shall be installed.	CO	FP	
26	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. A lighting plan shall be submitted to Planning Staff for review and approval.	Cont.	ISD.	
27	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: 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 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.			
28	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.	Demolition /Building Permitting	ISD	
Final Sign-off				
29	The Applicant shall contact Planning Staff at least five working days in advance of a request for a final inspection by Inspectional Services to ensure the proposal was constructed in accordance with the plans and information submitted and the conditions attached to this approval.	Final sign off	Plng.	



Attest, by the Planning Board:



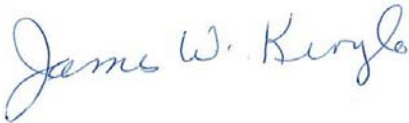
Kevin Prior, Chairman



Elizabeth Moroney



Joseph Favaloro



James Kirylo



Michael A. Capuano, Esq.

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 _____

