



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
**JOSEPH A. CURTATONE**  
**MAYOR**

PLANNING DIVISION

**ZONING BOARD OF APPEALS MEMBERS**

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JOSH SAFDIE (ALT.)

**Case #: ZBA # 2011-01**  
**Site: 63-67 Summer Street**  
**Date of Decision: August 17, 2011**  
**Decision: *Petition Approved with Conditions***  
**Date Filed with City Clerk: August 18, 2011**

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**ZBA DECISION**

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<b>Applicant Name:</b>	Mark Grassia
<b>Applicant Address:</b>	131 Morrison Avenue, Somerville, MA 02144
<b>Property Owner Name:</b>	Mark Grassia
<b>Property Owner Address:</b>	131 Morrison Avenue, Somerville, MA 02144
<b>Agent Name:</b>	Richard G. DiGirolamo, Esq.
<b>Agent Address:</b>	424 Broadway, Somerville, MA 02145

Legal Notice: Applicant & Owner Mark Grassia seeks a Special Permit with Site Plan Review to demolish a large portion of a non-conforming commercial structure to construct three-unit residential building units under SZO §4.4.1, 5.2 & 7.3. The existing two-family house on the site will remain. One of the units onsite would be an affordable unit as defined in §13. Applicant/Owner also seeks a Variance for providing 5 of the 8 required parking spaces under §9.5 and §5.5.

<u>Zoning District/Ward:</u>	RB zone/Ward 3
<u>Zoning Approval Sought:</u>	§4.4.1, §5.2, §7.3, §13, §9.5 & §5.5
<u>Date of Application:</u>	January 10, 2011
<u>Date(s) of Public Hearing:</u>	August 17, 2011
<u>Date of Decision:</u>	August 17, 2011
<u>Vote:</u>	5-0

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Appeal #ZBA 2011-01 was opened before the Zoning Board of Appeals at Somerville City Hall on August 17, 2011. Notice of the Public Hearing was given to persons affected and was published and posted, all as required by



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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 proposal is to demolish most of the commercial structure and build a residential structure with three units. The structure will be three stories with a gable roof. Two sections of the building will be oriented toward the street and stepped back in a way that relates to the angle in the lot line. The orientation will be similar to the residential building to its right. This massing allows for small landscaped front yards and separate front entrances with entry porches. The two sections of the building are fairly symmetrical; both have a three-story bay window, a front porch and a small dormer; however, they differ in that the left side has a one-story, five-sided sunroom and the right side has two front doors.

The left side of the building will be one three-level unit with a living room, dining room, sun room, kitchen, study, 3.5 bathrooms, and 3 bedrooms. The right side will have a unit on the first floor with a living room, dining room, kitchen, bedroom and bathroom. The second and third floors will contain another unit with a kitchen, dining area, living room, study, 2.5 bathrooms and 2 bedrooms.

The curb cut on School Street and the driveway will be removed. A curb cut will be installed on Summer Street at the southeastern corner of the corner of the site. The driveway will be a total of 16 feet wide; however, the outer foot of the driveway on each side will be grass pavers. The driveway will lead to 5 parking spaces – one for each unit on the lot.

There will be landscaping in the front, rear and side yards of the site but the details of the plantings are not yet determined.

One of the units will be an affordable unit as defined in Somerville Zoning Ordinance (SZO) Article 13.

**FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1 & §5.1):**

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

1. Information Supplied: The 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."

In considering a special permit under §4.4 of the SZO, the Board finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure specifically with regard to traffic, parking, noise, odor, scale, shading, visual effects, or neighborhood character. The Applicant first presented a scheme that retained the commercial building and converted it to three residential units. The Applicant worked with the Design Review Committee and Staff to create a new design that is more aesthetically pleasing and is appropriate for a residential use. The building will create small landscaped areas in the front yard, front porches and entrances that have a pedestrian friendly, residential presence. The front yard setback is more conforming in places and the way that the two parts of the building are angled and relate to the sidewalk creates a more appealing building than the existing commercial building. The remainder of the building will comply with dimensional requirements.

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



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

The proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to providing for and maintaining the uniquely integrated structure of uses in the City; and encouraging the most appropriate use of land throughout the City. Although the site served a purpose as a small commercial node in the past, businesses have not been successful in this location for several years making a residential use more appropriate for the site. The proposal is consistent with the purpose of the RB District in creating a two-family and a three-family dwelling on a lot that is large enough to comply with the lot area per dwelling unit for the district.

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 project was designed to be compatible with the characteristics of the built environment and land uses. The building takes cues from the multi-family structure to its right. The building steps back to address the angle of the street and the desire for landscaping along the sidewalk and to have residential entrances that are recessed from the sidewalk. The building includes bay windows, stoops, and a mansard roof, all of which are typical of residential houses in Somerville.

5. Vehicular and pedestrian circulation: The circulation patterns for motor vehicles and pedestrians which would result from the use or structure will not result in conditions that create traffic congestion or the potential for traffic accidents on the site or in the surrounding area.

A traffic and parking assessment was submitted which states that the estimated 30 daily trips generated represent less than one half of one percent of the expected daily traffic in the vicinity. The report also states that the reduced number of parking spaces from the requirement will have a negligible impact due to the proximity to Union Square, the multi-modal transportation system that is provided, and the availability of on-street parking in the immediate site vicinity.

The circulation of the site is sufficient. Pedestrians can enter the units from the street. Vehicles have sufficient maneuvering space with 23 feet behind the parking spaces in order to pull out of the driveway in a forward direction. The curb cut that will be closed on School Street will be an improvement to the existing situation where cars are accessing this driveway very close to the intersection.

#### **FINDINGS FOR SPECIAL PERMIT WITH SITE PLAN REVIEW (SZO §5.2 & §7.3):**

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.”

SZO §7.3 states that in RB districts, where developments include a minimum of 12.5% affordable housing units on-site, the maximum dwelling units per lot can be waived through SPSR application. In all cases minimum lot size, minimum lot area per dwelling unit and other dimensional and parking requirements of Article 8 and Article 9 shall be met.

An affordable unit will be provided onsite through an AHIP. The project complies with the lot area and lot area per dwelling unit requirements for 5 units. The Applicant is seeking a special permit for an alteration to a nonconforming structure due to the nonconforming front yard; however, all other dimensions are conforming. The Applicant is also seeking a parking variance to establish one parking space per unit.



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3. Please see items 3 and 4 in Section II for the purpose of district and site and area compatibility finds which are the same for the SP and SPSR.

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

The site meets the accepted standards for a functional design. The curb cut on School Street will be closed and a better situated curb cut will be created on Summer Street which passed the initial review of the DPW and Traffic and Parking Departments. The parking area has sufficient area for vehicles to maneuver and exit the site in a forward direction. The Applicant will need to confirm with the City Engineer that the drainage system is acceptable, as conditioned.

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 approval of the SPSR shall be contingent upon the City Engineer’s determination that no adverse impacts on public systems will result from the development. The previous structure housed 4 commercial tenants and the proposal is for 3 residential tenants so the change in use will not adversely impact the street system and sidewalks. The sidewalk at the corner of School and Summer Streets will become a safer corner with the closure of a curb cut and the new curb cut on Summer Street is in a location that City Staff to not find to be detrimental.

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.”

Due to the residential nature of the proposed structure no environmental impacts are foreseen as a direct result of this development. An Environmental Transaction Screen for the property was conducted which concluded that upon this screening, no potential environmental concerns were found and further environmental investigation is not recommended.

8. Please see items 3 in Section II for the consistency with purposes finding which is the same for the SP and SPSR.

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 building will be primarily in the same location as the existing commercial structure and will not be disrupting the grading or existing land forms. The buildings have been designed so that small landscaped areas will be located between the building and the sidewalk where they will be visible to the neighborhood. There will also be a larger landscaped area at a very visible corner at the intersection of School and Summer Streets where a driveway is currently located.

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)



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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 building will mimic the form of the residential building to its right and have similar design details such as bay windows, stoops, individual front doors for each unit, and porches. The orientation of the building creates a pleasant experience on the street as well as privacy for each of the units on site. There is a 16 foot space between the proposed residential building and the abutting residential building to the right, which is arguably a large distance between residential homes in the City and is not anticipated to cause privacy concerns.

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 paved 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.”

While additional review is required of drainage plans, any approval of the SPSR should be conditional upon the City Engineer’s approval of such plans and determination that no adverse impact will result to the drainage system from the project’s design.

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 commercial structure was renovated prior to the current owner purchasing the site. During the renovation, architectural elements of significance were removed. The result is that the current state of the building is not significant and it would not be detrimental to demolish it.

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 appearance of the building and the site will enhance the neighborhood. Landscaping will be added to the site in highly visible locations. There will be vegetation between the building and the sidewalk and at the corner of Summer and School Streets.

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 lighting will be residential in nature and conditioned to not interfere with neighboring properties.



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

Emergency vehicles will have access to both of the buildings on the site via School and Summer Streets. Vehicles could also enter the parking area via the 16 foot wide curb cut proposed on Summer Street.

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 elimination of the curb cut on Summer Street will improve the safety and conflict that exists with a curb cut being close to an intersection. The proposed curb cut on Summer Street has been reviewed by DPW and Traffic and Parking and passed their initial review.

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

The Applicant is proposing to tie into the existing City services for electric, telephone and cable. Any new lines would be placed underground in accordance with the SZO and the policies of the Superintendent of Lights and Lines.

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

Minimal negative impacts are anticipated as a result of the proposed residential use. To allow for a gap between the proposed driveway and the abutting residential neighbor, there will be a one foot stretch of grass pavers along the property line. If the residential neighbor to the southeast prefers there to be a wooden fence along the property line to block headlights that may be directed toward the neighbors, the Applicant shall install such a fence.

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.”

Due to the residential nature of the building, signage is not anticipated on the site. Any signage in the future would have to conform to the sign standards for residential districts.

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.”

Transformers and dumpsters are not proposed for the site. Trash and recycling bins shall be stored in a location where they are screened from view by plantings or fencing.

21. Screening of Parking:

The parking spaces will be located behind the proposed and existing building, which will effectively screen them from view from the street.



**FINDINGS FOR VARIANCE (SZO §5.5 & §9.5):**

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.”

The site is unique in that it has a 2½ story residential building that will remain in the proposal and a commercial structure that has proven to cause a financial hardship because various tenants have not been successful at the site. In addition, the site is located at a busy intersection making curb cut locations limited. Situating buildings, parking, and access points on the site becomes difficult and there is tension between these elements of the site plan. A redevelopment plan with fewer units and compliant parking requirements is not financially viable and would not meet the expectations of quality design set out by the required findings for development in the SZO.

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.”

Five residential units is a reasonable use for this site where the lot area per dwelling unit requirement will be met and an affordable unit will be located on the site. Each unit will have a dedicated parking space which is a reasonable number of parking spaces for this type of development in this area of the City. If visitors require on-street parking, the parking study submitted showed that between 38% and 67% of on-street parking spaces were available which is more than adequate to accommodate any additional demand generated by the three residential units. Detailed findings can be found in the report.

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.”

The proposal is in harmony with the intent of the Ordinance and it would not be injurious to the neighborhood. The proposal provides one parking space per unit, which will likely be sufficient for the residents. The Applicant submitted a parking assessment that states that the provision of 5 parking spaces will have a negligible impact due to the proximity to Union Square, the multi-modal transportation system that is provided, and the available on-street parking in the immediate site vicinity. Providing additional off-street parking attracts buyers with extra vehicles, and encourages owners to buy and keep extra vehicles. The parking is hidden from view and nicely landscaped areas will be visible in the front and side yards, improving the site from its current state. Approving the variance will facilitate a redevelopment that meets or exceeds the expectations of the SZO.



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**DECISION:**

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Danielle Evans and Josh Safdie with Scott Darling absent. Upon making the above findings, Susan Fontano made a motion to approve the request for a special permit and special permit with site plan review. Richard Rossetti seconded the motion. Wherefore the Zoning Board of Appeals voted **5-0** to **APPROVE** the request. Upon making the above findings, Susan Fontano made a motion to approve the request for 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	<p>Approval is for the construction of approx 5,000 sf building for 3 residential units. The site will have one affordable unit and 5 parking spaces. 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>1/10/11 – complete 7/17/11</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>9/27/10 (8/5/11)</td> <td>Plans submitted to OSPCD (Plot Plan)</td> </tr> <tr> <td>6/15/11 (8/5/11)</td> <td>Modified plans submitted to OSPCD (Site Plan)</td> </tr> <tr> <td>6/21/11 (8/5/11)</td> <td>Modified plans submitted to OSPCD (Front, Left, Right, Rear Elevations, 1<sup>st</sup> &amp; 2<sup>nd</sup> Floor Plans)</td> </tr> <tr> <td>7/14/11 (8/5/11)</td> <td>Modified plans submitted to OSPCD (3<sup>rd</sup> Floor Plan)</td> </tr> </tbody> </table> <p>Any changes to the approved plans or elevations that are not <i>de minimis</i> must receive SPGA approval.</p>	Date (Stamp Date)	Submission	1/10/11 – complete 7/17/11	Initial application submitted to the City Clerk’s Office	9/27/10 (8/5/11)	Plans submitted to OSPCD (Plot Plan)	6/15/11 (8/5/11)	Modified plans submitted to OSPCD (Site Plan)	6/21/11 (8/5/11)	Modified plans submitted to OSPCD (Front, Left, Right, Rear Elevations, 1 <sup>st</sup> & 2 <sup>nd</sup> Floor Plans)	7/14/11 (8/5/11)	Modified plans submitted to OSPCD (3 <sup>rd</sup> Floor Plan)	BP/CO	ISD/PIng.	
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2	<p>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.</p>	Demolition Permitting	ISD													



3	The Applicant will be required to demonstrate that the project meets the current City of Somerville stormwater policy. Utility, grading, and drainage plans must be submitted to the Engineering Department for review and approval.	BP	Eng.	
4	Applicant shall provide final material samples for siding, trim, windows and doors to the Planning Staff for review and approval prior to construction.	BP	Plng.	
5	Applicant shall supply a landscape plan to Planning Staff for review and approval. There shall be a minimum of one tree for each 1,000 sf of required landscaped area under SZO §10.3.	BP	Plng.	
6	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	
7	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	
8	There shall be grass pavers that make up one-foot of each side of the 16 foot wide driveway. There shall be pervious surface between the parking area and the abutting residential neighbors.	CO	DPW	
9	The curb cut on Summer Street shall be closed per DPW standards.			
10	If at the hearing the residential neighbors request that a fence be placed at the property line abutting their properties, the Applicant shall install a wooden fence that is not taller than 6 feet.			
11	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
12	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	
13	The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the building and all on-site amenities, including landscaping, fencing, lighting, parking areas and storm water systems, ensuring they are clean, well kept and in good and safe working order.	Perpetual	ISD	
14	Vehicles exiting this property must exit in a forward direction.	Perpetual	T&P	
15	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards.	Perpetual	Plng. / ISD	



16	If trash and recycling bins are kept outside they shall be screened by fencing or vegetation that blocks any view of them.	Perpetual	Plng.	
17	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.	Perpetual	Plng.	
18	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.	
19	The Applicant shall comply with the Affordable Housing Implementation Plan (AHIP) including the conditions specified in the plan.	CO	Housing	



Attest, by the Zoning Board of Appeals:

Herbert Foster, *Chairman*  
Orsola Susan Fontano, *Clerk*  
Richard Rossetti  
Danielle Evans  
Josh Safdie (Alt.)

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 \_\_\_\_\_



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