



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2018-89
Site: 125 Lowell Street
Date of Decision: October 3, 2018
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: October 16, 2018

ZBA DECISION

Applicant Name: 125 Lowell Street, LLC c/o Michael Olson
Applicant Name: 125 Lowell Somerville LLC
Applicant Address: 2 Oliver Street, 10th floor, Boston, MA02109
Owner Name: 125 Lowell Somerville LLC
Owner Address: 2 Oliver Street, 10th floor, Boston, MA02109
Agent Name: Rich DiGirolamo
Alderman: Ben Ewen-Campen

Legal Notice: Applicant/Owner, 125 Lowell Somerville LLC, seeks a Special Permit with Site Plan Review under SZO §5.2 and §4.5 to change one non-conforming use to another (office to 20 residential units - 4 of which are inclusionary units) in an existing non-conforming 7-story structure, and a Variance under SZO §5.5 and §7.3 for reduction of the lot area per dwelling unit. RA Zone. Ward 3.

Zoning District/Ward: 3
Zoning Approval Sought: §5.2, §4.5, §5.5, §7.3
Date of Application: July 5, 2018
Date(s) of Public Hearing: September 5, 2018 and October 3, 2018
Date of Decision: October 3, 2018
Vote: 5-0

Appeal #ZBA 2018-89 was opened before the Zoning Board of Appeals at Somerville City Hall on September 5, 2018. 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. On October 3, 2018 the Zoning Board of Appeals took a vote.



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DESCRIPTION: This proposal is to renovate and adaptively re-use the existing structure as a multi-family residential condominium building with 20 dwelling units. The proposal shows the unit program breakdown as 7 1-bedroom units, 7 2-bedrooms units, and 6 3-bedroom units. An Affordable Housing Implementation Plan will be negotiated with the Housing Division to determine which unit types will provide the 4 required inclusionary units (20%).

The primary structure will be retained but the exterior walls will be replaced with aluminum-framed window wall glazing system and high-density fiber cement panels. The parking will remain on the existing surface parking lot but will be restriped to 22 spaces (including handicapped and van spaces) and landscaped to include shade trees. The yard at the Lowell Street entrance to the building will remain as open space but will be redesigned to coordinate with the architectural style of the renovation.

FINDINGS FOR VARIANCE

A Variance (§5.5) is sought to increase the maximum number of dwelling units per lot and thereby reduce the lot area per dwelling unit.

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 proposal is for twenty (20) residential units. Currently the site is a vacant former Somerville Hospital School of Nursing which is seven (7) floors. The proposal is to maintain the primary structure, the exterior envelope will be substantially demolished and replaced. This is an existing seven (7) story building it would not be economically feasible to tear it down and rebuild. The massing of the units would be seven (7) massive residential units that would be impossible to rent or sell.

The Board’s response: Special circumstances apply to this project as it is the adaptive re-use of an existing building. While not of a similar scale or character to the surrounding homes, the structure has been in the neighborhood for approximately 50 years so it is very much part of the fabric. The former office use was less in-keeping with the predominantly residential area of Spring Hill than this proposal to convert the use to twenty multi-family apartments.

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: The proposal will not be injurious to the neighborhood, as it will provide housing units to the area. This will be an asset to the neighborhood as this development will be state of the art with many amenities for the residents.

The Board’s response: The existing building creates a challenge due to the square footage available within it. Converting the use to residential within the massing envelope means there will be more than the maximum number of units per lot (3 in an RA zone). This proposal allows for a reasonable use of the



vacant building as it has been designed with appropriately-sized dwelling units of 7 one-, 7 two-, and 6 three-bedrooms that the city sorely needs, and four of these 20 units will be permanently affordable.

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: This is a neighborhood with many multi-family residences. The proposal is harmonious with the neighborhood even though it is a RA zoning district it will all for new residential living in a building that has been vacant for number of years. The proposal will make the most efficient use of the site that is seven (7) story building that is no longer needed for a school of nursing.

The Board’s response: The residential use, although higher in density, is in harmony with the existing residential neighborhood. The pedestrian through movement, of hospital employees parking off-site across Belmont and walking to work, will be improved with the addition of shade trees and new landscaping. The parking remains located on the existing surface lot with a reduced number of spaces than required for the former office use.

FINDINGS FOR SPECIAL PERMIT with SITE PLAN REVIEW (SZO §5.2):

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.”*

Nature of Application: Residence A

The structure is currently nonconforming with respect to the following dimensional requirements:

	Required	Existing	Proposed	Notes
Minimum Lot Size (sf)	10000	24999	24999	
Minimum Lot Area per Dwelling Unit	2250	na	1250	non-conforming
Maximum Ground Coverage	50%	10.9%	15.0%	
Minimum Landscaped Area	25%	41.0%	35.0%	
Floor area ratio (F.A.R.)	0.75	0.98	0.98	pre-existing non-conformity
Maximum Height (ft)	35'	64'-2"	64'-2"	pre-existing non-conformity
Maximum Height (stories)	2.5	7.0	7.0	pre-existing non-conformity
Minimum front yard (ft)	15'	75'	75'	
Minimum side yards (ft): Left	1/3 height (26')	9'	9'	pre-existing non-conformity



Minimum side yards (ft): Right	2/3 height (52.3')	110'	110'	combination conforming
Minimum rear yards (ft)	20'	14'-8"	14'-8"	pre-existing non-conformity
Minimum frontage (ft)	50'	90'	90'	
Minimum Pervious Area	35%	41.0%	47%	

This alteration to a nonconforming structure requires the Applicant to obtain special permits under §4.4.1 of the Somerville Zoning Ordinance (SZO). Section 4.4.1 states that “[l]awfully existing nonconforming structures other than one- and two-family dwellings may be enlarged, extended, renovated or altered only by special permit authorized by the SPGA in accordance with the procedures of Article 5. The SPGA must find that such extension, enlargement, renovation or alteration is not substantially more detrimental to the neighborhood than the existing nonconforming building. In making the finding that the enlargement, extension, renovation or alteration will not be substantially more detrimental, the SPGA may consider, without limitation, impacts upon the following: traffic volumes, traffic congestion, adequacy of municipal water supply and sewer capacity, noise, odor, scale, on-street parking, shading, visual effects and neighborhood character.” In considering a special permit under §4.4 or 4.5 of the SZO, The board does not find that the alterations and use proposed would not be substantially more detrimental to the neighborhood than the existing structure.

This proposal also requires a closer examination of sections related to the change of use and the number of units. Section 4.5.1. *Change of Nonconforming Use* allows that a lawfully nonconforming use may change to another nonconforming use only by special permit provided that the SPGA finds that such change is not substantially more detrimental to the neighborhood than the existing nonconforming use. Any change from a nonconforming nonresidential use to a nonconforming residential use under this section shall also be subject to [Article 7, § 7.3](#). The residential use is less detrimental to the neighborhood than the former office use and provides a reduction in parking requirements.

Section 7.3 addresses Maximum Dwelling Units Per Lot - “In Residence A and Residence B districts, where developments include a minimum of twenty percent (20%) affordable housing units on-site, but in no case less than one (1) affordable unit, as defined by Section 2.2.4, the above standards may be waived by the SPGA through application for special permit with site plan review. In all cases, the minimum lot size, the minimum lot area per dwelling unit and other dimensional and parking requirements of [Article 8](#) and [Article 9](#) shall be met.” This proposal does not meet the minimum lot area per dwelling unit for the RA zone (2,250sf) as the district is intended to be one- and two-family dwellings and is therefore requesting a variance. The unit sizes proposed are appropriate for a multi-family building of this nature – more units in the building than typical for the neighborhood – and provide units with higher bedroom counts to appeal to families. The 4 new affordable units are a good balance for the increase in units and the reduced lot area per dwelling.

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 not consistent with the purpose of the district, which is “to establish and preserve quiet neighborhoods of one- and two-family homes, free from other uses except those which are both compatible with and convenient to the residents of such districts”. However, as this is an existing building being adaptively re-used the residential use is far more appropriate to the neighborhood than the former office use.



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”.*

Surrounding Neighborhood: The Spring Hill neighborhood is mostly residential with a variety of restaurants and bars nearby, and is roughly bounded by Highland Avenue, Somerville Avenue, Elm Street, and Willow Avenue in close proximity to Davis Square, Porter Square, Cambridge.

Impacts of Proposal (Design and Compatibility):

While not of a similar scale or character to the surrounding homes, the structure has been in the neighborhood for approximately 50 years so it is very much part of the fabric. The former office use was less in-keeping with the predominantly residential area of Spring Hill than this proposal to convert the use to twenty multi-family dwellings.

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

The proposal will meet all accepted standards and criteria as the 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 requirements for water and sewer usage will change from the former office use to residential use demands. As the design of the building and the detailed requirements are further defined, a condition of approval should be included to provide sewer calculations for I&I analysis and fee.

The vehicular patterns will change but are not expected to generate traffic problems and the pedestrian circulation will remain the same – allowing across the site (through-block) walking. A condition of approval is recommended to use the standard bike racks specified by the Transportation & Infrastructure Division.

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.”*

While the residential use is not expected to generate excessive noise, vibrations, or noxious gases, there are existing antennae located on the roof of the existing structure.

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 §1.2, which includes, but is not limited to promote the health, safety, and welfare of the inhabitants of the City of Somerville; to secure safety from fire, panic and other dangers; to provide adequate light and air; to conserve the value of land and buildings; to preserve the historical and architectural resources of the City; encourage the most appropriate use of land throughout the City; to protect and promote a housing stock that can accommodate the diverse household sizes and life stages of Somerville residents at all income levels, paying particular attention to providing housing affordable to individuals and families with low and moderate incomes; and to preserve and increase the amenities of the municipality.”

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 or natural landforms or features to be preserved on the site. The “front yard” on Lowell Street will be redesigned and upgraded with landscape and walkways and will be accessible to the public – no fencing or gates. The vehicle parking will remain on the existing surface lot but will be upgraded and enhanced with landscaping.

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.”*

This proposal is an adaptive re-use of an existing 7-story nursing school and office building in RA neighborhood. None of the views or solar orientation (therefore shadows) will be altered.

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.”*

Stormwater management will be designed to balance runoff volume in addition to peak flows for each storm with a detention system above seasonal high ground water elevation under the parking area. Porous paving has been included as part of the open space (patio) design and edging details to allow rainwater to access planters.



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.”*

While not of a similar scale or character to the surrounding homes, the existing 7-story nursing school and office building has been in the neighborhood for approximately 50 years so it is very much part of the fabric. The architectural significance maybe be debated based on the era of design and construction from a historic perspective but adaptive re-use of existing structures are good for the city for a variety of other reasons – such as environmental impacts and housing needs.

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 existing building is a dated 1970’s concrete building with infill brick panels and light-weight aluminum –framed windows. The proposal will greatly improve the appearance of the structure to the neighborhood as well as increasing the environmental performance of the building. Screening the building from the streets is a suburban requirement and is not appropriate in an urban setting such as this. However, the landscape design is very appropriate for the open spaces and the parking is screened from the street.

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 will be conditioned to have minimum impact on surrounding 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.”*

Access to the building will be primarily from the driveway and parking area from Belmont Street. However, in case of absolute emergency, equipment can access the front of the building via the landscape yard from Lowell 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 existing to remain driveway is not near an intersection.



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 utility connections will be underground from the point of access to the site.

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 landscape plan addresses stormwater management issues but there will be no machinery emitting heat, vapor, light or fumes. The HVAC mechanical equipment will be located on the roof so any noise will be removed from the surrounding homes.

Traffic movements and parking will be different for the residential use that the former office however, parking relief is not required. The previous approval in 1997 for change of use granted relief to provide 36 spaces on-site instead of the 49 required that would have been required at that time which creates an existing parking non-conformity. Per Section 9.4.1, if an existing use or lot does not have sufficient parking and there is no increase in the net floor area of said use, a calculation is required for the number of parking spaces that would be required for the proposed new use and the existing use (if vacant, the most recent previous use shall be used). If the new use requires less or the same number of parking spaces than the existing (or previous) use, then no additional parking spaces shall be required.

The current Ordinance requires the proposed residential to provide 33 spaces for the residents and 3 visitor spaces based on the bedroom count of the units. This is the same total of spaces that was previously provided. The Board, in coordination with the Director of Transportation & Infrastructure, recommend that the required parking be reduced further in keeping with the City’s SomerVision goals of “50% of New Trips via Transit, Bike, or Walking as part of an equitable plan for access and circulation to and through the City” and “Use technology and infrastructure improvements to balance the needs of pedestrians, bicyclists, private vehicles, and mass transit, reduce congestion and pollution, decrease road space dedicated to automobiles, and unlock economic development potential, while having a fiscally sound road maintenance program”. By reducing the spaces to one space per unit, as is the direction being established in other areas of the City on new projects, the surface parking lot can be redesigned and restriped to include shade trees that reduce the urban heat island effect and create a more pleasant through-block passage for pedestrians.

The Applicant has been working with the Director of Transportation & Infrastructure regarding off-site pedestrian safety improvements at the intersection of Lowell and Summer Streets. A raised intersection or similar crossing is being studied, and the Applicant is committed to continuing those conversations along with a contribution of \$75,000. While not addressing adverse effects caused by this proposal, the improvements will be a benefit for the entire neighborhood.

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 signage is anticipated beyond the typical addressing of the building. Should any signage be requested, a separate application 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 parking will remain in the location of the existing surface lot but will be screened from the rear yards of immediately adjacent neighboring properties with a 6’ horizontal slat composite fence and a row of Pyramidal arborvitae landscaping.

21. Screening of Parking:

The parking will remain in the location of the existing surface lot but will be screened from Belmont Street with a 48” steel picket fence and decorative landscaping.

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

This proposal increases the housing stock in the city by proposing 20 new multi-family units and 4 of those will be permanently affordable. A condition of approval should be that an Affordable Housing Implementation Plan will be negotiated with the Housing Division to determine which unit types.

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. 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.*

<u>SomerVision Summary</u>	<u>Existing</u>	<u>Proposed</u>
<i>Dwelling Units:</i>	0	20
<i>Affordable Units:</i>	0	7 4
<i>Commercial Sq. Ft.:</i>	0	0
<i>Estimated Employment:</i>	unknown	0
<i>Parking Spaces:</i>	36	22
<i>Publicly Accessible Open Space:</i>	0	0

24. Impact on Affordable Housing: *In conjunction with its decision to grant or deny a special permit for a structure of four or more units of housing, the SPGA shall make a finding and determination as to how implementation of the project would increase, decrease, or leave unchanged the number of units of rental and home ownership housing that are affordable to households with low or moderate incomes, as defined by HUD, for different sized households and units.*

This proposal increases the housing stock by 4 permanently affordable units. An Affordable Housing Implementation Plan will be negotiated with the Housing Division to determine which unit types those will be.



DECISION:

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Danielle Evans, Elaine Severino, and Anne Brockelman. Upon making the above findings, Richard Rossetti made a motion to approve the request for a Special Permit with Site Plan Review and Variance. Elaine Severino seconded the motion. 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 for the adaptive re-use of an existing 7-story structure to 20 residential dwelling units and associated open space and parking. 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>July 5, 2018</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>August 30, 2018</td> <td>Modified plans submitted to OSPCD</td> </tr> <tr> <td>September 23, 2018</td> <td>Modified plans submitted to OSPCD</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	July 5, 2018	Initial application submitted to the City Clerk's Office	August 30, 2018	Modified plans submitted to OSPCD	September 23, 2018	Modified plans submitted to OSPCD
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Any changes to the approved use and design drawings that are not <i>de minimis</i> must receive SPGA approval.												
Affordable Housing/Linkage												
2	Affordable Housing Implementation Plan (AHIP) should be approved by the OSPCD Housing Division and executed prior to issuance of Building Permit. Affordable units shall be provided on-site.	BP	Housing									
3	Written certification of the creation of affordable housing units, any 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									
4	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									
5	Linkage payments will be required to be paid to the Somerville Housing Trust Fund before a CO is issued.	CO	Housing									



6	The applicant must comply with the: "Policy for new connections to and modifications to existing connections to the municipal sewer and drainage system stormwater management and infiltration/inflow mitigation." The Applicant shall work with Engineering to meet this condition and provide the required fees/mitigation.	CO	Eng	
Pre-Construction				
7	The applicant/owner will provide a contribution of \$75,000 for the Director of Transportation & Infrastructure to continue studying pedestrian safety in the neighborhood – possibly a raised crosswalk or redesigned intersection at Lowell and Summer Streets.	CO	T&I/Plng	
8	The Applicant shall complete the Site Plan Review Checklist and supply the information to the Engineering Office. The plans must comply with the City’s Stormwater Management Policy.	BP	Eng.	
9	The applicant must comply with the: "Policy for new connections to and modifications to existing connections to the municipal sewer and drainage system stormwater management and infiltration/inflow mitigation." The Applicant shall work with Engineering to meet this condition and provide the required fees/mitigation.	CO	Eng.	
10	The Applicant shall submit a proposed drainage report, stamped by a registered PE in Massachusetts that demonstrates compliance with the City’s stormwater policy.	BP	Eng.	
11	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	
12	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				
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.	
13A	Hours of construction shall be limited to provide minimal interruption to the neighbors. Work must only occur between 7:30am and 5:00pm on Monday through Friday with 24-hour noticing to the immediate abutters when loud activities (such as masonry drilling/cutting, or work of a similar volume) will be performed.	During Construction	Plng.	
14	Approval is subject to the Applicant’s and/or successor’s right, title and interest in the property.	Cont.	Plng.	Deed submitted & application formed signed



15	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	
16	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	
Design				
17	Applicant shall provide final material samples for all building, paving, and landscape materials (including color choices) to Planning Staff for review and approval prior to construction.	BP	Plng.	
18	An exterior light and electrical receptacle is required for all balconies.	Final sign off	Wiring Inspector	
18A	Applicant must provide lighting specifications to Planning Staff for review to ensure that condition #35 is appropriately met.	BP	Plng	
18B	Safety railings on the roof will not have horizontal rails. Only vertical pickets on solid panels are permitted.	BP	Plng	
Site				
19	Landscaping should be installed and maintained in compliance with AmericanHort Standards. Existing trees will be preserved, and <u>all</u> new trees will be planted and maintained in accordance with the City Arborist.	Perpetual	Plng. / ISD	
20	There shall be a minimum of one tree for each 1,000 sf of required landscaped area under SZO §10.3.	Perpetual	Plng. / ISD	
21	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	
22	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.	
23	Applicant will supply a minimum of 6 bicycle parking spaces, which can be satisfied with an inverted U-type bicycle rack.	CO	Plng.	
Traffic & Parking				
24	Screening of parking areas of other parts of the premises from the street by specified walls, fences, planting or other means and must be maintained in perpetuity.	Perpetual	Plng. / ISD	
Miscellaneous				



25	Gas and electric meters shall not be on the front of the structure. Gas and electric meters may be located on the side of the structure but shall be screened from the street. Utilities shall not be located adjacent to windows and shall not impact any parking, landscaping, or egress. The provisions of this condition may be waived by staff if the applicant submits a letter from the utility, signed by a utility representative, on utility letterhead, indicating that there is no feasible alternative to placing meters in violation of this condition.	CO	ISD	
26	Garbage and recycling locations shall be clearly indicated on site plans. Storage areas shall be inside of the structure or shall be fully screened from view from both the public way and abutters by an appropriate material reviewed and approved by staff. The location shall not impact any parking, landscaping, or egress.	BP	Plng.	
27	Granting of the applied for use or alteration does not include the provision for short term rental uses, such as AirBnB, VRBO, or the like. Separate approvals are needed for the aforementioned uses.	Ongoing	ISD / Plng.	
28	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	
29	Any antenna that is not operated continuously for a period of twelve (12) months shall be considered abandoned, and the owner of such antenna shall remove the same. Failure to remove may result in a fine or penalty. After the 12 month period with a 30 day notice to the equipment owner, the Applicant may remove any of that carrier's unused or non-operating wireless equipment.	Cont.	ISD	
30	. Any antenna or public safety equipment belonging to the City will remain in operation during construction and an access easement between the applicant/owner and the City for on-going maintenance.	CO/ perpetual	ISD/Fire/ Eng	
31	For developments with 7 or more residential units or commercial development, the Owner/Applicant is required to hire a private company to remove trash and recycling on a regular basis.	Signoff	Plng	
Public Safety				
32	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
33	Any transformers should be located as not to impact the building or landscaped area, and shall be fully screened to the extent permitted by code.	Electrical permits &CO		
34	Notification must be made, within the time period required under applicable regulations, to the Massachusetts Department of Environmental Protection (DEP) if there is any release of oil, hazardous materials, or regulated hazardous substances at the site. The City's OSE office, Fire Department and the Board of Health shall also be notified.	At time of release	OSE/FP/B OH	

35	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.	
36	The Applicant shall provide notice of intent to strictly comply with applicable State and Federal regulations regarding air quality including without limitation continuous dust control during demolition and construction.	CO	Plng/OSE	
Final Sign-Off				
37	The Applicant shall contact Planning Staff at least five working days in advance of a request for a final inspection by Inspectional Services to ensure the proposal was constructed in accordance with the plans and information submitted and the conditions attached to this approval.	Final sign off	Plng.	



Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chairman*
Richard Rossetti, *Clerk*
Danielle Evans
Elaine Severino
Anne Brockelman (Alt.)

Attest, by the Administrative Assistant:

Monique Baldwin

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 _____

