



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
JOSEPH A. CURTATONE
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SARAH LEWIS, *SENIOR PLANNER*
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ALEX MELLO, *PLANNER*
DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*

Case #: ZBA 2015-49-R1-0717

Date: October 18, 2017

PLANNING STAFF MEMO

Attached to this memo is the original decision from December, 2015 regarding 161 Linwood. Under our *de minimis* change process, the Applicant was able to alter some elements of the originally-approved proposal. *De minimis* changes are reviewed and approved by Staff.

The Applicant made other changes to the project during the construction phase that had not been previously approved by the ZBA or Staff. These changes should have, however, been submitted to the Planning Office for review and sent to the ZBA for review. These changes were instead implemented by the Applicant without prior approval. The Applicant is before the ZBA now seeking this retroactive approval. These changes also fall outside of the definition of a *de minimis* change

The Applicant seeks to retroactively have these changes approved by the ZBA by requesting revisions of the special permits and variances previously approved by this board in December, 2015. It is within the ZBA's purview to approve or deny these requested changes. The changes that the Applicant seeks to have approved are outlined in the footnoted legal notice.¹

This memo describes the requested changes below:

PARKING SPACE DIMENSIONS

ZBA Approval:

The approved parking space size is 10 x 25.

Applicant Installation:

The Applicant installed spaces of 9 x 20.

¹ **LEGAL NOTICE:** 161 Linwood Street (ZBA 2015-49-R1-0717) Applicant, Herb Chambers I-93, Inc. and Owner, Tauro Realty Trust with David Tauro, Trustee, seek a revision to a Special Permit with Site Plan Review under §5.2 and §5.3 of the SZO to alter a site plan including parking space dimensions and dumpster location. A Variance under §5.5 and §10.7 is sought for a fence exceeding 6 feet in height. IA Zone. Ward 2.

The Applicant requests that the parking spaces sized at 9 x 20 be retroactively approved. It is unclear why the Applicant did not install parking spaces to the size approved by the ZBA. The Applicant contends the size of the parking spaces was not changed. Measurements of the actual spaces show dimensional differences.

Staff recommendation:

- Staff has no opposition to the change in parking space dimensions and recommends approval.

DUMPSTER LOCATION

ZBA Approval:

The ZBA approved site plans that called for the dumpster to be located behind the new building.

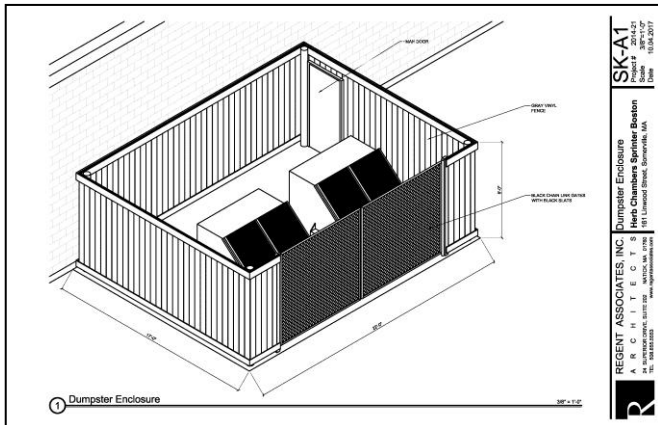
Applicant Installation:

The Applicant located the dumpster behind the building line and initially sought approval from the ZBA for this new location. After working with Planning Staff, the Applicant has proposed better screening for the dumpster to shield it from public view and gates to close off the dumpster except during trash pickup times. Staff has attached the proposed enclosure and corresponding gates to this staff memo.

Staff recommendation:

Conditional approval as follows:

- Staff reviews and approves the proposed materials prior to their installation at the site.
- If/when the AutoZone property changes hands and the current building is removed, the dumpster and enclosure will be moved off of the property line and to a location approved by the Planning Staff.



FENCE HEIGHT

ZBA Approval:

The ZBA approved a side yard fence of 6 feet.

Applicant Installation:

The Applicant installed a side yard fence of 8 feet in height. Any fence higher than 6 feet would require a variance from the ZBA. However, in this instance, the Applicant installed a fence that was of the same height of the previously-existing fence of 8 feet. In their revision application, the Applicant included the following information regarding the fence as follows:

“Fence adjacent to the Auto Zone Property: The intent of the design was to replace, with a new fence, the existing fence adjacent to the Auto Zone property and perpendicular to the street frontage. The discussion regarding fencing was related to removing the existing chain link fence encompassing the city-owned parcel and replacing it with ornamental fencing along the perimeter. This is exactly what was constructed.”

In summary, the Applicant provided visuals to Planning Staff showing that the previous fence was of about eight feet in height. This would mean that the replacement fence was an in-kind replacement.

Staff recommendation:

- Approval of the 8-foot black-coated chain link fence that was installed by the Applicant.



Top left: image of one of the old 8-foot, chain-link fences.



Bottom left: image of one of the new, black-coated 8-foot fences.



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PLANNING DIVISION

ZONING BOARD OF APPEALS MEMBERS

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ANNE BROCKELMAN, (ALT.)

Case #: ZBA 2015-49
Site: 161 Linwood Street
Date of Decision: December 9, 2015
Decision: Petition Approved with Conditions
Date Filed with City Clerk: December 17, 2015

ZBA DECISION

Applicant Name:	Herb Chambers I-93, Inc.
Applicant Address:	259 McGrath Highway, Somerville, MA 02145
Property Owner Name:	Tauro Realty Trust/David Tauro, Trustee
Property Owner Address:	P.O. Box 153, Somerville, MA 02143
Agent Name:	Richard G. DiGirolamo, Esq.
Agent Address:	424 Broadway, Somerville, MA 02145

Legal Notice: Applicant, Herb Chamber I-93, Inc., and Owner, Tauro Realty Trust, seek a Special Permit with Site Review per SZO §7.11.11.1 Motor Vehicle Sales and Service to establish a car dealership over 5,000 square feet.

<u>Zoning District/Ward:</u>	IA zone/Ward 2
<u>Zoning Approval Sought:</u>	§7.11.11.1
<u>Date of Application:</u>	July 1, 2015
<u>Date(s) of Public Hearing:</u>	10/21, 11/4/, 11/18 & 12/9/15
<u>Date of Decision:</u>	December 9, 2015
<u>Vote:</u>	5-0

Appeal #ZBA 2015-49 was opened before the Zoning Board of Appeals at Somerville City Hall on October 21, 2015. Notice of the Public Hearing was given to persons affected and was published and posted, all as required by M.G.L. c. 40A, sec. 11 and the Somerville Zoning Ordinance. After one hearing of deliberation, the Zoning Board of Appeals took a vote.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722
www.somervillema.gov

DESCRIPTION:

The proposal is to establish a motor vehicle sales and service use for Sprinter vans. This business would operate in connection with the Herb Chambers dealership at 259 McGrath Highway. This location would be used to show vans and also for service including a car wash and storage of vehicles for the dealership.

The 14,500 square foot structure that is closest to the street would be demolished and a new 7,900 square foot building would be built. The total square footage of the buildings onsite would decrease from approximately 25,212 to 17,189 square feet. The building will be setback 21 feet from the front property line to allow for vehicles to pass from the street directly onto the property and not over the abutter's property as is the case today. The approximately 9,000 square foot building on the back of the site will remain as a storage warehouse.

In the parking lot will be 31 parking spaces. Some of the spaces will be in tandem and some will be larger than the typical 9 by 18 foot space to accommodate the longer depth of the vans.

The proposal also includes improving the small piece of land between the subject property and McGrath Highway. There is an easement between these pieces of land that is shown as "limit of existing right of way" on sheet AS1.1 dated December 3, 2015. Improvements include removing the chain link fence with barbed wire that surrounds it, installing a 60 inch landscape bed along the sidewalk with a 42 inch tall black ornamental fence in the landscaped area, and replacing the asphalt pavement with stamped concrete. Vehicles will be displayed in this space.

FINDINGS FOR SPECIAL PERMIT WITH SITE PLAN REVIEW (SZO §7.11.11.1):

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."*

Per SZO §7.11.11.1, a Special Permit with Site Plan Review is required to establish a motor vehicle sales and service establishment over 5,000 square feet. The net square feet of the buildings will be 17,189.

The dimensions of the building and site will be conforming to the requirements of the Somerville Zoning Ordinance. Ten percent of the site will have to be landscaped.

Parking requirement for motor vehicle service is 2 for the first first bay, plus 1 per each additional bay, plus 1 per business vehicle stored on-site. There will be four bays in the building, which require five parking spaces. With 21 parking spaces that have direct access to the drive aisle (non-tandem), this parking requirement is met. A condition of approval will be that a bicycle parking space is provided onsite to meet this requirement.

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 IA district, which is, "[t]o establish and preserve areas for industrial and related uses which are not incompatible with commercial uses; uses which are most appropriately



located as neighbors of industrial uses including living and studio space for artists; and uses which are necessary to service the immediate needs of industrial establishments in those areas, and accessory uses to industrial uses such as day care centers, cafeterias, health facilities, and the like.

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”.*

Special Permit with Site Plan Review applications must meet the design guidelines under SZO §5.2.4. The design guidelines for business districts are as follows:

1. *Maintain a strong building presence along the primary street edge, continuing the established streetwall across the front of the site so as to retain the streetscape continuity; however, yards and setbacks as required by Article 8 shall be maintained.*

The building will be setback 21 feet from the property line to accommodate vehicles getting to the side yard parking lot. Despite the setback the building has a presence along the portion of the lot that directly abuts Linwood Street.

2. *Differentiate building entrances from the rest of the primary street elevation, preferably by recessing the entry from the plane of the streetwall or by some other articulation of the elevation at the entrance.*

There will be double doors for the main entrance and they will be glass with side lights to distinguish the entrance from the rest of the façade.

3. *Make use of the typical bay widths, rhythms and dimensions prevalent in buildings adjacent to the site, especially in new construction or substantial redevelopment.*

This façade along the street will be broken up by glazing for each bay of the building that provides views into the interior space for vehicle washing, the main entrance, and the service bays.

4. *Clearly define these bay widths, rhythms and dimensions, making them understandable through material patterns, articulations and modulations of the facades, mullion design and treatment, etc.*

The bays are distinguished through different fenestration: a glass garage door on the vehicle washing section, glass doors on the lobby, and large windows on the service area.

5. *Provide roof types and slopes similar to those of existing buildings in the area.*

A flat roof is typical for the buildings in this industrial area.

6. *Use materials and colors consistent with those dominant in the area or, in the case of a rehabilitation or addition, consistent with the architectural style and period of the existing building. Use of brick masonry is encouraged, but not considered mandatory.*

The materials of the building will be masonry, metal, concrete, and glass, which are consistent with materials in the area.

7. *When parking lots are provided between buildings, abutting the primary street and breaking the streetwall, provide a strong design element to continue the streetwall definition across the site, such as a low brick wall, iron works or railing, trees, etc.*

Placement of a wrought iron fence along the property line will satisfy this guideline.



8. *Locate transformers, heating and cooling systems, antennae, and the like, so they are not visible from the street; this may be accomplished, for example, by placing them behind the building, within enclosures, behind screening, etc.*

The location of the mechanical equipment has not yet been determined. A condition of approval will be that this equipment must be located behind the building or screened in a way that is acceptable to Planning Staff.

9. *Sites and buildings should comply with any guidelines set forth in Article 6 of this Ordinance for the specific base or overlay zoning district(s) the site is located within.*

None.

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

The site plan and building present a functional design. The access to the site and building will be improved from the current condition where cars park along the building and back out directly onto the street. Vehicles will only be exiting the garage doors in a forward direction and the garage door will be on the right side of the property, farther away from the bend in the road. Vehicles entering and exiting the parking lot will have a path that will be on the subject property’s land. There will be a 6 foot tall ornamental fence and sliding gate at the setback of the building. That fence and the proposed condition of improving the piece of land along the street will provide a clear path for vehicular travel and keep the easement area unobstructed.

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 subject will not create adverse impacts on public services including the storm drainage system and vehicular traffic. The site is currently all hardscape and the proposal will improve upon this condition. A stormwater management report was created for the site. The new structure will have direct roof runoff to a subsurface detention area. The report states that the project does not meet the threshold of 2,000 gallons per day of sewage discharge that requires infiltration and inflow removal and the peak discharge under post development conditions will not exceed the pre-development conditions. The trip generation memo for the site estimates that there will be a reduction in trips of 17 trips in the morning peak and 20 trips in the afternoon peak hour.

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

The environmental impacts of the proposed use are similar to or less than the current auto repair use. The district is industrial in nature and it is not anticipated to cause a negative impact on surrounding properties.

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 encouraging the most appropriate use of land throughout the City.



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 natural landforms or landscaping on the site. A condition of approval is that the ten percent landscape requirement is met and that landscaping is provided in the front yard.

10. Relation of Buildings to Environment: *The Applicant must ensure that “buildings are: 1) located harmoniously with the land form, vegetation and other natural features of the site; 2) compatible in scale, design and use with those buildings and designs which are visually related to the development site; 3) effectively located for solar and wind orientation for energy conservation; and 4) advantageously located for views from the building while minimizing the intrusion on views from other buildings.”*

The building has been designed to relate to the environment. The massing of the building will not change greatly from where it is today except that it will be moved back to create a drive aisle on the subject property. The building will continue to address the street and be one-story in height and therefore intrusion of views and interruption of features is not changing.

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.”*

A stormwater management report was created for the site. The new structure will have direct roof runoff to a subsurface detention area. The report states that the project does not meet the threshold of 2,000 gallons per day of sewage discharge that requires infiltration and inflow removal and the peak discharge under post development conditions will not exceed the pre-development conditions.

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 HPC determined that this building was not preferably preserved. The subject property is not abutting local historic districts. The massing and fenestration of the building does relate to these elements of historic garages in the city.

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 overall appearance of the building and site will improve as a result of this application. Cars will no longer be parked haphazardly in front of the building. The tall chain link fence with barbed wire will be removed from this prominent location along McGrath Highway. The building is surrounded by the industrial uses and screening is not necessary for this building as designed.

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 sidewalk in front of the building will be illuminated from light inside of the building passing through the large amount of glazing on the building.

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 can access the site from Linwood and Joy Streets. The applicant submitted a plan showing that a fire truck can make the turn into the site.

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 points of access shift slightly from the current locations. The trip generation memo submitted states that there were only two vehicular crashes at the intersection of McGrath Highway and Linwood Street over the last 10 years.

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 specifications of the utility service will be reviewed and approved by the electrical inspector prior to issuing a building permit. The electric, telephone, and other such lines and equipment shall be placed underground from the source or connection.

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 impacts of this proposal will be similar in nature to the existing auto repair facility. All of the work will be conducted inside of the enclosed building to reduce noise and fumes to surrounding properties. There will be a culc storm drainage system installed to ensure that the stormwater runoff from the site does not increase from the current condition.

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.”*

The signage is reflective of the scale and character of the existing building and proposed alterations.

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 mechanical equipment will be conditioned to be located behind the building or screened with the approval of planning staff.

21. Screening of Parking: Parking will be located along the left side property line and behind the building. The display vehicles will be behind a 5 foot deep landscaped area with a decorative fence, which will greatly improve the appearance of this highly visible location.

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

This proposal does not involve housing.

22. SomerVision Plan: *Complies with the applicable goals, policies and actions of the SomerVision plan, including the following, as appropriate: Preserve and enhance the character of Somerville’s neighborhoods, transform key opportunity areas, preserve and expand an integrated, balanced mix of safe, affordable and environmentally sound rental and homeownership units for households of all sizes and types from diverse social and economic groups; and, make Somerville a regional employment center with a mix of diverse and high-quality jobs. The areas in the SomerVision map that are designated as enhance and transform should most significantly contribute towards the SomerVision goals that are outlined in the table below. The areas marked as conserve are not expected to greatly increase the figures in the table since these areas are not intended for large scale change.*

This proposal is in an area that is proposed to be transformed in SomerVision. Before the Greenline station is established interim uses that support and expand existing businesses should be allowed.

<i>SomerVision Summary</i>	<i>Existing</i>	<i>Proposed</i>
<i>Commercial Sq. Ft.:</i>	25,212	17,189
<i>Estimated Employment:</i>	Unknown	Unknown

23. 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 does not involve housing.



DECISION:

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

#	Condition	Timeframe for Compliance	Verified (initial)	Notes										
1	Approval is for the establishment of a Motor Vehicle Sales and Service over 5,000 sf. 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 1, 2015</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>Sept 10, 2015</td> <td>Modified plans submitted to OSPCD (C1.0 existing conditions, C2.0 layout & materials plan, C3.0 grading & utilities plan, turning radius, C4.0-4.1 details)</td> </tr> <tr> <td>Oct 15, 2015</td> <td>Modified plans submitted to OSPCD (A1.1 floor plan, A1.2 exterior elevations)</td> </tr> <tr> <td>Dec 3, 2015</td> <td>Modified plans submitted to OSPCD (AS1.1 Site Plan & Zoning Info)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	July 1, 2015	Initial application submitted to the City Clerk's Office	Sept 10, 2015	Modified plans submitted to OSPCD (C1.0 existing conditions, C2.0 layout & materials plan, C3.0 grading & utilities plan, turning radius, C4.0-4.1 details)	Oct 15, 2015	Modified plans submitted to OSPCD (A1.1 floor plan, A1.2 exterior elevations)	Dec 3, 2015	Modified plans submitted to OSPCD (AS1.1 Site Plan & Zoning Info)
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Any changes to the approved plans that are not <i>de minimis</i> must receive SPGA approval.														
Pre-Construction														
2	New sanitary connection flows over 2,000 GPD require a 4:1 removal of infiltration and/or inflow by the Applicant. This will be achieved by submitting a mitigation payment to the City based on the cost per gallon of I/I to be removed from the sewer system. The Applicant shall work with Engineering to meet this condition, if applicable, before a certificate of occupancy is issued.	CO	Eng.											
3	The Applicant shall submit the proposed drainage report, stamped by a registered PE in Massachusetts that demonstrates compliance with the City's stormwater policy to Engineering for review and approval.	BP	Eng.											



4	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	
5	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				
6	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	
7	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	
Site				
8	10% of the site shall be landscaped. The location of the landscaping shall be in front of the building unless shown that this is infeasible due to maneuvering needs. The landscaping shall be installed and maintained in compliance with the American Nurserymen's Association Standards.	Perpetual	Plng. / ISD	
9	The Applicant shall provide planning staff with a memorandum outlining the ownership of the stamped area on Sheet AS1.1.	BP	Plng.	
10	The chain link fence along the parking area of the subject property that extends onto the abutting property shall be removed in its entirety.	CO	Plng.	



11	<p>If the City owns the stamped area on Sheet AS1.1:</p> <ul style="list-style-type: none"> a. The city and the applicant will enter a license agreement to display vehicles on the land. The license will specify the maximum number of vehicles allowed to be displayed. b. The Applicant shall install a 5 foot wide landscaped area and fence along the sidewalk, and stamped concrete as shown on Sheet AS1.1. A more detail plan of this area shall be submitted to planning staff for review and approval. c. The Applicant shall maintain the stamped area on Sheet AS1.1 with terms agreed to in the license. d. The use of the land is revocable by the City with 30 days notice. The term of the license is 3 years. <p>If the City does not own the land the location of the fence at the front of the property shall be subject to planning staff approval.</p>	BP	Plng.	
12	The electric, telephone 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	
13	If a dumpster is required, it shall be located behind the building.	CO	Plng.	
14	Applicant will supply 1 bicycle parking spaces, which can be satisfied with U-type bicycle rack.	CO	Plng.	
15	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	
16	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.	Cont.	DPW	
Public Safety				
17	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
18	Any transformers should be located behind the building or if that is not possible, they shall be screened with a material that is acceptable to Planning Staff.	Electrical permits & CO		
19	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/BOH	
20	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.	
21	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	



Signage				
22	Signage will be limited in size and location to that shown in the elevation diagrams and lighting after 10p.m. facing residential property will be turned down or off.	CO/Cont.	Plng.	
Final Sign-Off				
23	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*
Elaine Severino
Josh Safdie
Anne Brockelman, (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 _____

