



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2017-91
Site: 105-107 Washington St
Date of Decision: March 7, 2018
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: March 20, 2018

ZBA DECISION

Applicant Name: 105 Washington 5 LLC
Applicant Address: 385 Mystic Street, Arlington, MA 02474
Property Owner Name: 105 Washington 5 LLC
Property Owner Address: 385 Mystic Street, Arlington, MA 02474
Agent Name: David Weinstock
Agent Address: 385 Mystic Street, Arlington, MA 02474
Alderman: Matthew McLaughlin

Legal Notice: Applicant and Owner, 105 Washington 5 LLC, seeks Special Permits with Site Plan Review (SPSR) to construct a 7-unit residential structure in the RC zone, Special Permits under Section 4.4.1 of the SZO to extend existing non-conforming setbacks, and special permit and/or variance for parking under Article 9 of the SZO, variances for height and number of stories. RC zone. Ward 1.

<u>Zoning District/Ward:</u>	RC zone. Ward 1
<u>Zoning Approval Sought:</u>	§4.4.1, §5.2, §7.11, Article 9, Article 13
<u>Date of Application:</u>	August 9, 2017
<u>Date(s) of Public Hearing:</u>	2/14, 3/7
<u>Date of Decision:</u>	March 7, 2018
<u>Vote:</u>	4-0

Appeal #ZBA 2017-91 was opened before the Zoning Board of Appeals in the Aldermanic Chambers, City Hall, 93 Highland Avenue. Notice of the Public Hearing was given to persons affected and was published and posted, all as required by M.G.L. c. 40A, sec. 11 and the Somerville Zoning Ordinance. After two hearings of deliberation, the Zoning Board of Appeals took a vote.



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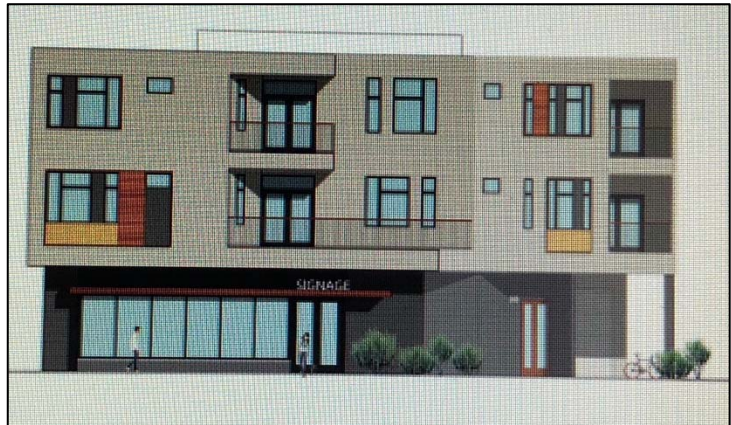
The proposal is to demolish the non-conforming three-family residential structure currently extant on the property. (See “Comments” below regarding the role of the Somerville Historic Preservation Commission (HPC) in this matter.)

Replacement structure and relationship with abutting development

The Applicant’s proposal for the replacement structure is multi-fold. The replacement structure is proposed as a 4-story, mixed-use building with commercial space on the street level and 7 residential units above. A previously-permitted mixed-use building of similar styling was approved by the ZBA in 2017 for the lot immediately abutting this property to the right (103 Washington Street). The previously-approved building at 103 Washington will also contain commercial space at the street level and residential units above. The approved rendering of the building at 103 Washington Street appears immediately below, right.

The proposed new mixed-use structure for 105-107 Washington Street will contain the following:

- One commercial unit (street level)
- Two 1-bedroom units
- Three 2-bedroom units
- Two 3-bedroom units



Above: Approved mixed-use structure for 103 Washington Street.

Affordable housing

In compliance with Article 13 of the SZO which addresses inclusionary housing for projects requiring SPSR, the Applicant will make a fractional payment into the Somerville Affordable Housing Trust.

Parking & bicycle storage

The Applicant proposes one standard-sized parking (9x18) per unit, with one of the spaces being available as a handicapped space (a total of 7 parking spaces provided). All of the parking will be located under the building at surface level. Pervious pavers are proposed for the drive and turning areas. The parking is for residents of the building only. The commercial unit will be accessed through public transportation (current bus and future nearby MBTA stop), vehicular and pedestrian modes of access.

In addition to parking spaces, the proposal contains 12 covered bicycle spaces (located in the parking area underneath the building).

Landscaping

Existing conditions on the property present a non-conforming landscaping percentage of 6%. The Applicant proposes increasing this landscaping amount to 27%. This will be accomplished by installing native landscaping along the right, rear, and left rear portions of the property. In addition, a planting area is proposed between the public sidewalk and the front of the commercial unit of the building. Lastly, at the direction of Planning Staff, the Applicant has also included planting areas on the roof, one dedicated to each of the residential units in the building.



Two new trees are proposed for the property, one at the rear and the other at the left rear of the parcel. Indigenous shrubs that will reach a height of 4-6 feet are proposed along the right elevation of the building to serve as visual screening for the parking area. Indigenous shrubs reaching a height of 2-4 feet are proposed along the front right elevation of the property, shielding the access path to the residential lobby from the street and from the abutting property to the right. A common green area is proposed at the rear of the property and a 6-foot cedar fence is proposed around the perimeter of the property further screening views into the rear parking area and the vehicular access drives.

Dimensionals

Because the existing, dimensionally non-conforming building on the property is to be demolished, the Applicant is required to maintain a portion of the dimensional non-conforming (meaning a setback) in order to rebuild on this site. To meet this provision, the Applicant proposes retaining the non-conforming right side yard setback in one location at 2'4".

The existing front yard setback is already non-conforming at 5.9 feet. The Applicant proposes increasing this non-conformity to 1 foot. This is in response to Planning Staff requests to keep the line of the front façade of this new building in the same visual line as the new, modern-style structure already approved for the abutting lot at 103 Washington Street.

With regard to all other setbacks (rear and let side yard), the Applicant's proposal complies with the requirements for the RC zone.

The Applicant proposes increasing the height of the building from the existing 35 feet to 45 feet. Also proposed is an increase in the number of stories from three to four.

FINDINGS FOR SPECIAL PERMIT with SITE PLAN REVIEW (SZO §5.2) and FINDINGS FOR SPECIAL PERMITS (SZO §4.4.1, §7.11, Article 9 & Article 13)

In order to grant a special permit, the SPGA must make certain findings and determinations as outlined in §5.1.4 of the Somerville Zoning Ordinance (SZO). Also, 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 §5.1.4 and 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:



§7.11 & Article 13 of the SZO

Current conditions on the property present three residential units. The Applicant proposes a new building containing seven residential units. A proposal of 7 residential units in the RC zone requires a Special Permit with Site Plan Review (SPSR). The proposal of a SPSR project in the RC zone also triggers Article 13 of the SZO. This section of the SZO requires that a payment into the Somerville Affordable Housing Trust by the entity undertaking this project. The amount of the payment into the Affordable Housing Trust is determined by the Housing Office, not by Planning Staff. However, this report is conditioned such that the affordably housing payment provisions are addressed by the Applicant prior to a building permit being released.

The proposal does not comply with the height or story requirements of the RC zone. The existing building on the property rises to 35 feet in height. The height limit in the RC zone is 40 feet. The Applicant proposes 45 feet as the height of the new building.

Lastly, the RC zone allows for buildings of three stories. The new building is proposed at four stories.

§9.13 & Article 13 of the SZO

The application includes a request for a Special Permit for relief from the number of required parking spaces. Pursuant to SZO §9.13.g, projects incorporating inclusionary housing may reduce the total number of parking spaces if the Applicant submits documentary evidence that parking is adequate to serve the development. The requirements of Article 9 shall be considered met if approval is granted for the requested Special Permit under SZO §9.13. In addition, Article 13 of the SZO allows for parking relief to be granted via Special Permit rather than a Variance for new, ground-up construction.

Given the bedroom count for the new construction, the Applicant is required to provide 11.5 parking spaces on the site. By providing 7 parking spaces, the Applicant requests relief for 4.5 parking spaces. The Board finds that the Applicant's proposal is in keeping with the ZBA's stance that no amenity parking be provided on project sites. To that end, the Applicant proposes one parking space per unit. The Board finds that this parking relief request is a reasonable one to accommodate given the future MBTA stop near this location and the current servicing of the area by public bus lines.

§4.4.1 of the SZO

This portion of the SZO 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.”

Existing conditions on the site present a property that is non-conforming with regard to pervious area, landscaping and front, and right yard setbacks.

Regarding the right side yard, it is currently non-conforming at 2'4" in a zone where an 8-foot minimum is required. The existing front yard setback is 5'9" in a zone where a minimum of 10 feet is required. The Applicant proposes maintaining the non-conforming right side yard setback (as explained in the



“Proposal” section above). The non-conforming front yard setback will be extended to 1 foot (as explained in the “Proposal” section above) in order for the front façade of the commercial unit of this building to rest in the same visual line as that of the commercial first floor unit of 103 Washington Street. Lastly, there is currently virtually no landscaping on the property as nearly the entirety of the parcel is covered either by the existing structure or bituminous material.

The Applicant proposes improving these existing non-conformities as follows:

Pervious area: improves from 6% to 48%

Landscaping: improves from 6% to 27% (this landscaping includes the rooftop planting areas which will be required to conform to the proposed new zoning in terms of dimensions and soil depth)

The Board finds that the proposed structure, despite increasing the number of residential units on the site, will not substantially increase the traffic volume or add to traffic congestion in this area. This is an area that is well-served by current public transportation (bus) and is well-located for easy access to one of the future MBTA Green Line Extension stops. Observations of this area of Washington Street show few cars parked in this immediate area. If the commercial unit proposed here (as well as that of 103 Washington Street) drive vehicular traffic, there is 2-hour limit parking in the immediate vicinity.

Noise and odors typically associated with the construction process are to be expected during this phase of the project, but the Board does not anticipate any significant uptick in typical neighborhood noise generated by the final outcome of this proposal.

The character of this neighborhood is beginning to change. A few residential structures along Washington Street have been, for many years, mixed in with commercial, group home, restaurant and service station businesses. The approved structure at 103 Washington Street is one of the first forays to improve the built environment on this side of Washington Street. The Board finds that the proposal for 105-107 Washington Street is in keeping with the changing style, design, and scale of this part of Washington Street, particularly when assessed in comparison to 103 Washington. The Board also finds that the mixed-use approach to this project conforms with initial changing nature of this portion of Washington Street.

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 conforms with the purpose of the RC district which is “...to establish and preserve a district for multi-family residential and other compatible uses which are of particular use and convenience to the residents of 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 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 surrounding neighborhood is a mixture of two-, three-, and multi-unit residential properties interspersed between service stations, dining facilities of varying sizes, a group-style home facility, a primary school and playgrounds and the site of one of the future Green Line Extension



stations. Washington Street is a busy vehicular corridor leading to an access point to the McGrath-O'Brien Highway. The intersection and bridge for the highway are visible from the property.

Impacts of Proposal (Design and Compatibility):

As noted earlier in this report, the character of this area is beginning to change. A few residential structures along Washington Street have been, for many years, mixed in with commercial, group home, restaurant and service station businesses. The approved structure at 103 Washington Street is one of the first forays to improve the built environment on this side of Washington Street. The Board finds that the proposal for 105-107 Washington Street is in keeping with the changing style, design, and scale of this part of Washington Street, particularly when assessed in comparison to 103 Washington. The Board also finds that the mixed-use approach to this project conforms with initial changing nature of this portion of Washington Street.

Applications for Special Permits with Site Plan Review in Residence Districts must meet the design guidelines under SZO §5.2.4. The design guidelines for residential districts are as follows:

- a. Buildings should be generally of the same size and proportions as those existing in the neighborhood. This shall apply in cases of multi-family development as well as one-, two-, and three-family units. For example, if relatively small two- and three-family structures are common in a neighborhood where multi-family development is proposed, the multi-family development should be physically broken into components that, from a design perspective, are housed in buildings of similar width, depth, and height as those typically found in the neighborhood.***

The proposed building would be one story taller than the approved structure for 103 Washington Street, the right-abutting parcel. The street façade of this building will be narrower than that of 103 Washington given that 105-107 Washington Street has 44 feet of street frontage while 103 Washington is a corner lot with frontage on two public ways.

The design and density of this proposal is geared toward a changing streetscape that will be serviced by the Green Line Extension in addition to the current bus services. By focusing a proposal that includes aspects of the proposed zoning such as increased height and density, this allows for the Applicant to provide needed, pedestrian-friendly commercial space and a fractional payment into the Affordable Housing Trust. In an area replete with bituminous material covering the majority of each building lot, the proposal significantly increases the amount of green space available on the project site. The green space at the rear of the property will provide quality outdoor space for building residents. Further, in an area that is somewhat of a food desert in terms of easily-accessible food shopping destinations, the inclusion of rooftop planting areas will provide building residents with an opportunity to grow a small amount of their own food should they choose. In addition to increasing the landscaping percentages, the rooftop plots provide building residents with green opportunities not typically available in a multi-unit, urban environment.

The Applicant team has designed this new building in such a way that each building façade is characterized by changes in material, rhythm, and contour in order to provide visual interest and to break up the building massing.

- b. *Use of traditional and natural materials is strongly encouraged (e.g. wood clapboard, wood shingles, brick).***

The new building will be clad in a combination of modern and traditional materials (including cedar, metal, and paneling) in order to provide visual interest.

- c. *Additions to existing structures should be consistent with the architecture of the existing structure in terms of window dimensions, roof lines etc.***

N/A

- d. *Although additions should not clash with or be incompatible to the existing structure, it is acceptable and even desirable for the new construction to be distinguishable from the existing building, perhaps by maintenance of design elements of the original building that would otherwise be lost (e.g. false rakes, fasciae, and the like).***

N/A

- e. *Where practical, new or infill building construction should share the same orientation to the street as is common in the neighborhood. When not contrary to any other zoning law, front and side yards should be of similar dimensions as those typical in the area.***

The proposed building is set along the street frontage in the same visual plane as the approved building at 103 Washington Street. Both 105-107 Washington Street and 103 Washington Street will have commercial spaces on their ground floors.

- f. *Driveways should be kept to minimal width (perhaps a maximum of twelve (12) feet), and be designed so that no vehicle parked on the drive may straddle the public sidewalk in any way. Low barriers or plantings may be required to separate the parking area from the pedestrian space.***

The existing driveway and curb cut are proposed to remain. All site parking will be located underneath the building at the rear.

- g. *Transformers, heating and cooling systems, antennas, and the like, should be located so they are not visible from the street or should be screened.***

This staff report has been conditioned such that items including the above shall be screened and that trash and recycling shall be picked up by private contractor. Trash and recycling shall be required to be stored inside until trash/recycling day. The transformer is situated at the left rear of the property, away from the public view. Screening will still be required.

- h. *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.***

The proposal conforms with the purpose of the RC zoning district which is “...to establish and preserve a district for multi-family residential and other compatible uses which are of particular use and convenience to the residents of the district.”

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 acceptable standards for a functional design. The site is designed with seven parking spaces (one per residential unit) housed under the building. One of these spaces can be used as a handicapped space. Twelve bicycle spaces are proposed underneath the building as well.

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.”*

Nearly the entirety of this site is covered by pavement or structure. All of this will be removed as part of this proposal. The new site layout will have less impervious coverage. Impacts on the sanitary sewer system are likely; therefore, it is a condition of any approval that, if the minimum threshold is met, the Applicant shall make an I/I payment.

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 proposed residential use will not adversely impact the environment. No new noise, glare, smoke, vibration, nor emissions of noxious materials, nor pollution of water ways or ground water, nor transmission of signals that interfere with radio or television reception are anticipated as part of the proposal. Typical construction noise for a project this size can be expected. That said, from a noise perspective, the ZBA should note that the property is situated along the busy vehicular corridor of Washington Street and is within walking and visual distance of the McGrath-O’Brien Highway. Further, the application states that the Applicant will submit all necessary environmental reports to as required when applying for their building permits. Ultimately, oversight and enforcement of environmental issues on the site rests with the Commonwealth of Massachusetts and not with the City of Somerville.

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 Board finds that the proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to to promote the health, safety, and welfare of the inhabitants of the City of Somerville; to provide for and maintain the uniquely integrated structure of uses in the City; to protect health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; to conserve the value of land and buildings; to adequately protect the natural environment; to 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.”*

The site currently contains one residential structure and is almost 100% paved over. The parcel is flat and nearly completely devoid of plantings. The site is proposed to include increased permeability and a 21% increase in landscaping. Overall, the proposal is designed to enhance the attractiveness of the site and the neighborhood. Landscaped areas and interpretive signage are also proposed along the front (Washington Street) façade of the building.

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 proposed use of the site, (mixed-use with ground floor commercial and upper story residential). The structure is designed at a scale and with features that are indicative of the changing streetscape on Washington. The surrounding area presents a range of building types, heights, sizes, and designs. The bridges and intersections of the McGrath-O’Brien Highway area visible from this property. As this section of the City undergoes change, this building, together with that at 103 Washington, has the potential to set the rhythm for a transformative streetscape.

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.”*

The proposed project greatly improves the permeability of this site through the removal of all of the bituminous material currently covering the parcel. In its place, permeable hard surfaces and landscaping will be installed. The project further includes substantial pre-construction site work that will address water flow through the site itself. As is typical of a project of this scale, this report is conditioned to



require the Applicant to submit their civil engineering plans to the City's Engineering Department for their review, comment, and sign-off.

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 proposal includes the demolition of at least one building over 50 years of age located on Horace Street. As noted earlier in the report, the HPC has reviewed and signed off on a Memorandum of Agreement (MOA) regarding alternate means of historic preservation. Please refer to the “Comments” section earlier in this report.

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 to be demolished. The overall appearance of the site will improve as a result of the proposed development. Improvements will come in the form of well-designed residential units, a ground-floor commercial unit, landscaping and interpretive panels.

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 Board has included a condition that all exterior lighting must be confined to the subject property, cast light downward and must not intrude, interfere or spill onto neighboring properties.

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

The building is accessible from two locations in the front of the structure. The building is required to be sprinkled per building code.

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.”*

No new curb cuts are proposed. The existing curb cut shall remain, therefore not changing the location from which vehicular traffic to and from this parcel interacts with Washington Street.



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

The Applicant is required to present their electrical/utility plan to Lights & Lines and the Electrical inspector. There is a condition that 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. The site will be improved through new drainage systems, landscaping, and pervious material. Furthermore, there will not be machinery that emits heat, vapor, light or fumes beyond those of a typical, multi-unit, mixed-use building. Mechanicals are relegated to the rooftop.

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.”*

Interpretive signage requirements from the Historic Preservation Commission (HPC) have already been addressed earlier in this report.

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 Board has conditioned this report to require interior storage of trash/recycling and private pick-up. Transformers have also been conditioned to be screened.

21. Screening of Parking: *The Applicant must ensure that “the parking areas should be screened or partitioned off from the street by permanent structures except in the cases where the entrance to the parking area is directly off the street.”*

All parking will be located behind and under the building.

21. 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.

<u>SomerVision Summary</u>	<u>Existing</u>	<u>Proposed</u>
<i>Dwelling Units:</i>	3	7
<i>Commercial Units:</i>	0	1
<i>Affordable Units:</i>	0	Payment
<i>Commercial Sq. Ft.:</i>	0	615
<i>Estimated Employment:</i>	0	Temporary construction & later commercial space employment
<i>Parking Spaces:</i>	Undetermined	7 vehicular, 12 bicycle

22. 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.*

In compliance with Article 13 of the SZO, the proposal will include a payment into the Somerville Affordably Housing Trust.

FINDINGS FOR VARIANCES (SZO §5.5 & §8.5)

Section 5.5.3 of the SZO states that: "...a variance from the requirements of this Ordinance may be authorized by the Board of Appeals only for reasons of practical difficulty and substantial hardship, and only where the Board finds that all of the following conditions apply:

- a. 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 a substantial hardship, financial or otherwise.*
- b. The specific variance as may be granted by the Board is the minimum variance that will grant reasonable relief to the owner, and is necessary for a reasonable use of the building or land.*
- c. The granting of the variance will be in harmony with the general purpose and intent of this Ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. In addition to considering the character and use of the nearby buildings, the Board, in making its findings, shall take into account the number of persons residing or working in such buildings or upon such land, and the present and probable future traffic conditions."*

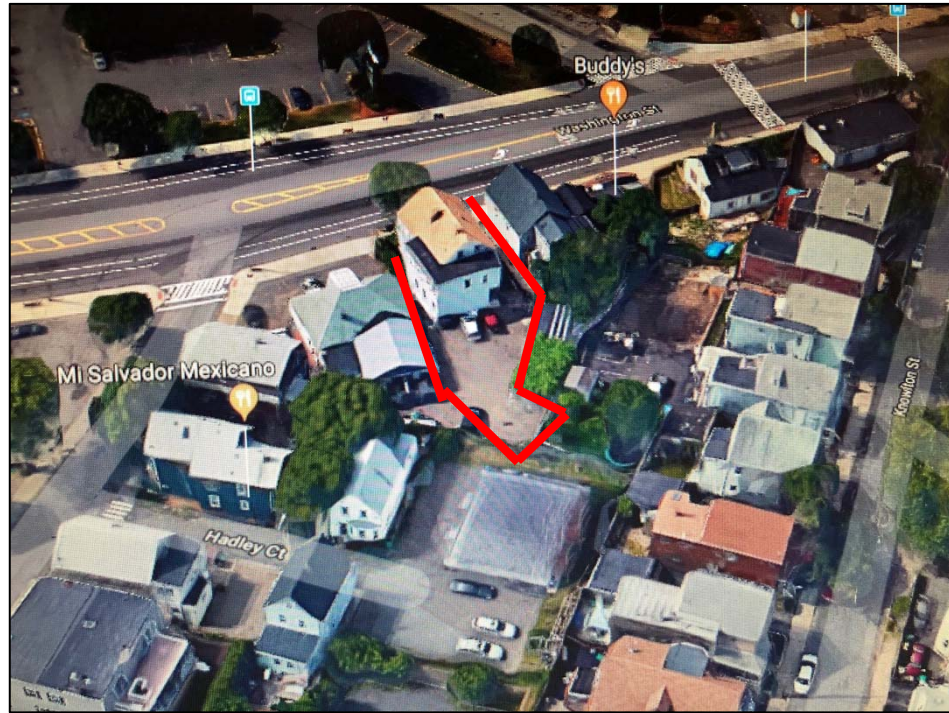
Applicant and Board responses to these criteria appear below:

- a. 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 a substantial hardship, financial or otherwise.*



Applicant: The lot shape and size of 105-107 Washington is irregular and poses challenges in the potential configurations that can be made give how narrow it starts on the street side and only widens up towards the rear of the building.

Board Response: The parcel is an odd-shaped lot. The lot is narrow along the street frontage (44 feet) and widens considerably toward the rear lot line. The rough outlines of the parcel can be seen in the image immediately to the right.



- b. The specific variance as may be granted by the Board 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: In requesting the variance, we would be able to improve the walkability of the street by adding a storefront for what we hope a local business might occupy. This creates another walkable destination for those in the community on what is currently a street with limited walkable options today. Given the close proximity to the new green line MBTA extension (future) and Bus lines (current) that service this area, a store front at this location would provide significant foot traffic and help build up this part of the street which today consists of a mix of service stations, mixed types of commercial uses, and residential properties.

Board Response: The variances requested – one for height and one for the number of stories – would allow the Applicant to construct a residential building that is compatible with city planning efforts for this area while improving some of the existing non-conformities (such as landscaping and pervious area). The inclusion of a ground-level commercial space is desirable to the City. The inclusion of seven residential units means that a fractional payment will be made into the Affordable Housing Trust.

- c. The granting of the variance will be in harmony with the general purpose and intent of this Ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. In addition to considering the character and use of the nearby buildings, the Board, in making its findings, shall take into account the number of persons residing or working in such buildings or upon such land, and the present and probable future traffic conditions.”*

Applicant: Our building design has been created to unify our proposed building with the new building going up next to us and hopefully what future redevelopment of larger parcels may look like and be similar in use. Given the proximity to the MBTA stop, we believe people who are attracted to this building will likely use Bikes, Buses, Trains, or Ride sharing services and expect a minimal impact to buildings or the area around us. The new building will also provide opportunities for green space both in the rear of the building and on the roof including designated raised garden beds for each resident to use if desired.

Board Response: Earlier in this report, the Board enumerated the positive impacts that this proposed project would have on the surrounding area. The project will contribute much-needed housing as well as a fractional payment into the Somerville Affordable Housing Trust. The area is very mixed in use from light industrial/commercial (auto body, gas stations, dining facilities) to a school and group-style home, to urban residential in the form of mostly two-, three-, and multi-family residential structures. Further, new construction immediately abutting this property at 103 Washington Street also presents a mixed-use (residential and commercial) program.

This immediate area is bound by the McGrath-O’Brien Highway and the under-highway intersection of multiple streets and exit ramps. The mixed use of this building is consistent with City goals in areas such as this. The addition of 7 dwelling and one commercial unit is not anticipated to have much impact on traffic conditions given the current and future public transportation options. will have some impact on traffic conditions. The Board finds that by providing 7 standard vehicular spaces and 12 covered bicycle spaces underneath the building, the Applicant has made good efforts to ensure that new residents have as little impact as possible on the on-street parking in the neighborhood.

DECISION:

SPECIAL PERMIT with SITE PLAN REVIEW (SZO §5.2, §7.11) and SPECIAL PERMIT (SZO §4.4.1, §7.11, Article 9 and Article 13)

VARIANCES (§5.5 and §8.5 of the SZO)

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Elaine Severino, and Josh Safdie. Upon making the above findings, Richard Rossetti made a motion to approve the request for a **Special Permit** and a **Variance**. Elaine Severino seconded the motion. Wherefore the Zoning Board of Appeals voted **4-0** to **APPROVE** the request. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes
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1	Approval is for the construction of one commercial unit and seven residential units.		CO / BP	ISD/Plng.	
	Date (Stamp Date)	Submission			
	August 9, 2017	Initial application submitted to the City Clerk's Office			
	February 1, 2018	Modified plans submitted to OSPCD			
Any changes to the approved site plan or elevations/use that are not <i>de minimis</i> must receive SPGA approval.					
Affordable Housing/Linkage					
2	Affordable Housing Implementation Plan (AHIP) shall 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, shall 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/I SD	
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/I SD	
5	Affordable Housing payments shall be required to be paid to the Somerville Housing Trust Fund before a CO is issued.		CO	Housing/I SD	
Pre-Construction					
6	The Applicant must contact the Engineering Department to obtain street addresses prior to a building permit being issued.		BP	Eng	
7	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.	



8	New sanitary connection flows over 2,000 GPD require a removal of infiltration and/or inflow by the Applicant. This will be achieved by submitting a mitigation payment, established by the City Engineers Office, to the City based on the cost per gallon of I/I to be removed from the sewer system and a removal ratio of 4:1. If a different ratio of removal or mitigation payment amount is adopted by the Board of Aldermen prior to the Applicant receiving a Certificate of Occupancy, payment will be adjusted to the BOA rate. The Applicant shall work with Engineering and meet this condition before a certificate of occupancy is issued.	CO	Eng.	
9	Because of the history of the site and the intended use, the Applicant shall, prior to issuance of any demolition permit and/or any building permit for the project, provide to the Planning Department and the Inspectional Services Division: a) a copy of the Response Action Outcome (RAO) Statement, signed by a Licensed Site Professional (LSP) and filed with DEP, verifying that a level of no significant risk for the proposed residential use has been achieved at the site; or b) if remediation has not reached the RAO stage, a statement signed by an LSP describing (i) the management of oil and hazardous materials/waste at the site, including release abatement measures intended to achieve a level of no significant risk for residential use at the site, treatment and storage on site, transportation off-site, and disposal at authorized facilities, (ii) a plan for protecting the health and safety of workers at the site, and (iii) a plan for monitoring air quality in the immediate neighborhood.	Demolition Permit	Plng/ISD	
10	The Applicant shall submit a proposed drainage report to the City's Engineering department, (stamped by a registered PE if requested by the City Engineer) 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 shall 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 1 st to April 1 st and there is a list of streets that have additional opening restrictions.	BP	Eng	



13	The Applicant shall conduct a survey of foundations and buildings adjacent to the site and across the street (Horace Street and immediately-abutting Medford Street properties) prior to construction and shall address concerns about impact to these structures from project construction.	BP	Plng. / ISD	
14	The Applicant shall conduct a survey of the houses of the abutting property owners prior to excavation of the site, and document their findings. These findings shall be submitted to the Planning Department as public record. The Applicant then shall survey any damage to the abutting property owner's houses after excavation and reimburse the property owners for any damages.	BP	Plng. / ISD	
Construction Impacts				
15	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.	
16	Approval is subject to the Applicant's and/or successor's right, title and interest in the property.	Cont.	Plng.	Deed submitted & applicatio n formed signed
17	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	
18	All construction materials and equipment shall 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				
19	Applicant shall provide final material samples for siding, trim, windows, and doors and the like to Planning Staff for their review and approval prior to construction.	BP	Plng.	
20	An exterior light and electrical receptacle is required for the first (or all) level of porches and an electrical receptacle is required for the second level (if there is no access to the ground).	Final sign off	Wiring Inspector	
21	Any rooftop mechanical equipment shall be screened so as it is not visible at ground level.	CO	Plng.	
Site				
22	Landscaping shall be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD	
24	The Applicant shall submit a landscaping plan to Planning Staff for their review and approval prior to installation.	Prior to installation	Plng/ISD	



25	The electric, telephone, cable TV and other such lines and equipment shall be placed underground from the source or connection. The utilities plan shall be supplied to the Wiring Inspector before installation.	Installation of Utilities	Wiring Inspector	
26	All new sidewalks shall be installed by the Applicant in accordance with the specifications of the Highway Superintendent. Specifically, all driveway aprons shall be concrete;	CO	Plng.	
27	Two trees shall be planted and maintained according to National Nurseryman's Standards. Only species native to this area of Massachusetts shall be planted. All proposed plantings shall be reviewed and approved by Planning staff prior to installation and CO.	CO	Plng.	
28	No convenience store use shall be allowed for the ground floor commercial unit.	Perpetual	Plng./ISD	
29	Applicant shall supply 12 sheltered bicycle spaces.	CO	Plng.	
30	The subsurface of the fire lane and emergency access aisle shall be constructed to standards acceptable to the Fire Prevention Office.	BP	Plng. / Fire	
31	One planting plot per residential unit shall be provided on the shared rooftop.	CO/Perpetual	Plng/ISD	
Miscellaneous				
32	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	
33	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. Refuse shall be picked up frequently enough so that no trash is stored outside of the shed.	Perpetual	Plng./ISD	
34	Construction and construction-related activity shall occur between the hours of 7:30pm and 5:00pm Monday through Friday only. There shall be no construction or construction-related work occurring on weekends or holidays.	During construction	ISD	
35	There shall be no loitering by project workers on the project site. All personnel shall be respectful of abutting properties and shall not leave equipment or vehicles idling, shall not play loud music at the site, shall not engage in loud conversation prior to or after permitted working hours.	During construction	ISD	
36	All construction waste shall be stored neatly on-site and carted away on a regular basis.	During construction	ISD	
37	Food waste shall be removed from the site daily.	During construction	ISD	
38	Rodent baiting shall be performed as-necessary	During construction	ISD	
39	All snow shall be removed from the site.	Perpetual	ISD	
Public Safety				
40	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	



41	The Applicant shall submit a construction traffic management plan to the Traffic and Parking division for their review and approval. Plan should include delivery locations, delivery windows, anticipated number of vehicles, parking proposals and the like. Traffic and Parking shall be responsible for reviewing (if necessary, amending), and signing off on the plan.	BP	T&P	
42	Any transformers shall be fully screened and installed in a location approved by Lights and Lines	Electrical permits & CO	ISD/PIng/Lights and Lines	
43	Per City ordinance, no grills, barbeques, chimineas or similar cooking or heating devices shall be used or stored on decks, balconies or patios. These conditions shall also be written into any condo or rental documents. Proof of such inclusion shall be provided to the sign-off divisions.	Perpetual	ISD/Fire Prevention	
44	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	
45	The Applicant shall be required to install an indicator at the entry/exit location to the site to inform passing pedestrians of exiting vehicles. Proposals for such indicators shall be submitted simultaneously to Planning, ISD, and Traffic and Parking for their review and approval.	CO	PIng/ISD/T&P	
46	All exterior lighting shall be confined to the subject property, cast light downward and must not intrude, interfere or spill onto neighboring properties.	CO	PIng.	
Final Sign-Off				
47	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	PIng.	

Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chairman*
Richard Rossetti
Elaine Severino
Josh Safdie

Attest, by City Planner: _____

Sarah White

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 _____

