



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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**Case #: ZBA 2014-15**  
**Site: 508 Somerville Avenue**  
**Date of Decision: August 6, 2014**  
**Decision: Petition Approved with Conditions**  
**Date Filed with City Clerk: August 8, 2014**

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**ZBA DECISION**

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<b>Applicant Name:</b>	508 Somerville Avenue, LLC
<b>Applicant Address:</b>	11 Tower Court, Unit #3, Somerville, MA 02143
<b>Property Owner Name:</b>	Benjamin J. Rossetti
<b>Property Owner Address:</b>	15 Melba Lane, Stoneham, MA 02180
<b>Agent Name:</b>	Richard G. DiGirolamo, Esq.
<b>Agent Address:</b>	424 Broadway, Somerville, MA 02145

Legal Notice: Applicant, 508 Somerville Ave LLC, and Owner, Benjamin Rossetti, seek a Special Permit with Site Plan Review under SZO §7.11.1.c for seven residential units with a small ground floor retail component, and Special Permits under SZO §9.13.b to create compact spaces, SZO §9.13.c to share a driveway, SZO §9.13.d to park on a separate lot, and SZO §9.13.e to share parking. A Variance is also sought for parking relief. BA zone. Ward 2.

<u>Zoning District/Ward:</u>	BA zone/Ward 2
<u>Zoning Approval Sought:</u>	§7.311.1.c, §9.13.b, §9.13.c, §9.13.d & §9.13.e
<u>Date of Application:</u>	March 10, 2014
<u>Date(s) of Public Hearing:</u>	7/16 & 8/6/14
<u>Date of Decision:</u>	August 6, 2014
<u>Vote:</u>	(5-0 – SPSR), (5-0 – Variance)

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Appeal #ZBA 2014-15 was opened before the Zoning Board of Appeals at Somerville City Hall on July 16, 2014. 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.

### **DESCRIPTION:**

The Applicant proposes a mixed-use building that consists of seven (7) residential units with a small commercial component (630 square feet) on the ground floor. The Applicant also proposes a shared site plan with the proposed development at 510 Somerville Avenue (5,000 square foot lot) which includes a shared driveway and fourteen (14) parking spaces.

#### Mixed-Use Structure

The proposed mixed-use structure would be four stories, 49' in height, with a footprint that is 2,400 square feet (40' x 61') and a floor area ratio (FAR) of 1.47. The ground floor retail space is 630 square feet with a main entry on Somerville Avenue. There will be 7 two-bedroom units that are approximately 1,100 square feet. Each unit has access to a balcony or patio. A residential entrance will be located on either side of the building; Unit 1 (ADA unit) will be accessible from the rear of the building, directly adjacent to the ADA parking space. This solution also addresses Fair Housing regulations. Bike parking, or a small private storage area, is provided on the ground floor for each unit.

The Somerville Avenue façade of the new structure is three bays, 40' wide, with recessed balconies and projecting bays, and a flat roof. A dentiled cornice above the third floor extends around each facade of the building while a more simple cornice is located above the first floor, which does not extend to the rear of the building. The east elevation features projecting bays on floors two and three while the top floor has a balcony. The west elevation illustrates a pergola that extends from the Somerville Avenue facade around the corner to the residential entrance. The rear facade illustrates balconies on floors two and three. The rooftop features skylights and mechanicals which are conditioned to be screened.

*Due to the project simultaneously proposed at 510 Somerville Avenue (ZBA 2014-14), the Applicants of both projects have decided to move forward with a combined site plan to better address access and parking between the two projects.*

#### Site Plan

The site plan provides access to both development sites from a shared driveway, 20.5', along Somerville Avenue. The subject property does not currently meet the 10% landscape requirement; however, the proposal would increase the landscaped area to approximately 12% (850 sf), which is compliant in the BA zone. Pervious pavers would be introduced around the perimeter of the driveway and a transformer would tentatively be located behind 510 Somerville Avenue, near two bike spaces. There will be landscaping in front of the building, along a portion of each side, and a small patio is located at the rear of each building. One public bike rack is currently located in front of 510 Somerville Avenue and a second is proposed in front of 508 Somerville Avenue. The trash areas for each building would be located at the rear of each building.

#### Parking

The parking calculation requires a total of 13 spaces for the subject development; 12 spaces for residential, including one visitor space, and one space for the retail component. Seven (7) compact parking spaces are located at the rear of the building for each of six units and one space for the commercial component while an eighth space, ADA accessible, is located directly behind the building.

3. Green Building Practices: There are no green building practices indicated on the application.
4. Comments:



*Fire Prevention:* Has been contacted but has not yet submitted formal comments. At monthly DPW meetings, Fire Prevention has reviewed this proposal and has not indicated any concerns to staff.

*Traffic & Parking:* Two applicants are proposing to construct a total of 12 residential units in two buildings at 508 and 510 Somerville Ave. Both buildings will use a shared driveway from an existing curb cut. In addition, approximately 1,201 sf of retail space will be provided in total by both applicants.

The 508 Somerville Ave. building will include 7 residential units and 633 sf of retail space. This developer will provide 7 compact parking spaces and 1 HP parking space. The required number of parking spaces per the Somerville Zoning Ordinance (SZO) is 13 parking spaces, so 5 parking spaces are not being provided.

The 510 Somerville Ave building will include 5 residential units and 568 sf of retail space. There will be 4 on-site compact parking spaces, 1 regular sized (next to ADA space), and 1 HP parking space provided by this applicant. The required number of parking spaces per the SZO is 9 parking spaces, so 3 parking spaces are not being provided.

Both applicants have hired the same professional Transportation Consultant, Design Consultants Inc. to prepare a combined Parking Memorandum. This Consulting Firm has submitted a well prepared and professional Parking Memorandum.

The Parking Memorandum states that there is available on-street parking spaces in the area surrounding 508 – 510 Somerville Ave. This Memorandum concludes that this existing parking supply in this area will be able to absorb the combined 8 parking spaces not being provided as required by the SZO. Based on the submitted Parking Memorandum, Traffic and Parking does not disagree with this assessment.

However and notwithstanding the above, it should be noted that vehicles will be circulating through and around this Somerville Ave area to locate these available parking spaces. The lack of providing all the required off-street parking spaces will result in an increase of vehicle queues and delays and a minor decrease in pedestrian safety in this area. Traffic mitigation to offset this lack of required parking spaces, decrease in pedestrian safety, increase in vehicle congestion, and queues via increased parking space turnover at parking meter locations on Somerville Ave can be provided by the applicants purchasing and delivering to Traffic and Parking eight (8) single-spaced parking meters with the capacity to accept both coins and credit cards and are consistent with the current parking meter fleet in Somerville. The applicant for 508 Somerville Ave should provide 5 of these parking meters. The applicant for 510 Somerville Ave should provide 3 of these parking meters.

Provided the above traffic mitigation is incorporated per applicant, Traffic and Parking has no objection to the application

*Wiring Inspection:* Has asked about the size of the electrical services and notes that utilities shall be placed underground.

*Lights and Lines:* Has been contacted but has not yet submitted formal comments.

*Engineering:* Comments are as follows:

- Direct connection to the 60" drain on Somerville Ave. is only permitted for the 100 year emergency overflow from the stormwater system;
- The development must meet conditions set forth in the City's Stormwater Management Policy for 4:1 I/I removal; and
- The developer is encouraged to meet with this office to discuss the requirements as outlined above.

*Historic Preservation:* Historic Staff determined the existing structure not Significant in April 2014.

*Design Review Committee:*

May 29, 2014 DRC recommendations:



- The balconies above the driveway are awkward since they hang over the driveway with little design intention;
- In the current design, the residential entrances need to be discovered, this is undesirable.
- A perspective of the driveway needs to be presented at the next meeting.
- A projected bay might be helpful to establish a hierarchy in the elevations.
- The fourth story needs to be setback to avoid the current coplanar design.

June 26, 2014 DRC recommendations:

- Material for the fourth floor should be different and compatible with the lower floors;
- More bike parking;
- Addition of the trellis is helpful to note residential entrance along the side;
- Illustrate light locations.

*Ward Alderman:* Has been contacted but has not yet submitted comments.

**FINDINGS FOR SPECIAL PERMIT with SITE PLAN REVIEW (SZO §7.11.1.c) & SPECIAL PERMIT (SZO §9.13.b; §9.13.c; §9.13.d; & §9.13.e):**

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.”*

Under SZO §7.11.1.c, a Special Permit with Site Plan Review is required in a Business A district to construct 7 units of housing.

A Variance is required under SZO §9.5 for parking relief. The parking requirement is 13 and the project proposes 8 spaces.

Special Permits are required under SZO §9.13.b to create compact spaces, under SZO §9.13.c to share a driveway, under SZO §9.13.d to park on a separate lot (no longer applies), and SZO §9.13.e to share parking (no longer applies).

In considering a Special Permit under §9.13 of the SZO the Applicant must be able to demonstrate that granting the requested special permit would not cause detriment to the surrounding neighborhood through any of the criteria as set forth under SZO §9.13, which are as follows:

1. increase in traffic volumes;
2. increased traffic congestion or queuing of vehicles;
3. change in the type(s) of traffic;
4. change in traffic patterns and access to the site;
5. reduction in on-street parking; and
- 6) unsafe conflict of motor vehicle and pedestrian traffic.



A common driveway and compact parking stalls would not cause detriment to the surrounding neighborhood as each residential (12) and commercial (2) unit would be provided with one dedicated parking space. The proposed use would reduce the overall amount of traffic as the occupants will use public transportation on a regular basis and the ground floor retail will attract local pedestrian traffic. The type and frequency of traffic will change, due to eliminating the automotive use and creating a residential building with a small retail component. However, the traffic would be generated will be more appropriate to a residential complex and a vibrant commercial corridor as this mix of uses will encourage pedestrian activity. Pedestrians will have better access, due to the shared drive and reduced curb cut, and access to the combined site would be clearly organized and more efficient.

*All developments within the BA District that require a special permit with site plan review should comply with the following guidelines to the highest degree practicable.*

1. *Give preference to locating on-site, off-street parking at the rear of the lot, behind the building or below street level, providing vehicular access from either a side street or alley where possible.*

The project proposes 14 on-site parking spaces at the rear of the lot, behind the buildings. An access aisle of 20' is provided from Somerville Avenue. The entrance drive is outlined in a 4' band of pervious pavers and the rear of the lot between the buildings has shrubs and landscaping to soften this view.

2. *Give preference to providing landscaping along the primary street edge.*

The project proposes landscaping along the retail storefront, a pergola around the southwest corner, and patios in the rear. The rear of the lot also has a 2-3 foot landscape buffer with shrubs and hedges.

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 Business A district, §6.1.6, which is, "To establish and preserve business areas bordering main thoroughfares that are attractive to a wide range of uses, including retail business and services, housing, government, professional and medical offices, and places of amusement. While it is anticipated that most users will arrive by motor vehicle, it is intended that the area should be safe for and conducive to pedestrian traffic."

The proposal is to construct a mixed-use development that will further the SomerVision Comprehensive Plan. This project will create housing and retail within a commercial corridor that is near transit, a streetwall that will enhance the overall pedestrian quality of this corridor, and add to the mix of uses that will increase the neighborhood amenities and help establish a sense of place. Together, these will enhance the neighborhood west of Union Square and increase foot traffic within this area of the corridor.

4. Site and Area Compatibility: *The Applicant has to ensure that the project "(i)s designed in a manner that is compatible with the existing natural features of the site and is compatible with the characteristics of the surrounding area, and that the scale, massing and detailing of the buildings are compatible with those prevalent in the surrounding area".*

The parcel is located in a Business A district and abuts an industrial building at the rear, a parking lot to the east, and a proposed new development to the west, 510 Somerville Avenue. This adjacent development shares a site plan with the Applicant at 508 Somerville Avenue. The subject parcel is located midway between Union and Porter squares, near Properzi Way and Park Street. Somerville Avenue is comprised of a mix of uses that includes municipal, open space, office and retail while the area south of Somerville Avenue is comprised primarily of large industrial buildings, apartment buildings and multi-family dwellings. The development site is one mile from Porter and Harvard Square T-stations, and near two bus routes (#83 & #87).

The use, site plan and building design will not be detrimental to the Somerville Avenue corridor nor the adjacent uses or neighborhood. The project has been devised to be compatible with the built and unbuilt surrounding area. The proposed



seven-unit residential use with ground floor retail space (600 sf) is more appropriate for this commercial and transit-oriented corridor. The proposed structure is located at the sidewalk, incorporates ground floor retail, is pedestrian friendly and activates Somerville Avenue near the intersection of Park Street. The site plan, as combined with the adjacent development at 510 Somerville Avenue, provides a 20' shared driveway, 14 parking spaces, and bike parking while also closing curb cuts, adding one new public bike rack, and one new street tree since several currently exist already. The building design proposes hardy materials and a contextual building design that is compatible with the adjacent residential neighborhood, continues the street wall and develops the character of the streetscape, and enhances the pedestrian quality of the corridor.

A shadow study illustrates that during the summer solstice, the proposed development will cast a shadow behind the development in the morning hours and extend toward Somerville Avenue in the evening. The fall/spring equinox will cast morning shadows on the dwelling located to the west of the combined development and by evening, this shadow will extend toward Somerville Avenue. The winter solstice also casts morning shadows on the adjacent dwelling to the west.

Design Guidelines for Business Zones. *The following guidelines are intended to promote certain urban design principles and physical building characteristics within business districts. These guidelines are not intended to discourage innovative architectural design solutions. Rather, they provide general standards for the massing, siting and articulation of buildings for developers and architects to work from. They also provide parameters for dialogue between the Applicant and SPGA on design issues. The guidelines are particularly applicable to smaller and infill sites within a streetscape, while for larger buildings on highly visible sites (especially those directly facing on major squares) they are intended as a beginning basis upon which the SPGA will judge proposals.*

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 project proposes a 49' height with a 3' setback along Somerville Avenue while the adjacent development proposes 37', also with a 3' front setback.

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.*

The retail entrance is slightly recessed with glazing on either side and the address noted above.

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.*

The 12' bay widths are appropriate and compatible with the existing built environment. This portion of Somerville Avenue has a development site directly across the street and to the west. These three combined sites will set the tone and character for this block and should be compatible with each other as well as the surrounding area.

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 three-bay primary facade is clearly articulated with recessed and projecting window bays, cornerboards, and a consistent rhythm along the facade with 12' bays. The windows, sliding doors, and storefront system all illustrate glazing patterns or a transom.

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

The roof is flat with skylights and screened mechanicals.



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.*

Quality and long-lasting materials, such as hardboard, will be used to compose this building. The exterior proposes to emulated clapboard with an alternate finish to compose the fourth floor. A condition of this report requires the Applicant to submit material samples to the Design Review Committee for review and comment and to Planning Staff for approval prior to a building permit.

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.*

The parking lot is provided at the rear of the site, but is accessible from Somerville Avenue. Pervious pavers will outline the access drive and each building will have landscape within the 3' front setback.

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 transformer will be located behind the western building, screened with landscaping. A/C condensers will be located and screened on the rooftop while other mechanicals will be on the first floor.

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.*

The proposal is consistent with the purpose of the Business A district, §6.1.6, which is, "To establish and preserve business areas bordering main thoroughfares that are attractive to a wide range of uses, including retail business and services, housing, government, professional and medical offices, and places of amusement. While it is anticipated that most users will arrive by motor vehicle, it is intended that the area should be safe for and conducive to pedestrian traffic."

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

The proposal meets the accepted standards and criteria for a functional design. The site plan of the project locates the structure along Somerville Avenue while the parking is located in the rear with a 20' access aisle between the two proposed developments. The design of the site locates separate trash areas for each building and one transformer near the parking lot.

6. Impact on Public Systems: *The project will "not create adverse impacts on the public services and facilities serving the development, such as the sanitary sewer system, the storm drainage system, the public water supply, the recreational system, the street system for vehicular traffic, and the sidewalks and footpaths for pedestrian traffic."*

The approval of a Special Permit with Site Plan Review shall be contingent upon a determination by the City Engineer that no adverse impact on public systems will result from the proposed development. The change in use from service automotive to mixed-use would not appear to greatly impact the City sanitary sewer system. Planning Staff has proposed a condition that requires the Applicant to demonstrate that the project is in compliance with the City stormwater policy and the Applicant has submitted a stormwater management plan. The landscape and pervious areas would increase to approximately 12% (850 sf).



The Traffic Impact and Access Study concludes that the combined development proposal (508 & 510 Somerville Avenue) will not have negative Level-of-Service or intersection capacity impacts to the surrounding transportation system. The project is expected to generate 87 daily weekday and 82 daily weekend trips. During the weekday AM and PM peak hour, the development is expected to generate 10 trips and 6 trips, respectively. During the Saturday midday peak hour, the Site is expected to generate 5 trips. The Site is located in an area where non-vehicular forms of traffic dominate the weekday peak hours of commuting. Non-vehicular modes of transportation include bicycling, walking, transit, and telecommuting. US Census Tract Data (Tract 3512.04) from 2008 to 2012 indicates that 33.5% of Somerville residents in the area do not own a vehicle. According to the same Census Tract Data (Tract 3512.04), 57.8% of existing Somerville workers in the area travel to work without use of an automobile. The Site is conveniently situated close to public transportation and bicycle and pedestrian facilities. The Site is approximately 1-mile away from the Porter Square Transit Station and approximately 1-mile from the Harvard Square Transit Station. Moreover, the Site is served by the following MBTA bus routes #83 and #87 on Somerville Avenue. The transit share is expected to increase with the future stations as part of the Green Line Extension. Once completed, trains will operate every five to six minutes in the peak periods, providing fast and efficient service to downtown Boston.

Ultimately, the proposed project will not adversely impact public services and facilities as the development would have minimal impact on public systems, the pervious and landscape areas would be increased, the impact of traffic would be reduced and the potential occupants would likely utilize public transportation. Due to the proximity of two bus routes, two T-stations, and the Green Line extension, the project is expected to fit the local community context and goals of the City.

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

Due to the mixed-use of the proposed building, minimal negative environmental impacts are foreseen as a direct result of this development. Noise, smoke and vibration would be reduced as a result of the residential use. While there would be appropriate lighting for a residential district, this lighting would be confined as much as possible to the site. Hazardous materials and substances are not part of the proposed use and Staff has conditioned that the appropriate entities be notified to dispose of these materials or substances if unearthed upon demolition or construction.

The landscape and pervious areas would increase to approximately 12% (850 sf). Fencing and landscaping, as well as the existing concrete block building, that surround the parking lot will buffer and mitigate vehicle noise.

The proposal would not result in an adverse impact on the surrounding area as the proposed use is more appropriate than the automotive use; the site plan is efficient and has considers the surrounding parcels and their buildings. The building proposes an appropriate scale, quality materials and a contextual design that is appropriate for Somerville Avenue and compatible with the adjacent residential neighborhood.

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 “promoting the health, safety, and welfare of the inhabitants of the City of Somerville; to lessen congestion in the streets; to protect health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to conserve the value of land and buildings; to preserve the historical and architectural resources of the





City; to encourage the most appropriate use of land throughout the City; 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 project site is predominantly impervious asphalt with a single-story commercial garage. The site will be improved as a result of this project.

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 project will enhance a currently impervious lot through a new mixed-use, landscaping, and better organization of the site. The project is compatible with this commercial corridor and surrounding neighborhood through the siting, massing, form, and design details. The building is located with a 3’ front setback which will continue the streetwall along this portion of Somerville Avenue while also adding some vegetation. While the height and prominent location of the structure ensures high visibility on Somerville Avenue, the 49’ height will serve to continue the streetwall and will allow views down this commercial corridor.

The parcel is located along Somerville Avenue, a commercial corridor, between Properzi Way and Park Street. The surrounding neighborhood along Somerville Avenue consists of a mix of uses along Somerville Avenue, which includes residential, commercial, municipal, and open space; there is also a large undeveloped parcel located directly across Somerville Avenue. Properzi Way and Park Street have large industrial buildings that house a variety of commercial, industrial and office uses. The proposed mixed-use project with 7 residential units would be located harmoniously and compatible in scale, design and use with those buildings and designs visually related to the site.

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.”*

While additional review is required of drainage plans, any approval of the Special Permit with Site Plan Review should be conditional upon approval by the City Engineer of such plans and determination that no adverse impact would result to the drainage system from the design of the project. Planning Staff therefore proposes a condition for the Applicant to demonstrate that the project meets the current City stormwater policy and that utility and drainage plans be submitted to the Engineering Department for review and approval.



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 project is designed to emulate existing architectural detail that is already present along Somerville Avenue and throughout the City. The use of cornices with brackets and dentil work, projecting and recessed bays, and divided light windows create compatibility between the new and historic structures.

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 project enhances the natural character and appearance of the City due to the form and massing, architectural detail and continuation of a street wall along a commercial corridor. The pedestrian quality of the streetscape will be bettered due to the clear and reduced curb cut, landscaping, and appurtenances. Wood fencing will be located along both side property lines while landscaping will be located within the 3’ front yard setback and as a 2-3’ buffer between the parking and the rear fence, which will include crawling vegetation.

14. Lighting: *With respect to lighting, the Applicant must ensure that “all exterior spaces and interior public and semi-public spaces shall be adequately lit and designed as much as possible to allow for surveillance by neighbors and passersby.”*

The lighting will be appropriate to the proposed retail and residential uses, conform to dimensions specified in the SZO, and is conditioned not to interfere with neighboring properties. Lights will be located at each entry. Planning Staff proposes a condition that all exterior lighting, to the extent possible, must be confined to the subject project, cast 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 20’ drive aisle that extends to the rear of the project site and between both new buildings provides emergency access on three sides of each building.

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.”*

Vehicles entering and exiting the site would do so in a forward manner onto and off of Somerville Avenue. The proposed curb cut is 20’, enabling circulation into and from the parking lot simultaneously. Other curb cuts will be removed.

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 shall tie into existing City services for electric, telephone and cable. These utility lines shall be placed underground. The site will likely require a transformer, to be located at the rear of the western building and screened with landscaping.



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 project and residential use. Open spaces will be designed and planted to enhance the site and the streetscape as well as mitigate views of the parking lot. The landscape and pervious areas would increase to approximately 12% of the site. Street trees and bike racks would remain and be increased along Somerville Avenue. Staff has conditioned two trees will be added to the landscape in that one tree will be added to each of the two parcels.

Due to the predominantly residential nature of the proposed structure, as well as small retail, minimal adverse impacts with regard to ground cover or machinery as well as from light, air, noise, wind, or temperature are foreseen as a direct result of this development. Noise, smoke and vibration would be reduced as a result of the residential use. While there would be appropriate lighting for a business district and a residential use of the upper stories, this lighting would be confined as much as possible to the site. Hazardous materials and substances are not part of the proposed use and Staff has conditioned that the appropriate entities be notified to dispose of these materials or substances if unearthed upon demolition or construction.

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 plans indicate that the trash and recycle area would be located at the rear of the building, adjacent to and accessible from the parking lot and are conditioned to be screened. The transformer will likely be located behind 510 Somerville Avenue and screened from view with bollards in front. A/C condensers will be located on the roof and screened while other mechanicals will be located on the ground floor.

21. Screening of Parking:

The parking will be located behind the proposed building with a 20’ access aisle located between both proposed buildings. There will be 6’ fencing around the perimeter of the site as well as landscaping to mitigate views of the parking, specifically at the rear of the driveway.

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

The proposal does not supply or contribute toward affordable 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.*

<u>SomerVision Summary</u>	<u>Existing</u>	<u>Proposed</u>
----------------------------	-----------------	-----------------



<i>Dwelling Units:</i>	0	7
<i>Affordable Units:</i>	0	0
<i>Commercial Sq. Ft.:</i>	0	630 sf
<i>Estimated Employment:</i>	Unknown	Potentially 1-3
<i>Parking Spaces:</i>	8+	8

The proposal complies with the SomerVision plan through the addition of dwelling units and retail space near transit and along this commercial corridor. The parcel will increase the number of street trees, public bike parking, and the overall pedestrian quality of this urban corridor. The proposal will decrease the impervious nature of the existing lot and provide a better use for the site and the area. The proposal will continue the streetscape, enhance the area, and increase the amenities of this portion of the corridor.

#### **FINDINGS FOR VARIANCE (SZO §9.5):**

1. Explain any special circumstances affecting the land or structure (related to soil conditions, shape or topography) that are unusual and do not affect other properties and any hardship that results from these special circumstances.

Special circumstances affecting this site that are unusual and do not affect other properties are that the existing automotive use is compliant with regard to parking, which is determined by the number of garage bays. Any viable mixed- or single-use development that is a more appropriate use for this area than the existing use will likely require a Variance due to the parking requirements for residential and retail uses. Solutions to create additional on-site parking compromise other components of this project. The SomerVision Comprehensive Plan, which asserts that this is a community to live, work, play and raise a family, does not fully align with the existing zoning ordinance which requires a total of 13 parking spaces. Therefore, in providing one space per each residential and retail unit, the project is able to provide on-site parking without compromise to the quality or feasibility of the project.

Applicant response: The lot shape and size would not allow for the required eight (8) parking spaces on this site. This project will offer many amenities to the residents. Further, this project will be an asset to the surrounding neighborhood which is currently under much needed redevelopment for residential housing and commercial businesses.

2. Explain if and how the Variance is the minimum approval necessary to grant reasonable relief to the owner and results in a reasonable use of the land or structure.

The Applicant devised a building design and combined site plan that reduces the number of on-site parking stalls, while still maintaining enough parking so as to accommodate the needs of the project. Due to accessible public transportation as well as proximity to transit stations, the request for five spaces of parking relief is all that is necessary for a reasonable use of this parcel.

Applicant response: A variance for parking would be the minimum relief necessary as discussed previously, the lot shape and size would not provide for the required eight (8) parking spaces. There is a close proximity to bike paths, public transportation, as well as an increase in residents that walk as their method of transportation, this would offset the need for parking spaces on the site, based on nearly 15% of Somerville residents walk or use a bike to get to work. Bike paths are used as a means of travel by walkers and bicyclists and not just for recreational purposes in the Somerville area.



3. Explain if and how the granting of the Variance will be in harmony with the SZO and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Granting the Variance would be in harmony with the SZO and not injurious to the surrounding neighborhood, nor otherwise harmful to the public welfare. This project meets all dimensional requirements and is in accordance with the SZO as well as the SomverVision Comprehensive Plan as this project provides appropriate uses for this portion of Somerville Avenue, creates a walkable and pedestrian friendly streetscape and commercial corridor, and contributes to the diversity, location and type of residential units offered within the City.

Applicant response: The requested variance would be in harmony with the Somerville Zoning Ordinance and the surrounding neighborhood, as the proposal does allow for a residential project. If the variance is granted it is highly unlikely that the residents of the project will need to park on the street, thus taking up additional on street parking spaces in the neighborhood. As a basis for this conclusion, almost 60% of the owner occupied homes/condos in Somerville have only one vehicle or less available to them. Such findings can be based on the excellent access to public transportation that Somerville provides, particularly a neighborhood so close to a rapid transit station, as is the case with this proposal. Also, as discussed many residents will use bike paths as their means of transportation. This proposal being so close to bike paths will attract residents that will want to utilize this type of transportation.



**DECISION:**

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

#	Condition	Timeframe for Compliance	Verified (initial)	Notes														
1	Approval is for Special Permit with Site Plan Review under SZO §7.11.1.c for seven residential units with a small ground floor retail component, and Special Permits under SZO §9.13.b to create compact spaces, SZO §9.13.c to share a driveway, SZO §9.13.d to park on a separate lot, and SZO §9.13.e to share parking. A Variance is also sought for parking relief (§9.5). 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>(March 10, 2014)</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>July 11, 2014 (July 30, 2014)</td> <td>Plans submitted to OSPCD (A-00, A-001, A-100, A-101, A-102, &amp; A-300)</td> </tr> <tr> <td>March 5, 2014 (July 30, 2014)</td> <td>Site Context submitted to OSPCD (Z-001)</td> </tr> <tr> <td>February 20, 2014 (July 30, 2014)</td> <td>Shadow study &amp; Perspectives submitted to OSPCD</td> </tr> <tr> <td>February 19, 2014 (July 30, 2014)</td> <td>Civil site plan submitted to OSPCD</td> </tr> <tr> <td>July 7, 2014 (July 30, 2014)</td> <td>Landscape plan submitted to OSPCD</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	(March 10, 2014)	Initial application submitted to the City Clerk’s Office	July 11, 2014 (July 30, 2014)	Plans submitted to OSPCD (A-00, A-001, A-100, A-101, A-102, & A-300)	March 5, 2014 (July 30, 2014)	Site Context submitted to OSPCD (Z-001)	February 20, 2014 (July 30, 2014)	Shadow study & Perspectives submitted to OSPCD	February 19, 2014 (July 30, 2014)	Civil site plan submitted to OSPCD	July 7, 2014 (July 30, 2014)	Landscape plan submitted to OSPCD
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Any changes to the approved site plan, elevations, & use that are not <i>de minimis</i> must receive SPGA approval.																		
<b>Pre-Construction</b>																		
2	The Applicant will be required to demonstrate that the updated project plans meet the current City of Somerville stormwater policy. Utility, grading, and drainage plans must be submitted to the Engineering Department for review and approval.	BP	Eng.															



3	The Applicant shall submit a proposed drainage report, stamped by a registered PE in Massachusetts that demonstrates compliance with the City's stormwater policy.	BP	Eng.	
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	
<b>Construction Impacts</b>				
6	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.	
7	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	
8	All construction materials and equipment must be stored onsite. If occupancy of the street layout is required, such occupancy must be in conformance with the requirements of the Manual on Uniform Traffic Control Devices and the prior approval of the Traffic and Parking Department must be obtained.	During Construction	T&P	
<b>Design</b>				
9	Applicant shall provide final material samples for siding, trim, windows, and doors (to the Design Review Committee for review and comment and) to Planning Staff for review and approval prior to construction.	BP	Plng.	
10	An exterior light and electrical receptacle is required for the first (or all) level of the porch and an electrical receptacle is required for the second level (if there is no access to the ground).	Final sign off	Wiring Inspector	
<b>Site</b>				
11	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD	
12	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	



13	All new sidewalks will be installed by the Applicant in accordance with the specifications of the Highway Superintendent. Specifically, all driveway aprons shall be concrete;	CO	Plng.	
14	One tree minimum must be planted and maintained on-site according to National Nurseryman's Standards, and in accordance with SZO §10.2.2 and §10.6.2;	CO	Plng.	
15	Applicant will supply 2 bicycle racks for a total of 4 bike parking spaces on-site.	CO	Plng.	
16	508 & 510 Somerville Avenue shall be maintained by one management company.	In perpetuity	Plng/ISD	
17	Shrubs and climbing vegetation shall be densely planted at the rear of the driveway.	In perpetuity	Plng/ISD	
<b>Traffic &amp; Parking</b>				
18	The Applicant shall purchase and deliver to Traffic and Parking five (5) single-spaced parking meters with the capacity to accept both coins and credit cards and are consistent with the current parking meter fleet in Somerville	CO	Traffic/Pkg	
<b>Miscellaneous</b>				
19	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	
20	Rooftop mechanicals shall be screened.	CO	Plng.	
21	Trash areas shall be enclosed and screened from view.	CO	Plng.	
22	One new street tree shall be planted along Somerville Avenue.	CO	Plng.	
23	One bike rack shall be added to the sidewalk along Somerville Avenue.	CO	Plng.	
<b>Public Safety</b>				
24	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
25	Any transformers should be located as not to impact the adjacent properties or landscaped area, and shall be fully screened.	Electrical permits & CO		
26	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.	CO	OSE/FP/BOH	
27	The suspected underground fuel tanks on this site must be removed under the supervision of the Fire Prevention Bureau. Permits will be required for these removals.	CO	FP	
28	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.	





29	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	
30	<p>Because of the history of the site and the intended use, the Applicant shall, prior to issuance of any foundation permit and/or any building permit for the project, provide to the Planning Department and the Inspectional Services Division:</p> <p>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</p> <p>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.</p>	Foundation Permit	Plng/ISD	
<b>Signage</b>				
31	Retail signage will be limited to the sign band and locations shown in the elevation. Signage material shall not be plastic or vinyl. Materials and lighting shall be reviewed and approved by Planning Staff.	CO/Cont.	Plng.	
32	Lighting after 10p.m. facing residential property will be turned down or off.	CO/Cont.	Plng.	
<b>Final Sign-Off</b>				
33	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:

Herbert Foster, *Chairman*  
Orsola Susan Fontano, *Clerk*  
Richard Rossetti  
Danielle Evans  
Elaine Severino

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 \_\_\_\_\_

