

Proposed Clarifications and Amendments  
To  
ZBA Appeal # 2002-23  
for  
343-349 Summer Street, Somerville MA

The Applicant requests the Zoning Board of Appeals clarify and amend ZBA Appeal # 2002-23 decided on June 26, 2002 as follows:

1. **Condition 1** currently states:

- 1) *Approval is based upon the submitted floor plans and elevations received by the Planning Department on May 10, 2002, Site Plan and Landscaping Plan submitted on February 26, 2002. However, the Applicant shall attempt to increase the building setback from the lot line on the east side where possible. Any other substantial changes or further revisions to these plans must be reviewed and approved by the Planning Staff;*

The applicant requests that Condition 1 be amended to read as follows:

- 1) *Approval is based upon the building permit plans being consistent with the submitted floor plans and elevations received by the Planning Department on May 10, 2002, Site Plan and Landscaping Plan submitted on February 26, 2002 as amended by the following plans dated January 5, 2004, titled Summer St. Somerville, MA, Drawings - A-1.1 First Floor Plan; A-1.2 Second Floor Plan; A-1.3 Third Floor Plan; A.1.4 Fourth Floor Plan; A-2.1 North & East Elevations; A.2.2 West & South Elevations, and presented to the Board on January 7, 2004. Any substantial changes to these plans must be reviewed and approved by the Board.*

2. **Condition 3** states,

- 3) *The condominium association documents shall be subject to review and approval of the Planning Staff and shall include adequate provision for maintenance of both the building and all on-site amenities, including landscaping, fencing, lighting, and parking areas;*

The applicant requests that Condition 3 be amended to read as follows:

- 3) *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, and parking areas, clean, well kept and in good and safe order;*

3. **Condition 7** states,

*7) The Applicant will submit documentation for an easement for an eighteen wide fire lane across the adjacent Dilboy Post parking lot in accordance with the plan submitted on May 31, 2002. This easement will be reviewed and approved by the Fire Chief and City Solicitor and submitted to the Planning Department prior to the issuance of a building permit;*

The requests that Condition 7 be deleted, as that condition has been satisfied, and that an **additional finding** be made as follows:

*5) The Board finds that the 18-foot wide easement that has been reviewed and recommended for approval by the Fire Chief and City Solicitor provides easy access to buildings and the grounds adjoining them for operations by fire police, medical and other emergency personnel and equipment in compliance with section 5.2.5 (o) of the SZO.*

4. **Condition 8** states, in part,

*8) The Applicant will submit a Construction Management Plan subject to review and approval by the Ward Alderman.....*

The requests that Condition 8 be deleted, as that condition has been satisfied, and that an **additional finding** be made as follows:

*6) The Board finds that the Construction Management Plan contains satisfactory controls on truck delivery, on-site/off-street parking for contractors, timing of construction operation, noise, no-blasting, and the survey and protection/replacement of trees by an arborist, as submitted, reviewed and recommended for approval by the Ward Alderman;*

5. **Condition 4** states,

*4) The developer shall meet with the City's Housing Director in order to finalize an implementation plan for affordable housing units associated with this development. Evidence of this approval will be submitted to the Planning Staff before the final signoff on the building permit;*

The applicant requests that Condition 4 be deleted, as that condition has been satisfied, and that an **additional finding** be made as follows:

7) The Board finds that an implementation plan for affordable housing units has been reviewed and recommended for approval by the City's Housing Director in compliance with section 13.4.1 (o) of the SZO.

6. The applicant requests that the Board make the following **additional finding**:

8) *The 42-foot northerly boundary line where the Site adjoins the property at 341 Summer Street does not meet the definition of a rear yard under section 2.2.94 of the Ordinance which states, in part, 'In the case of a lot...of odd shape, only the lot line furthest from the street shall be considered a rear lot line. Note: see figure 2H.' Since the Board finds the lot to be of odd shape, the 42-foot boundary line is not the one furthest from the street and is, therefore, a side lot line.*

7. The applicant requests that the Board make the following **new Finding #1** and re-number the findings following thereafter:

1. *The Board finds that the project meets all of the relevant purposes of the SZO as stated in Section 1.2 of the Ordinance. Without limiting the foregoing, those purposes include promoting the health, safety and welfare of the City's inhabitants, providing for and maintaining the uniquely integrated structure of uses in the City, securing from fire, panic and other dangers, providing adequate light and air, preventing the overcrowding of land and avoiding undue concentration of population.*

8. The applicant requests that the Board make the following **new Finding #2** and re-number the findings following thereafter:

2. *The Board finds that the project satisfies all of the relevant criteria of the SZO as stated in Section 5.2.5 of the Ordinance, more specifically as follows:*

**Site and area compatibility.** *The project is 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 the scale, massing and detailing of the building is compatible with those prevalent in the surrounding area;*

**Functional design.** *The project meets accepted standards and criteria for the functional design of facilities, structures, and site construction;*

**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;*

**Environmental impacts.** *The project will not create adverse environmental impacts, including those that may occur off the site, or such potential adverse*

*impacts will be mitigated in connection with the proposed development, so that the development will be compatible with the surrounding area; and*

**Consistency with purposes.** *The project 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 the Zoning Ordinance, such as, but not limited to, those at the beginning of the various sections.*

**Preservation of landform and open space.** *All open spaces have been designed and planted to enhance the attractiveness of the neighborhood. The development parcel has been laid out so that some of the landscaped areas are visible to the neighborhood;*

**Relation of buildings to environment.** *The building is: 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;*

**Stormwater drainage.** *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. Stormwater will be removed from all roofs, canopies, and covered area, and routed through a well-engineered system designed with appropriate storm-water management techniques. Surface water on all paved areas will 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;*

**Historic or architectural significance.** *With respect to Somerville's heritage, the Project results in no action detrimental to historic structures and their architectural elements on adjacent properties. To the contrary, the Board finds that the style of the new building is highly complimentary to and compatible with the buildings of historic or architectural significance on adjacent properties;*

**Enhancement of appearance.** *The Project will enhance the natural character and appearance of the City. The Board finds that the plantings and fencing shown on the Landscape Plan approved in conjunction with this development, provides an appropriate transition, buffer and screening for views of the development from nearby streets and residential neighborhoods;*

**Prevention of adverse impacts.** *Provisions have been made to prevent or minimize any detrimental effect on adjoining premises, and the general neighborhood, including, (1) minimizing any adverse impact from new hard surface ground cover, or machinery which emits heat, vapor, light or fumes; and (2) preventing adverse impacts to light, air and noise, wind and temperature levels in the immediate vicinity of the proposed development. The Board finds that construction of the proposed building as designed effectively mitigates any adverse impact from the operation of the MBTA vent shaft on abutting properties to the north and east by insulating them from the direct effects of such operation.*

**Location of access.** *The location of intersection of the access drive with Summer Street minimizes traffic congestion;*

**Screening of service facilities.** *Exposed transformers and other machinery, storage, service and truck loading areas, dumpsters, utility buildings, and similar structures will 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;*

**Screening of parking.** *The location of the required parking entirely within and beneath the building, provides the most effective screening from abutting properties and meets urban design guidelines set forth in the SZO.*

9. The applicant requests that the remainder of ZBA Decision #2002-23 be adopted or ratified as is, with no other changes.