



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
JOSEPH A. CURTATONE
MAYOR

PLANNING DIVISION

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Case #: ZBA #2010-19
Site: 67 Florence Street
Date of Decision: August 18, 2010
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: August 25, 2010

ZBA DECISION

Applicant Name:	Domenic F. Valente
Applicant Address:	571 Main Street Rear, Medford, MA 02155
Property Owner Name:	Rocco DiRenzo
Property Owner Address:	RD Realty Trust, 17 Royall Street, Medford, MA 02155
Agent Name:	N/A

Legal Notice: Applicant, Domenic Valente, and Owner, Rocco DiRenzo Trustee seek a Special Permit with Site Plan Review under §7.2 for two principal structures on a lot and §7.3 to construct seven units total on the lot with one affordable unit; and seeks a Variance under §5.5 for relief from minimum lot size per dwelling unit requirements under §8.5.B.

<u>Zoning District/Ward:</u>	RB zone/Ward 1
<u>Zoning Approval Sought:</u>	§7.2, §7.3, §5.5 & §8.5B
<u>Date of Application:</u>	January 14, 2010
<u>Date(s) of Public Hearing:</u>	8/4 & 8/18/10
<u>Date of Decision:</u>	August 18, 2010
<u>Vote:</u>	5-0

Appeal #ZBA 2010-19 was opened before the Zoning Board of Appeals at Somerville City Hall on August 4, 2010. 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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DESCRIPTION:

The applicant is proposing to rehabilitate the existing two-unit historic building and construct a five-unit building on the vacant portion of the lot. The new building would be a three-story structure that incorporates many historic design elements adapted from a six-unit building that abuts the left side lot line. The property has undergone initial review by the Historic Preservation Committee and final approval on the design will be required before any construction could begin.

Nine parking spaces are located onsite which meets the zoning requirement with a 20% reduction for the property's proximity to rapid transit.

FINDINGS FOR SPECIAL PERMIT WITH SITE PLAN REVIEW (SZO §5.25):

In order to grant a special permit, the SPGA must make certain findings and determinations as outlined in §5.2.5 of the SZO. This section of the report goes these sections in detail.

1. **Information Supplied:** The Zoning Board of Appeals 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 with respect to the required Special Permits.
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."

§5.2.4 of the SZO provides design guidelines for developments within residential zones seeking a special permit with site plan review. This section of the report goes through the various design guidelines to determine the compatibility of the proposed project.

1. *"Buildings should be generally of the same size and proportions as those that exist in the neighborhood".* The new building proposed takes many design elements, including size, massing and scale, from the buildings in the area, specifically the building on the lot that abuts this property at 69-71 Florence St.
2. *"Use of traditional and natural materials is strongly encouraged".* The applicant will be working with Historic Preservation to address the materials to be used on the facades of the buildings. Staff finds that cementitious clapboards would be acceptable as a substitute for natural materials as it is visually consistent with the look of traditional clapboard.
3. *"Additions to existing structures should be consistent with the architecture of the existing structure in terms of window dimensions, roof lines, etc".* The existing structure will be restored per the direction of HPC, while the new structure will be consistent with other multi-unit buildings in terms of window dimensions and roof lines.
4. *"Additions should not clash with the existing structure, but it is desirable for new construction to be distinguishable from existing buildings."* Though the new building reflects others in the area it has certain qualities that separate it from the surround existing buildings including the style of bay, the front porches and the trim details.
5. *"New infill building construction should share the same orientation to the street as is common in the neighborhood."* The new building has the same orientation and similar setbacks to existing structures in the area.
6. *"Driveways should be kept to minimal width (perhaps 12 ft)".* Fire Prevention has indicated that the space



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between buildings must be 18 ft. Staff will condition that the driveway width will be reduced to 12 ft.

7. *"Transformers and HVAC systems should be located so they are not visible from the street or screened."*
Addressed by the Zoning Board of Appeal's conditions.

8. *"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 subject property is located within a RB zoning district. Guidelines set forth under Article 6 of the Ordinance were addressed within this section of the report (above).

3. Consistency with Purposes: The Applicant has to ensure that the project "is consistent with (1) the general purposes of this Ordinance as set forth in Article 1, and (2) the purposes, provisions, and specific objectives applicable to the requested special permit which may be set forth elsewhere in this Ordinance, such as, but not limited to, those purposes at the beginning of the various Articles."

The proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to conserving the value of land and buildings and encouraging the most appropriate use of land throughout the City. The project is located in a Residence B (RB) zoning district. The RB district seeks "to establish and preserve medium density neighborhoods of one, two and three-family homes, free from other uses except those which are both compatible with and convenient to the residents of such districts."

Staff finds that the residential nature of the development is consistent with the predominantly residential character of the surrounding neighborhood. There are several multi-unit structures in the area and a 131 unit apartment building directly across the street.

4. Site and Area Compatibility: The Applicant has to ensure that the project "(i)s designed in a manner that is compatible with the characteristics of the built and unbuilt surrounding area, including land uses."

Extra attention has been paid to this development as it was considered a historically significant property. Several meetings with Historic Preservation Committee and Staff has produced a structure that reflects the historic character of the neighborhood and the buildings immediately surrounding the site. The lot will feature significant landscaping in the front and side yards that will be an improvement on what currently exists on the site. It is also not anticipated that the development would have any negative impact regarding on-street parking since there are no additional curb cuts and the proposal meets parking requirements under the SZO.

The property is larger than most other properties in the area and the location of the existing building on the far left side creates what feels like an empty lot. There is no substantial landscaping on the site and the lot is being used for parking and is not an attractive amenity for the neighborhood. The development of this building will create a more attractive street and is a good location for infill development that reflects the historic character of the area.

5. Impact on Public Systems: The development will not create adverse impacts on the public services and facilities serving the development.

The applicant has stated that drywells will be installed in the parking lot in the rear to secure storm water on-site and enable the run-off to seep into the ground. Landscaping planted around the parking lot and building will capture the storm water that does not flow to the catch basins.

6. Environmental Impacts: The development will not create adverse environmental impacts.

The nature of the low to medium density residential use would not create adverse environmental impacts.

7. Functional Design: The development meets accepted standards and criteria for the functional design of facilities, structures, and site construction.



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As conditioned the development meets functional design standards.

8. Historic or architectural significance: With respect to Somerville's heritage, any action detrimental to historic structures and their architectural elements shall be discouraged insofar as is practicable.

A key element to this proposal is the retention and restoration of the existing historical structure on the site. The building is in disrepair and restoring it is respecting Somerville's heritage and the Italianate architectural style that was constructed in the area in the mid 1800's. The design of the new structure features many architectural elements that were features of historic Somerville residential buildings, including bay windows, three-story flat roof design and front porches.

9. 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. Stormwater shall be removed from all roofs, canopies, and paved area, and routed through a well-engineered system designed with appropriate stormwater 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 SPSR should be conditional upon the City Engineer's approval of such plans and determination that no adverse impact will result to the drainage system from the project's design.

10. 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;"

Currently on the site there is a neglected historically designated building. There is a large side yard and some illegal dumping has occurred on the lot, but generally it is a non-landscaped area where residents randomly park. The proposal as designed will enhance the appearance of the area by infilling the vacant section of lot and replacing it with a structure the Somerville Historic Preservation Committee has given initial support to and would grant final approval to ensure that the structure remains in character with the historic nature of the lot and area.. The applicant has proposed a landscaping plan that will use a combination of trees and shrubs to screen the proposed structure from the street and the neighbors to the front, side and rear of the project. Conditions will be attached to this report in effort to maximize the screening with immediate abutters.

11. 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 Fire Prevention Bureau has reviewed the proposal and had indicated no concerns regarding emergency access. Fire prevention wanted to make sure that there was 18 ft between the two structures to provide access through to the rear of the property. The applicant redesigned the proposal to accommodate the demands of Fire Prevention and increased the building separation from 15 ft to 18 ft.

12. Utility Service: The Applicant must ensure that "Electric, telephone, cable TV and other such lines and



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equipment are placed underground from the source or connection, or are effectively screened from public view."

The Applicant is proposing to tie into the existing services for electric, telephone and cable. Any new lines would be placed underground in accordance with the SZO and the policies of the Superintendent of Lights and Lines.

13. 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;"

Increased hard surface cover would be minimized through the increase in high quality landscaping and dry wells that will capture storm water and let it flow into the ground. The building and surrounding landscaping will screen the parking from the surrounding neighborhood.

14. 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."

Any exposed dumpster or transformer must be located in areas that are not visible from the street and surrounding structures so as to allow for full screening.

FINDINGS FOR VARIANCE (SZO §5.5.3):

In order to grant a variance for lot area per dwelling unit (§8.5.B) requirements the SPGA must make certain findings and determinations as outlined in §5.5.3 of the SZO.

1. There are "special circumstances relating to soil conditions, shape or topography of land or structures which especially affect such land or structures but not affecting generally the zoning district in which it is located, causing substantial hardship, financial or otherwise."

Applicant justification: "There is an existing structure on the site that is proposed by the HPC to become historically designated (*became designated June 2010*). This existing building affects the land and not the zoning district which has caused hardship in limiting what can be done to that building in particular and therefore the land on which it sits. In order to preserve and rehabilitate the historic structure and incorporate an affordable unit a five unit building is financially necessary.

Zoning Board of Appeals Finding: The proposed project not only retains and rehabilitates an existing structure, but it proposes a new building that fits the unique context of the street. The parcel at 67 Florence Street is a recently designated historic district on a street with other buildings that contribute to a high quality historic character. This section of Florence Street includes a mix of two-family structures with gable ends facing the street and six-family structures with a traditional three-story design. This is the largest lot on the street, with a significant open parking area that is proposed to be developed with a structure that is sensitive to the context of the street. In order to replicate the historic nature of the street as a whole, the structure will need to replicate the neighborhood form. The most effective way to replicate the form on this unique lot is to construct a building that is designed to replicate the form of the six-unit building on the other side of 67 Florence Street. Once the developer takes out a notch in the back of the first floor to allow for additional parking, the building is designed as a five-unit development. This allows the developer to use the historical 6-unit form, with modification, and retain the historic 2-unit building on the site. Therefore, this solution preserves and enhances neighborhood form on this uniquely suited lot.

2. "The variance requested is the minimum variance that will grant reasonable relief to the owner, and is necessary for a reasonable use of the building or land."



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Applicant justification: The relief from lot area per dwelling unit requirements in order to allow one additional unit is the minimum approval to grant to be able to make the project financially feasible, while incorporating an affordable housing unit for the city and to substantially restore an historic building. One less unit would make the project financially unfeasible and would ensure the historic property remain in its neglected condition for the foreseeable future.

Zoning Board of Appeals Finding: The ZBA finds that an additional unit would be the minimum variance to grant reasonable relief to the applicant in order to get a project constructed that fits the neighborhood form. As noted above, the existing form on the block consists of 2- and 6-unit structures. Given the site configuration and impending investment in improvements to the historic structure, it would not be realistic to expect the second structure to contain only two units. This then suggests that a 6-unit structure would be compatible with the neighborhood context and appropriate at this location. Given that the applicant is only requesting five, this seems to be the minimum relief necessary.

3. “The granting of the variance would be in harmony with the general purpose and intent of this Ordinance and would not be injurious to the neighborhood or otherwise detrimental to the public welfare.”

Applicant justification: The subject lot is substantially larger than the other lots in the area and the proposed new building will reflect the historic character of the area and clean up and improve the appearance of the lot which will be beneficial to the neighborhood. At two neighborhood meetings local residents expressed support for this proposal and viewed the development as removing an unappealing vacant lot from the neighborhood.

Zoning Board of Appeals Finding: The ZBA finds that this project would still need to obtain Historic Preservation Commission approval before any construction could begin. The applicant has applied to the Commission and intends to complete this process before ZBA approval. To date, public comment received from the Commission, and the community has been supportive of this design. This project would be in character with the neighborhood in terms of design, massing, and scale and would be beneficial to the community by restoring a previously neglected historic structure. Regardless of the number of units in the structure, the form dictates that the new building is the appropriate size and bulk for the lot. The lot provides adequate parking and the additional unit has no additional impact on the neighborhood or city services.

DECISION:

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Danielle Evans and Scott Darling. Upon making the above findings, Susan Fontano made a motion to approve the request for a special permit. Scott Darling 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. Scott Darling seconded the motion. Wherefore the Zoning Board of Appeals voted **5-0** to **APPROVE** the request. In addition the following conditions were attached:



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#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	<p>Approval is to establish two principal structures on a lot, and for the construction of a five-unit building. This approval is based upon the following application materials and the plans submitted by the Applicant:</p> <table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>(1/14/2010)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>7/9/2010 (7/13/2010)</td> <td>Plans submitted to OSPCD (Plot Plan, DD1, DD2)</td> </tr> </tbody> </table> <p>Any changes to the approved use or elevations that are not <i>de minimis</i> must receive ZBA approval, unless specifically addressed in the conditions below.</p>	Date (Stamp Date)	Submission	(1/14/2010)	Initial application submitted to the City Clerk's Office	7/9/2010 (7/13/2010)	Plans submitted to OSPCD (Plot Plan, DD1, DD2)	BP/CO	Plng.	
Date (Stamp Date)	Submission									
(1/14/2010)	Initial application submitted to the City Clerk's Office									
7/9/2010 (7/13/2010)	Plans submitted to OSPCD (Plot Plan, DD1, DD2)									
2	All final plans and elevations of the existing and proposed buildings shall meet the conditions of the approval of the Historic Preservation Commission. Any changes to the architectural elevations required to meet these conditions shall be deemed to be incorporated into this approval.	BP	HIST							
3	The approved rehabilitation of the existing structure shall be completed and approved by the Historic Preservation Commission before occupancy certificates are issued for more than three units in the new structure.	CO	ISD /Hist /Plng							
4	The applicant's consultant must generate a drainage report showing how the drainage design meets the city's zoning regulations with respect to storm drainage. Also, an "Inspection and Maintenance" plan for the drainage system must be included in the report. The report must be prepared and stamped by a registered professional civil engineer.	BP	Eng.							
5	Applicant shall update the plan, indicating the location of any dumpster, and shall screen any outdoor dumpster with wood fencing that blocks any view of the dumpster itself. The dumpster location and fencing shall be subject to review and approval of Planning and HPC staff.	CO	Plng.							
6	Any exposed transformers or HVAC equipment should be located in areas that are not visible from the street and surrounded with landscaping.	Electrical permits & CO	Plng.							
7	Any fencing installed shall not be chain link or vinyl.	CO	Plng.							
8	A code compliant fire alarm and/or sprinkler system must be installed.	CO	FP							
9	Applicant shall supply four bicycle parking spaces, which could be satisfied with two u-type bicycle racks. These should be located within the structure if possible.	CO	Plng.							
10	Prior to construction, the applicant shall identify all trees to be preserved on the site to planning staff. The applicant shall submit a final landscaping plan to Staff for approval that indicates specific types of plants and their locations.	BP	Plng.							



11	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	
12	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 meet DPW standards. The applicant shall clean any dust and dirt in the streets after construction activities.	CO	DPW	
13	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	
14	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/OS E	
15	Notification must be made, within the time period required under applicable regulations, to the Massachusetts Department of Environmental Protection (DEP) if there is any discovery of hazardous materials, or regulated hazardous substances at the site. The City's OSE office and the Board of Health shall also be notified.	CO	Housing	
16	To the maximum extent feasible applicant will utilize strategies during construction to mitigate dust and control air quality, to minimize noise and to implement a waste recycling program for the removed debris.	During Construction	OSE/IS D	
17	Exterior construction activities and any activities creating noise that can be heard outside of the building shall be limited to Monday through Friday between 8:00 am and 5:00 p.m.	Until construction completed	ISD	
18	The driveway section between the buildings and any patios areas shall be finished with permeable pavers or brick. Material samples shall be provided to Planning Staff for approval prior to construction.	CO	Plng.	
19	The applicant shall submit a rodent control plan to ISD prior to construction and shall monitor the site and immediate neighborhood and adjust rodent control measures as necessary to limit rodent impacts from construction on abutters.	<u>BP</u>	<u>ISD</u>	



20	The Applicant shall contact Planning Staff at least five working days in advance of a request for a final sign-off on the building permit to ensure the proposal was constructed in accordance with the plans and information submitted and the conditions attached to this approval.	CO	PIng.	
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Attest, by the Zoning Board of Appeals:

Herbert Foster, *Chairman*
Orsola Susan Fontano, *Clerk*
Richard Rossetti
T.F. Scott Darling, III, Esq.
Danielle Evans

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 _____



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