

INFORMATION  
For Planning Board and Zoning Board of Appeals Approval



**CITY OF SOMERVILLE**  
Joseph A. Curtatone, Mayor  
Office of Strategic Planning and Community Development (OSPCD)  
City Hall . 93 Highland Avenue . Somerville, MA 02143  
617.625.6600 ext. 2500

*This fact sheet is for general information only. The information provided is not intended to be a substitute for legal advice from a practicing land use attorney. Planning Staff is prohibited by law from giving you legal advice.*

**General Information**

**What is a Special Permit?**

Some land uses in a zoning district are allowed as a property owner’s right. Other activities, because of their potential impact on the City or the neighborhood, need individual attention and therefore require special permits. These are granted by the Special Permit Granting Authority (SPGA) which is either the Zoning Board of Appeals (ZBA) or the Planning Board (\*see table below).

In reviewing a special permit application, the SPGA considers such factors as: compatibility with surrounding uses, neighborhood input, and other site or area-specific issues, as well as compliance and consistency with the standards and purposes set forth in the Somerville Zoning Ordinance. The SPGA may grant a “conditional” special permit, which attaches conditions to the permit that are designed to mitigate the expected impact of your intended land use upon the surrounding neighborhood.

Certain special permit applications require design review or Special Permit with Design Review (SPD) in order to review the design merits of a project. In addition, certain activities, due to their size or nature, are likely to have significant impacts on the City and are therefore designated as requiring a Special Permit with Site Plan Review (SPSR). These processes allow for a more thorough review by the SPGA.

| Type of Permit                                   | *Special Permit Granting Authority  |
|--|---|
| Special Permit (SP)                              | ZBA in Residential, Industrial, Business, University & Open Space Districts   |
| Special Permit with Design Review (SPD)          | Planning Board in Assembly Square Mixed-Use District, Arts Overlay District, Corridor Commercial District, Transit Oriented Districts |
| Special Permit with Site Plan Review (SPSR)      |   |
| Site Plan Approval (SPA)                         | Planning Board  |
| Planned Unit Development (PUD) (SPSR for phases) | Planning Board  |
| Variance   | ZBA   |
| Administrative Appeal                            | ZBA   |
| Revision to Permit                               | SPGA that originally granted approval   |

**What is a Variance?**

A variance allows for the departure from strict terms or provisions (often related to dimensional or parking requirements) of the Somerville Zoning Ordinance where such departure will not adversely affect the public. A variance may be authorized only where the ZBA finds that all three of the following conditions apply:

- 1) There are special circumstances related to the soil conditions, the shape, or the topography of the land or structures on the land which affect it, but do not generally affect other properties in the zoning district in which it is located, therefore causing substantial hardship for the owner.
- 2) The variance, as it is proposed, is the minimum change that will give the owner reasonable relief from these conditions, and that is necessary to allow the owner reasonable use of the building or land.
- 3) The granting of the variance will be in harmony with the general purpose and intent of the Somerville Zoning Ordinance, and will not be detrimental to the neighborhood or to the public welfare.

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**Application Process**  
Note: It is the Applicant's responsibility to submit all required information, to attend all meetings and hearings, and to complete each step of the process.



**Step 1 – Determine Need for Zoning Approval:** If you receive a denial letter from the Inspectional Services Division, apply for the appropriate relief. If you know you need zoning relief, apply directly to the Planning Division.

**Step 2 – Preliminary Review:** You are strongly encouraged to set up a pre-application meeting with Planning Staff before filing. Planning Staff will help coordinate meetings with other departments if needed and assist in determining required zoning relief. If there is an affordable housing component to your proposal, call the Housing Division to set up a meeting before filing the application (617-625-6600 x2560). It is also recommended that you conduct a meeting with neighbors and your alderman to explain your project. Occasionally, review will be required by the Design Review Committee before going to the Board. The Design Review Committee plays an advisory role to the Planning Board and Zoning Board of Appeals, who have the final authority over the design of projects.

**Step 3 – Zoning Application:** You may obtain the Application Form for Planning Board and Zoning Board of Appeals Approval at ISD, the Planning Division (617-625-6600 x2533), or the City's website (<http://www.somervillema.gov>). Complete the application form and compile the documents in the checklist of required information.

**Initial Filing:** Submit the application to the City Clerk's Office on the first floor of City Hall. The Clerk's Office is open on Mon-Wed 8:30am-4:30pm, Thurs 8:30am-7:30pm, and Fri 8:30am-12:30pm. After reviewing your initial filing, Planning Staff will contact you to tell you whether revisions or additional information is required and how many copies of the final plans are required (from 6-20 depending on the type of application).

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**Final Filing:** On or before the final filing deadline, come to the Planning Office on the third floor of City Hall to deliver these items and pick up a notice sign, which you must post at the subject property. If Planning Staff determines that the application is not complete after the final filing date (20 days before the hearing for which the application was submitted) the incomplete application will not be scheduled for that hearing. If applications are still not complete 20 days before the following hearing, the Planning Staff will request that the Applicant submit a written request to waive the timeframe requirements of MGL Chapter 40A, Section 9, and request that the hearing be scheduled at a time when the application is complete.

To meet the statutory timeframes of MGL Chapter 40A, Section 9, incomplete applications that have not received an extension of time will automatically be scheduled for the last meeting of the SPGA that will still meet the required application timeframe, and will be forwarded with a staff report that indicates that the Planning Staff is unable to recommend approval of the project because the application is incomplete.

Additional application materials submitted after the final filing date will not be incorporated into the Planning Division's recommendation to the SPGA, except at the discretion of the Planning Staff.

**Step 4 – Review / Advertisement:** Staff will place an advertisement in the Somerville News and send notices to abutters for the first public hearing where the Board opens your case. Staff will inform you of the advertising cost, which you must submit before the hearing. Based on the information in your application, a site visit, and comments from City Departments, Staff will prepare a report for the Board.

**Step 5 – Zoning Board of Appeals (ZBA)/Planning Board (PB) Hearing:** On the date scheduled for your case, attend the public hearing and present your case. Please attend all meetings where the Board will be discussing your proposal. If you cannot attend a hearing, you may send a representative, or request a continuance to a later date; continuances must be requested by 10am the Friday before the hearing.

**Step 6 – Board Decision:** After the Board's vote, Staff will file the Board's decision with the City Clerk within fourteen (14) days. You will receive a copy of the notice of the decision in the mail indicating the date on which it was filed with the City Clerk. A special permit or special permit with site plan review will lapse after two years or a shorter time as specified on the permit. A variance will lapse after one year.

**Step 7 – Appeal Period:** Within 20 calendar days of the decision being filed with the City Clerk, you or another aggrieved party may file an appeal of the Board's decision with the City Clerk in accordance with MGL Chapter 40A, Section 17. If the decision was filed on a Wednesday, the appeal period will be over on the Wednesday three weeks later, and you will be able to proceed with Step 8.

**Step 8 – Document Decision / Return Sign:** After the appeal period, you must go to City Hall to the Planning Division to return the sign that you posted at the site, pick up your stamped approved plans, and obtain the Clerk's stamp on the original copy of the decision. If no appeals have been filed, the Clerk's Office will stamp the decision with a Certificate, for a fee, that states that 20 days have lapsed and no appeals have been received. Next, take the decision with the Clerk's Certificate (and approved plans, in cases of subdivision) to the Middlesex South District Registry of Deeds to record and index the documents. If the property is registered land (the Massachusetts Land Court has adjudicated and decreed the status of the title), bring the certified decision to the Middlesex South District Registry of the Land Court. Both Registries are located at 208 Cambridge Street, Cambridge, MA. You must pay the fee for recording or registering.

**Step 9 – Apply for Building Permit:** You are now ready to apply for a building permit with ISD. A permit is required in order to proceed with any project approved by the SPGA. You must present evidence to the Building Inspector that the decision is properly recorded with the Somerville City Clerk and the Middlesex South District Registry of Deeds or Registry of the Land Court.

**Step 10 –Call for Final Site Visit:** Five business days before you plan to get a final building permit inspection or Certificate of Occupancy (CO), you will need to contact the Planning Staff for a final site visit. Once you hear back from Planning Staff that the proposal was constructed in accordance with the plans and information submitted and the conditions attached to the approval, you may call ISD for the final inspection or Certificate of Occupancy.

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**Exceptions**

**Revisions**

For projects that have received approval but have not yet received a certificate of occupancy or final inspection under the approval, “revisions to permits” may be sought. If you believe the changes are extremely minor, you may apply for a (*de minimis*) finding by the Planning Division; if the revision is *de minimis*, a public hearing is not required and Staff will approve or deny the changes according to SZO §5.3.8. For changes that are not *de minimis*, notice and a public hearing with the board that granted the permit are required.

In order to modify the use or development of a project that has already received a certificate of occupancy or a final inspection, a new permit would be required under the applicable code section. This does not jeopardize the original permit. Contact the Planning Division if you have any questions about how to apply.

| <b>Application Fees</b><br>Application fees must be paid at the Initial Filing. Fees are payable by cash, separate checks or separate money orders to the City of Somerville. | <b>Base Fee</b> | <b>Additional Fee (Per Square Foot/Unit)</b><br>For mixed use, apply residential and commercial fees | <b>Waive Additional Fee If:</b> | <b>Max Fee*</b> |
|---|-----------------|--|---------------------------------|-----------------|
| <b>Special Permits &amp; Special Permits with Design Review</b>   |                 |  |                                 |                 |
| Dimensional   | \$185           | 20 cents per new square foot (residential or commercial)   | 1 or 2 family homes             | \$3,000         |
| Sign  | \$185           | \$1.50 per square foot over allowed.   |                                 | \$6,000         |
| Parking   | \$185           | \$100 per space  | Shared or Offsite Parking       | \$7,500         |
| Wireless Communication Facility   | \$2,500         |  |                                 |                 |
| Change or Establish Use   | \$185           | 15 cents per new or existing commercial square foot or \$125 per new dwelling unit.                  | 1 or 2 family home              | \$3,000         |
| <b>Special Permit with Site Plan Review</b>   |                 |  |                                 |                 |
| Change or Establish Use   | \$300           | 20 cents per new or existing commercial square foot or \$125 per new dwelling unit.                  | 1 or 2 family home              | \$4,000         |
| <b>Variances</b>  |                 |  |                                 |                 |
| Dimensional   | \$250           | 20 cents per new square foot (residential or commercial)   | 1 or 2 family home              | \$3,000         |
| Sign  | \$250           | \$1.25 per square foot over allowed  |                                 | \$7,500         |
| Parking   | \$250           | \$100 per space  | Shared or Offsite Parking       | \$7,500         |
| <b>Planned Unit Developments</b>  |                 |  |                                 |                 |
| Master Plan   | \$250           | \$450 per acre   |                                 | \$7,500         |
| Revision to Master Plan   | \$125           | \$225 per acre   |                                 | \$7,500         |
| SPSR for each Phase   | \$250           | 20 cents per new commercial square foot of \$100 per new dwelling unit.                              |                                 | \$12,500        |
| Minor Amendment to PUD  | \$250           |  |                                 |                 |

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| <b>Site Plan Approval</b>   |   |   |                     |         |
| Minor Project   | \$125                                     |   |                     |         |
| Site Plan Approval  | \$175                                     | 17 cents per new commercial square foot or \$100 per new dwelling unit. |                     | \$6,000 |
| Subdivision of Recorded Land  | \$225                                     | \$50 per new lot proposed   | Lot Line Adjustment |         |
| Subdivision of Registered Land  | \$400                                     | \$50 per new lot proposed   | Lot Line Adjustment |         |
| <b>Revisions</b>  |   |   |                     |         |
| De Minimis  | \$125                                     |   |                     |         |
| Revision with Notice  | 75% Application Fee – Not less than \$125 |   |                     | \$1,250 |
| <b>Technical Review/Assistance</b>  |   |   |                     |         |
| Design Review Committee   | \$125                                     | For First Requisite Meeting   |                     |         |
| Pre-Application Technical Review Meeting (SPSR)   | \$125                                     | For First Requisite Meeting   |                     |         |
| Pre-Application Review Meeting (PUD)  | \$400                                     | For First Requisite Meeting   |                     |         |
| <b>Other</b>  |   |   |                     |         |
| Administrative Appeal   | \$125                                     |   |                     |         |
| Comprehensive Permit  | \$225                                     | \$100 per new dwelling unit   |                     |         |
| * Total fees for an Applicant seeking any combination of a Special Permit, Variance, or SPSR shall not exceed \$18,000. |   |   |                     |         |

Advertising and abutters list (\$25) fees must be paid before the hearing date.

|  |
|--|
| <b>Advertising Fee</b>   |
| Fees are required for public notice (mailed notices to abutters and published advertisement). Fees are payable by cash, check or money order to the City of Somerville.    |
| + \$2 per property owner on certified abutter list(s) & per each applicant, property owner, agent & neighboring municipalities<br>+ actual cost of newspaper advertisement |

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| <b>2012 Submission, Meeting and Hearing Dates</b>  |
|--|
| <p>Note:</p> <ul style="list-style-type: none"> <li>Staff will contact you to discuss meeting dates and application materials.</li> <li>Applications for large projects may require a longer review period and evaluation by the Design Review Committee.</li> <li>Staff reserves the right to ask for additional information or to change meeting dates.</li> </ul> |

| <b>Initial Application Filing by:</b><br>Tuesday at 4:30pm to City Clerk | <b>Final Application Filing by:</b><br>Friday at 12:30pm to Planning Division | <b>Zoning Board of Appeals (ZBA)* -</b><br>Wednesday at 6pm, Aldermanic Chamber, 2nd Floor City Hall | <b>Planning Board (PB)* -</b><br>Thursday at 6pm, Aldermanic Chamber, 2nd Floor City Hall | <b>Document Decision/Return Sign</b>  |        |
|--|---|--|---|---|--------|
|  |   |  |   | ZBA   | PB     |
|  | (Additional copies, sign pick-up)   | For decisions made on this date...   |   | ... You may Document Decision on this date. You must also return your sign. |        |
| Dec 20   | Dec 30  | Jan 18   | Jan 19  | Feb 22  | Feb 23 |
| Jan 3  | Jan 13  | Feb 1  | Feb 2   | Mar 7   | Mar 8  |
| Jan 17   | Jan 27  | Feb 15   | Feb 16  | Mar 21  | Mar 22 |
| Jan 31   | Jan 10  | Feb 29   | Mar 1   | Apr 4   | Apr 5  |
| Feb 14   | Feb 24  | Mar 14   | Mar 15  | Apr 18  | Apr 19 |
| Mar 6  | Mar 16  | Apr 4  | Apr 5   | May 9   | May 10 |
| Mar 20   | Mar 30  | Apr 18   | Apr 19  | May 23  | May 24 |
| Apr 3  | Apr 13  | May 2  | May 3   | Jun 6   | Jun 7  |
| Apr 17   | Apr 27  | May 16   | May 17  | Jun 20  | Jun 21 |
| May 8  | May 18  | Jun 6  | Jun 7   | Jul 11  | Jul 12 |
| May 22   | Jun 1   | Jun 20   | Jun 21  | Jul 25  | Jul 26 |
| Jun 12   | Jun 22  | Jul 11   | Jul 12  | Aug 15  | Aug 16 |
| Jul 3  | Jul 13  | Aug 1  | Aug 2   | Sep 5   | Sep 6  |
| Jul 17   | Jul 27  | Aug 15   | Aug 16  | Sep 19  | Sep 20 |
| Aug 7  | Aug 17  | Sep 5  | Sep 6   | Oct 10  | Oct 11 |
| Aug 21   | Aug 31  | Sep 19   | Sep 20  | Oct 24  | Oct 25 |
| Sep 4  | Sep 14  | Oct 3  | Oct 4   | Nov 7   | Nov 8  |
| Sep 18   | Sep 28  | Oct 17   | Oct 18  | Nov 21  | Nov 22 |
| Oct 9  | Oct 19  | Nov 7  | Nov 8   | Dec 12  | Dec 13 |
| Oct 30   | Nov 9   | Nov 28   | Nov 29  | Jan 2   | Jan 3  |
| Nov 13   | Nov 23  | Dec 12   | Dec 13  | Jan 16  | Jan 17 |

**\*See the table on Page 1 to determine which Board will review your case.**

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