



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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EXECUTIVE DIRECTOR

PLANNING DIVISION

**ZONING BOARD OF APPEALS MEMBERS**

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RICHARD ROSSETTI  
DANIELLE EVANS  
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JOSH SAFDIE (ALT.)

**Case #: ZBA 2014-101**  
**Site: 746 Broadway**  
**Date of Decision: November 5, 2014**  
**Decision: Petition Approved with Conditions**  
**Date Filed with City Clerk: November 10, 2014**

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**ZBA DECISION**

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<b>Applicant Name:</b>	Nathan Murray
<b>Applicant Address:</b>	72B Summit Street, Arlington, MA 02474
<b>Property Owner Name:</b>	746 Broadway Realty Trust
<b>Property Owner Address:</b>	746 Broadway, Unit #1, Somerville, MA 02144
<b>Agent:</b>	Same

<u>Legal Notice:</u>	Applicant, Nathan Murray, and Owner, D J Broadway Realty Trust, seek a Special Permit under SZO §4.4.1 to alter a nonconforming structure to alter the front stairs.
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<u>Zoning District/Ward:</u>	RB zone/Ward 6
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	September 24, 2014
<u>Date(s) of Public Hearing:</u>	November 5, 2014
<u>Date of Decision:</u>	November 5, 2014
<u>Vote:</u>	5-0

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Appeal #ZBA 2014-101 was opened before the Zoning Board of Appeals at Somerville City Hall on November 5, 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.



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**DESCRIPTION:**

The Applicant proposes to alter the existing form of the front entrance stair. Currently, the stair curves toward the left side façade, but upon granting a Special Permit, the entrance stairs would instead become straight, extending directly toward the sidewalk. The new landing would be 4'x3' and 43" from the ground.

**FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1):**

In order to grant a special permit, the SPGA must make certain findings and determinations as outlined in §5.1.4 of the SZO. This section of the report goes through §5.1.4 in detail.

1. **Information Supplied:**

The Board finds that the information provided by the Applicant conforms to the requirements of §5.1.2 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."*

Under SZO §4.4.1, nonconforming structures other than one- and two-family dwellings may be enlarged, extended, renovated or altered only by special permit; therefore, as an existing three-family dwelling, the alteration to the front entrance stair requires Special Permit approval.

In considering a special permit under §4.4 of the SZO, the Board does not find that the alterations proposed would be substantially more detrimental to the neighborhood than the existing structure. Altering the front entry stair from curving toward the left side façade to instead become straight, extending directly toward the sidewalk, is common within Somerville neighborhood's and serves to keep eyes on the street. As proposed, this entrance stair will retain the character of the building and the streetscape.

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 promoting "the health, safety, and welfare of the inhabitants of the City of Somerville; to secure safety from fire, panic and other dangers; to conserve the value of land and buildings; and to preserve the historical and architectural resources of the City."

The proposal is consistent with the purpose of the Residential A district, §6.1.2, which is, "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."

The dwelling is currently a three-family home. This proposal is in keeping with the residential use and is compatible in character with the neighborhood.

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."*

Located between Ball Square and Powder House Circle, and adjacent to a single-story commercial structure, the surrounding neighborhood along Broadway is mixed-use and includes residential, retail, and office uses. The



neighborhood south of Broadway and residences along Broadway are predominantly two- and three-family dwellings.

A front entry stair leading directly toward the sidewalk is common within Somerville neighborhood's and serves to keep eyes on the street. As proposed, this straightened entry stair will retain the character of the building and the streetscape

5. 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>	<i>Existing</i>	<i>Proposed</i>
<i>Dwelling Units:</i>	3	3

The proposal complies with the goals of the SomerVision Plan. The straightened entry stair will serve to preserve the character of the City through the addition of an appropriate front entrance feature, continue to maintain eyes on the street, and retain the existing character of this three-family dwelling and the streetscape as a whole.



**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. 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 seek a Special Permit under SZO §4.4.1 to alter a nonconforming structure to alter the front stairs. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/Plng.									
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>(September 24, 2014)</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>June 4, 2010 January 12, 2014 (October 29, 2014)</td><td>Mortgage Inspection plan submitted to OSPCD</td></tr><tr><td>(October 29, 2014)</td><td>Plans submitted to OSPCD (Sheet 1 &amp; 2)</td></tr></table>				Date (Stamp Date)	Submission	(September 24, 2014)	Initial application submitted to the City Clerk’s Office	June 4, 2010 January 12, 2014 (October 29, 2014)	Mortgage Inspection plan submitted to OSPCD	(October 29, 2014)	Plans submitted to OSPCD (Sheet 1 & 2)
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(October 29, 2014)	Plans submitted to OSPCD (Sheet 1 & 2)											
Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.												
2	The Applicant will be required to demonstrate that the project plans meet the current City of Somerville stormwater policy.	BP	Eng.									
Public Safety												
3	The Applicant or Owner shall meet the Fire Prevention Bureau’s requirements.	CO	FP									
Final Sign-Off												
4	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. PereiraCopies 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 \_\_\_\_\_

