



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

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**Case #: ZBA 2016-26**  
**Site: 483 Medford Street**  
**Date of Decision: December 7, 2016**  
**Decision: Petition Approved with Conditions**  
**Date Filed with City Clerk: December 20, 2016**

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**ZBA DECISION**

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<b>Applicant Name:</b>	Mouhab Rizkallah
<b>Applicant Address:</b>	30 College Avenue, Somerville, MA 02144
<b>Property Owner Name:</b>	62 College Ave Trust, LLC
<b>Property Owner Address:</b>	30 College Avenue, Somerville, MA 02144
<b>Agent Name:</b>	N/A

<u>Legal Notice:</u>	Applicant, Mouhab Rizkallah, and Owner, 62 College Ave Trust, LLC, seek a Special Permit under SZO Section 4.4.1 to alter the exterior of the single-story portion of the property.
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<u>Zoning District/Ward:</u>	RC zone/Ward 5
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	February 22, 2016
<u>Date(s) of Public Hearing:</u>	December 7, 2016 (*Case Originally opened on 8/17/16)
<u>Date of Decision:</u>	December 7, 2016
<u>Vote:</u>	5-0

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Appeal #ZBA 2016-26 was opened before the Zoning Board of Appeals at Somerville City Hall on December 7, 2016. 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 exterior of the single-story portion of the building by replacing the existing applied façade with a bluestone and stucco veneer. Existing windows will be enlarged and the Partridge Avenue entrance re-opened. Downcast lighting, a new sign band and under-window seasonal plantings are proposed.

**FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1 & SZO §8.5, SZO §9.13):**

*In order to grant a special permit, the SPGA must make certain findings and determinations as outlined in §4.4.1 of the SZO. This section of the report goes through §4.4.1 in detail.*

1. **Information Supplied:**

The Board finds that the information provided by the Applicant conforms to the requirements of §4.4.1 of the SZO and allows for a comprehensive analysis of the project with respect to the required Special Permit.

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."*

*Section 4.4.1 states that "[l]awfully existing non-conforming structures other than one- and two-family dwellings may be enlarged, extended, renovated or altered only by special permit authorized by the SPGA in accordance with the procedures of Article 5. The SPGA must find that such extension, enlargement, renovation or alteration is not substantially more detrimental to the neighborhood than the existing nonconforming building. In making the finding that the enlargement, extension, renovation or alteration will not be substantially more detrimental, the SPGA may consider, without limitation, impacts upon the following: traffic volumes, traffic congestion, adequacy of municipal water supply and sewer capacity, noise, odor, scale, on-street parking, shading, visual effects and neighborhood character."*

The Board finds that the proposed façade changes will have no negative impact on the items noted above (traffic volumes, traffic congestion, adequacy of municipal water supply and sewer capacity, noise, odor, scale, on-street parking, shading, visual effects and neighborhood character) and is not substantially more detrimental to the neighborhood than the conditions currently extant on the building. Conversely, the Board finds that the proposed alterations – to remove the existing veneer and replace it with a bluestone and stucco veneer – will visually improve the streetscape and have a positive impact on the neighborhood character.

The Board also finds that the enlargement of the windows, re-opening of the Partridge elevation door along with the installation of a new sign band and downcast lighting along the same elevation will further enhance the visual experience that the structure provides the neighborhood. In-season plantings under the Medford Avenue windows (see plans) will further refresh the building's exterior.

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 I, 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 Board finds that the Applicant's proposal is consistent with the purposes of the RC district which, in addition to allowing for residential use, is "to establish and reserve areas for small-scale retail stores,



services and offices which are located in close proximity to residential areas and which do not have undesirable impacts on the surrounding neighborhoods.”

The Board finds that the exterior improvements to the single-story portion of this property will have a positive effect on the neighborhood by upgrading the visual appearance of a structure whose façade has been in need of an upgrade for some time. The proposed exterior modifications should also prove appealing to a future small business that might be interested in occupying this space.

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."*

The Board finds that the proposed façade upgrades are compatible with the existing general characteristics of the surrounding residential and small commercial spaces in this immediate area. The proposed façade changes have no impact on land use in the surrounding area.

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

This façade proposal has no impact on the stock of affordable housing in the city.

7. 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.*

This proposal contributes to SomerVision by visually enhancing the character of the surrounding neighborhood. The proposed changes will also hopefully help to attract a new, small business tenant to this currently inactive commercial space.



**DECISION:**

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Danielle Evans, Elaine Severino, Josh Safdie, Anne Brockelman and Pooja Phaltankar. Upon making the above findings, Richard Rossetti made a motion to approve the request for a Special Permit. Elaine Severino 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 façade upgrades to the single-story portion of 483 Medford Street.	BP/CO	ISD/Plng.					
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>October 27, 2016</td><td>Application and plans submitted to City Clerk’s office.</td></tr></table>				Date (Stamp Date)	Submission	October 27, 2016	Application and plans submitted to City Clerk’s office.
	Date (Stamp Date)				Submission			
	October 27, 2016				Application and plans submitted to City Clerk’s office.			
Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval. Whether or not a change is <i>de minimis</i> in nature must be determined by the Planning Office.								
Pre-Construction								
2	ALL materials including, but not limited to, lighting, signage, windows, doors, veneers, stuccos, etc., must be submitted to the Planning Department for their review and approval prior to the issuance of a building permit.	BP	Eng.					
Design								
3	Applicant shall provide final material samples for siding, trim, windows, and doors to Planning Staff for review and approval prior to construction.	BP	Plng.					
4	Any signage that is ever added to the building shall not be interior lit and shall be first reviewed and approved by Planning Staff unless SPGA approval is needed.	CO/Perpetua 1	Plng.					
Construction Impacts								
5	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					
6	The applicant shall post the name and phone number of the general contractor and sub-contractors at the site entrance where it is visible to people passing by.	During Construction	Plng.					
7	Approval is subject to the Applicant’s and/or successor’s right, title and interest in the property.	Perpetual	Plng.	Deed submitted & application form signed				



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>Site</b>				
9	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.	Perpetual	ISD	
<b>Public Safety</b>				
10	All exterior lighting must be confined to the subject property, cast light downward and must not intrude, interfere or spill onto neighboring properties.	Perpetual	Plng.	
<b>Final Sign-Off</b>				
11	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:

Orsola Susan Fontano, *Chairman*  
Richard Rossetti, *Clerk*  
Danielle Evans  
Elaine Severino  
Josh Safdie

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 \_\_\_\_\_

