



CITY OF SOMERVILLE, MASSACHUSETTS
ZONING BOARD OF APPEALS
JOSEPH A. CURTATONE, MAYOR

MEMBERS

HERBERT F. FOSTER, JR., *CHAIRMAN*
ORSOLA SUSAN FONTANO, *CLERK*
RICHARD ROSSETTI
T. F. SCOTT DARLING, III, ESQ.
DANIELLE FILLIS
ELAINE SEVERINO (ALT.)

Case #: ZBA 2008-40

Site: 298 Beacon Street

Date of Decision: September 3, 2008

Decision: *Petition Approved with Conditions*

Date Filed with City Clerk: September 12, 2008

ZBA DECISION

Applicant Name:	Excel Signs
Applicant Address:	259 Quincy Avenue, Quincy, MA 02169
Property Owner Name:	Emmanuel Mamakos/Emma Marker
Property Owner Address:	298 Beacon Street, Somerville, MA 02143
Agent Name:	N/A

<u>Legal Notice:</u>	Applicant: Excel Signs and Owner: Emma Marker seeks Special Permit approval under SZO §4.4.1 for the alteration of a non-conforming structure in order to renovate the façade of the existing business. RC zone. Ward 2.
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<u>Zoning District/Ward:</u>	RC zone/Ward 2
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	July 23, 2008
<u>Date(s) of Public Hearing:</u>	September 3, 2008
<u>Date of Decision:</u>	September 3, 2008
<u>Vote:</u>	5-0

Appeal #ZBA 2008-40 was opened before the Zoning Board of Appeals at Somerville City Hall on September 3, 2008. 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 (1) hearing(s) of deliberation, the Zoning Board of Appeals took a vote.

DESCRIPTION:

The Applicant is proposing to renovate the façade of the existing vacant storefront. The applicant is proposing to replace the existing storefront with new aluminum windows and doors and to incorporate granite tiles above and below the new windows. Original columns and masonry work on an existing parapet would be refurbished.

FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1 & 7.11.1.c):

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."

The Applicant requires a special permit under §4.4.1 of the SZO. Under §4.4.1, "The SPGA must find that such extension, enlargement, renovation or alteration is not substantially more detrimental to the neighborhood than the existing nonconforming building ... 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."

Of those standards set forth under §4.4.1 of the SZO, the Planning Board finds that the change would not be substantially more detrimental to the neighborhood. This proposal will replace a deteriorated storefront while renovating the decorative and architectural elements that provide visual interest to the structure. The storefront renovations will be an improvement to the character of the neighborhood visually and as a new business begins operations where a vacant store now exists.

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 project is located in a Residence C (RC) zoning district. The RC district seeks to establish and preserve a district for multi-family residential and other compatible uses which are of particular use and convenience to the residents of the district.

Allowing the proposed façade change to the existing structure would produce a visually improved storefront that could attract a small-scale business serving local residents. The Board finds the proposed structure to be more attractive with the proposed changes than the existing storefront and would be more aesthetically compatible with its commercial and residential neighbors.

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 project as proposed would increase the site's compatibility with its surroundings, both visually and by eliminating a vacant store from the neighborhood. Original architectural elements that are significant to the character of the building would be refurbished. With changes to the proposed tile work, the project will be more consistent with the historic character of the building.

DECISION:

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Scott Darling and Elaine Severino with Danielle Fillis absent. 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. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	Approval is to alter a storefront within a nonconforming commercial structure under SZO §4.4.1. This approval is based upon the following application materials and the plans submitted by the Applicant and/or Agent:	Building Permit	Plng.							
	<table><tr><th>Date</th><th>Submission</th></tr><tr><td>July 23, 2008</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>August 11, 2008</td><td>Plot plan and elevations submitted to OSPCD</td></tr></table>				Date	Submission	July 23, 2008	Initial application submitted to the City Clerk’s Office	August 11, 2008	Plot plan and elevations submitted to OSPCD
	Date				Submission					
	July 23, 2008				Initial application submitted to the City Clerk’s Office					
	August 11, 2008				Plot plan and elevations submitted to OSPCD					
Any changes to the approved elevations that are not <i>de minimis</i> must receive ZBA approval.										
2	The Applicant shall work with Planning and Historic Preservation staff to revise the tower work in keeping with neighborhood character.	ZBA approval	Plng.							
3	Signage will be limited in size and location to that shown in the elevation diagrams and lighting after 10p.m. facing residential property will be turned down or off. No internally lit signs shall be allowed.	CO/Cont.	Plng.							
4	The Applicant must contact the 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.	Final Building Permit Signoff	Plng. / ISD							
5	The Applicant shall refurbish the original masonry column and parapet.	CO	Plng.							

Attest, by the Zoning Board of Appeals:

Herbert Foster, *Chairman*
Orsola Susan Fontano, *Clerk*
Richard Rossetti
T.F. Scott Darling, III, Esq.
Danielle Fillis
Elaine Severino (Alt.)

Attest, by the Zoning Board of Appeals 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 _____