



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.)
Josh Safdie (Alt.)

Case #: ZBA 2007-49-R0908
Site: 7 Bedford Street
Date of Decision: October 7, 2008

Decision: Revision Approved with Conditions
Date Filed with City Clerk: October 8, 2008

ZBA DECISION

Applicant Name:	Douglas Beaudet
Applicant Address:	14 Ibbetson Street, Unit #3, Somerville, MA 02144
Property Owner Name:	Douglas Beaudet
Property Owner Address:	14 Ibbetson Street, Unit #3, Somerville, MA 02144
Agent Name:	Richard G. DiGirolamo, Esq.
Agent Address:	424 Broadway, Somerville, MA 02145

<u>Legal Notice:</u>	Applicant & Owner: Douglas Beaudet seeks a revision to Special Permit ZBA 2007-49 to change location and number of windows, doors, and applied finishes to break up the mass of the building. BA zone. Ward 2.
<u>Zoning District/Ward:</u>	BA zone/Ward 2
<u>Zoning Approval Sought:</u>	Revision to Special Permit# 2007-49
<u>Date of Application:</u>	September 15, 2008
<u>Date(s) of Public Hearing:</u>	October, 1, 2008
<u>Date of Decision:</u>	October 1, 2008
<u>Vote:</u>	5-0

Appeal #ZBA 2007-49-R0908 was opened before the Zoning Board of Appeals at Somerville City Hall on October 1, 2008. After one (1) hearing(s) of deliberation, the Zoning Board of Appeals took a vote.

DESCRIPTION:

The proposal is to revise the approved plans for the site in the following ways:

- North Elevation – three garage doors instead of two
- South Elevation – three double hung windows instead of casement windows
- East Elevation – individual double hung windows instead of ganged double hung windows
- West Elevation – eliminate stairs and door from the second floor unit – add four double hung windows – add doors to the water utility room at grade
- Small revisions to applied finishes such as the scale of the corner boards, frieze and skirt board to break up the mass of the building

FINDINGS FOR SPECIAL PERMIT REVISION

In order to grant a revision to a special permit, the SPGA must make certain findings and determinations as outlined in §5.1.4 of the SZO. The proposed revisions would not affect the variance for rear yard setback.

The Board finds that the proposed changes would improve the appearance of the approved structure and would not impact the findings of the original approval, including the following:

1. Information Supplied: The Staff 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 §7.11.1.c of the SZO for residential developments between four and six units in a BA district. The project has been designed to mitigate zoning and design concerns; with approval of the granted variance, the project would comply with all zoning standards.

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 site is located within a BA zoning district, which seeks to "establish and preserve business areas bordering main thoroughfares that are attractive to a wide range of uses, including retail business and services, housing, government, professional and medical offices, and places of amusement. While it is anticipated that most users will arrive by motor vehicle, it is intended that the area should be safe for and conducive to pedestrian traffic." While the proposed use does not include any commercial component, the Ordinance encourages housing in the BA district.

The proposal would also satisfy the purposes of the Ordinance laid out in Article 2, including "conserv[ing] the value of land and buildings" and "to encourage the most appropriate use of land throughout the City".

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 Applicant has designed the project to be compatible with this irregularly shaped site and the surrounding area. The use would be an improvement to the site and compatible with the surrounding area, which has a mix of residential and commercial uses. The proposed revisions would improve the appearance of the structure.

DECISION:

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Danielle Fillis 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. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes								
1	Approval is for the modification of an approved four-family dwelling. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	Plng.									
	<table><tr><th>Date</th><th>Submission</th></tr><tr><td>December 12, 2007</td><td>Plans (A.0-zoning compliance, A.1-site plan)</td></tr><tr><td>September 15, 2008</td><td>Revision application submitted to the City Clerk’s Office</td></tr><tr><td>September 26, 2008</td><td>Modified plans with OSPCD Stamp (A 2.1-all elevations)</td></tr></table>				Date	Submission	December 12, 2007	Plans (A.0-zoning compliance, A.1-site plan)	September 15, 2008	Revision application submitted to the City Clerk’s Office	September 26, 2008	Modified plans with OSPCD Stamp (A 2.1-all elevations)
	Date				Submission							
	December 12, 2007				Plans (A.0-zoning compliance, A.1-site plan)							
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September 26, 2008	Modified plans with OSPCD Stamp (A 2.1-all elevations)											
Any changes to the approved site plan, elevations, or use that are not <i>de minimis</i> must receive ZBA approval. These conditions replace all conditions attached to prior permits.												
2	The driveway must be 18 feet wide to allow for Fire Department access on Bedford Street as shown on the site plan specified in condition 1.	BP/CO	ISD/FP									
3	Landscaping should be installed and maintained in compliance with the American Nurserymen’s Association.	Perpetual	ISD									
4	All new sidewalks will be installed by the Applicant in accordance with the specifications of the Highway Superintendent. Specifically, all driveway aprons shall be concrete.	CO	ISD									
5	The applicant shall develop a demolition plan in consultation with the City of Somerville Inspectional Services Department. Full compliance with proper demolition procedures shall be required, including timely advance notification to abutters of demolition date and timing, good animal control measures before, during and after demolition and excavation, minimization of dust by covering and fencing the area during excavation, noise, odor, and debris outfall, and sensitivity to existing landscaping on adjacent sites.	Demolition	ISD									
6	Construction vehicles may not be parked or stored on Bedford Street.	Construction	ISD									
7	Notification must be made, within the time period required under applicable regulations, to the Massachusetts Department of Environmental Protection (DEP) if there is any release of oil, hazardous materials, or regulated hazardous substances at the site. The City’s OSE office and the Board of Health shall also be notified.	Construction	DEP/OS E/BOH									
8	A code compliant fire alarm and suppression system will be required. Fire Prevention permits will be required before work begins.	BP/CO	FP									

9	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.	Final sign off	Plng.	
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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 Fillis

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
ZBA proceedings are filed in the Somerville Planning Dept.

CLERK'S CERTIFICATE

Any appeal of this decision must be filed within twenty (20) 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 special permit, or any extension, modification or renewal thereof, 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. The owner or applicant shall pay the fee for recording or registering. Furthermore, a permit from the Division of Inspectional Services is 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 either

_____ 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.

Signed _____

City Clerk Date _____