



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
**JOSEPH A. CURTATONE**  
**MAYOR**

PLANNING DIVISION

***ZONING BOARD OF APPEALS MEMBERS***

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DANIELLE EVANS  
ELAINE SEVERINO (ALT.)  
JOSH SAFDIE (ALT.)

**Case #: ZBA #2010-03-R0710**  
**Site: 16 Butler Drive/100 Temple Street**  
**Date of Decision: August 18, 2010**  
**Decision: *Petition Approved with Conditions***  
**Date Filed with City Clerk: August 26, 2010**

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**ZBA DECISION**

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<b>Applicant Name:</b>	Somerville Community Corporation
<b>Applicant Address:</b>	337 Somerville Avenue, Somerville, MA 02143
<b>Property Owner Name:</b>	Somerville Community Corporation
<b>Property Owner Address:</b>	337 Somerville Avenue, Somerville, MA 02143
<b>Agent Name:</b>	Courtney Koslow
<b>Agent Address:</b>	337 Somerville Avenue, Somerville, MA 02143

<u>Legal Notice:</u>	Applicant Somerville Community Corporation and Owner Redevelopment, LLC seeks a revision to special permit #2007-03 to modify the elevations and materials of buildings D, E and F at St. Polycarp Village to reflect a more contextual architectural design.
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<u>Zoning District/Ward:</u>	NB zone/Ward 4
<u>Zoning Approval Sought:</u>	Revision to Special Permit# ZBA 2007-03
<u>Date of Application:</u>	July 27, 2010
<u>Date(s) of Public Hearing:</u>	August 18, 2010
<u>Date of Decision:</u>	August 18, 2010
<u>Vote:</u>	5-0

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Appeal #ZBA 2010-03-R0710 was opened before the Zoning Board of Appeals at Somerville City Hall on August 18, 2010. After one hearing of deliberation, the Zoning Board of Appeals took a vote.

**DESCRIPTION:**

The proposed revisions are shown on the elevations dated August 5, 2010. The applicant is proposing the following:

- Reconfigure unit layouts in all buildings, thereby converting six townhouse units to six flats.
- Modify windows in stair towers and remove horizontal window styles.
- Add stone veneer and alter windows on the community room entrance.
- Add shed roofs and columns to first floor entries on all buildings.
- Replace painted metal siding with painted fiber cement panel and trim on all buildings.
- Remove one egress door at the rear of Building D and add walkways on the second and third level on Building D (see Building D, Elevation 3). The dimensions of the Building D walkways will be 6ft x 37ft for a total of 222 sf each.
- Remove a corner balcony on Building D, 3<sup>rd</sup> Floor.
- Realign several windows and emphasize the egress door on Elevation 7 of Building F, and add trellis features to the existing walkway on the third level on Building F.
- Adjust building dimensions and window locations to accommodate flat layouts. Building dimensions are revised as follows:

	Old Dimensions	New Dimensions
Basement	34' x 42'-6 3/4"	32'-10" x 27'-8 1/2"
Building D	34' x 81'-9 3/4"	32'-10" x 79'
Building E	33" x 86'-9 1/4"	32'-10" x 86'
Building F	35'-6" x 64'-3 1/2"	35'-4" x 64'-1"

- Add an approximately 8' x 12' maintenance shed to the rear of Building D.

3. Nature of Application: The Applicant seeks a revision to the permit under SZO §5.3.8, which states: "Revisions that are not *de minimis* shall be subject to the full notice and hearing provisions of §5.3.2 of this Ordinance, but shall not be subject to review by additional boards, departments, city agencies or commissions except as requested by the SPGA or upon the recommendation of the Planning Director. Applicable findings shall be made in accordance with the type of permit(s) being revised."

4. Impacts of Proposal: The proposed revisions to the building elevations and materials reflect feedback from Staff and improve the overall design of the project. The roofs and columns at the first floor entries distinguish the entrances to the residential units. The modifications in window size and placement also help differentiate each unit and improve the rhythm of the façades on all sides. The increased alignment of windows on different floors gives the building a more approachable appearance while still keeping its modernistic styling. The introduction of fiber cement and stone in place of metal siding gives the space a warmer feel that corresponds to both the surrounding neighborhood and the Saint Polycarp church and rectory. The stronger pediment reflects other buildings in Somerville and also emphasizes the horizontality of the buildings.

The change in unit layouts and the subsequent revisions to building dimensions reflect the current rental context. Compared to the original townhouse design, the revised elevations and building dimensions represent a more cost efficient layout of flats and third floor duplexes.

For all of the positive modifications that have been made, Staff still have some reservations relative to the courtyard facades for buildings E and F, and have expressed these concerns to the Applicant. Staff believe that the elevations presently directed toward the parking lots have strong, clear entryways that would enhance the appearance of the courtyard and that the walkways might be better oriented towards the parking lot. The Applicant has agreed to consider these comments and see if any reorientation is possible. Given the time sensitivity with this project and the available funding, Staff recommended that the project be approved as proposed with a condition that allows the Planning Director to approve additional façade modifications of this nature if possible within the project timelines.

5. Green Building Practices: All new buildings will be built with green building practices. The Applicant states that Phase I is Energy Star rated and received LEED-NC Silver certification. Phase II has been awarded green building funding through the Enterprise Foundation's Green Communities program, and Phases II and III will follow the Green Communities standards for green building.

## **FINDINGS FOR SPECIAL PERMIT REVISION**

There are not specific required findings for a revision to a special permit. Rather, the Board reviewed the original findings for the specific zoning relief requested and identifies any findings that have changed as a result of the proposed revision. Below, the Board has reviewed the findings that are affected by the revisions.

1. 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."

As noted in the "Impacts of Proposal" section above, the revisions are designed in a manner that is compatible with the built and unbuilt surrounding area. The new walkways on Building D will face into the courtyard space and will match those on the inner facades of Buildings E and F, as currently proposed. The revised plans do not show the full length of the walkways on Building D, Elevation 3; however, the Applicant clarified that this is due to the cut of the section and that the doorways do open onto the walkway. The trellises extending from the balconies will increase the greenery of the site.

The revisions also increase the project's consistency with the Design Guidelines under SZO §5.1.5.a. The peak of the community room roof is now more reflective of the peak of the Saint Polycarp church. The stone panels echo the stone façade of the church and help relate the new construction to its surroundings. Painted fiber cement is more consistent with the materials of the area and the architectural style of the remaining Parish structures than the previously proposed painted metal siding.

The proposed change to the building dimensions is also compatible with prior approval. The total footprint of the buildings decreases only slightly; specifically, the basement of Building D is reduced by about 500 sf. Overall, the change in dimensions is negligible and will allow the townhouse units to be reconfigured into flats.

**DECISION:**

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Danielle Evans, Scott Darling and Elaine Severino with Herbert Foster absent. Upon making the above findings, Richard Rossetti 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 phasing plan and revised master plan. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP and CO for Phase I, II, & III	Plng.																	
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>January 25, 2007</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>February 8, 2007</td><td>Modified plans submitted to OSPCD (site utility plan and topographic plan)</td></tr><tr><td>February 9, 2007</td><td>Modified plans submitted to OSPCD (additional elevations)</td></tr><tr><td>March 1, 2007</td><td>Modified plans submitted to OSPCD (supplemental traffic study report)</td></tr><tr><td>March 28 2009 (May 15, 2009)</td><td>Plans submitted to OSPCD (Phasing Plan)</td></tr><tr><td>May 19, 2009 (May 29, 2009)</td><td>Modified plans submitted to OSPCD (revised site plan)</td></tr><tr><td><u>August 5, 2010</u></td><td>Modified plans submitted to OSPCD (revised elevations A201D-F)</td></tr></table>				Date (Stamp Date)	Submission	January 25, 2007	Initial application submitted to the City Clerk's Office	February 8, 2007	Modified plans submitted to OSPCD (site utility plan and topographic plan)	February 9, 2007	Modified plans submitted to OSPCD (additional elevations)	March 1, 2007	Modified plans submitted to OSPCD (supplemental traffic study report)	March 28 2009 (May 15, 2009)	Plans submitted to OSPCD (Phasing Plan)	May 19, 2009 (May 29, 2009)	Modified plans submitted to OSPCD (revised site plan)	<u>August 5, 2010</u>	Modified plans submitted to OSPCD (revised elevations A201D-F)
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Any changes to the approved site plan, elevations or use that are not <i>de minimis</i> must receive ZBA approval.																				
2	A written certification of the creation of affordable housing units, any fractional payment required, or alternative methods of compliance, must be obtained from the Housing Department.	CO for Phase I, II, & III	Housing																	

3	That the granting of this permit subject to the building being completed in accordance with plans filed and in accordance with the requirements of the Fire Prevention Bureau and fire safety code, and as evidenced by a Certificate of Compliance being granted prior to the issuance of an Occupancy Permit.	CO for Phase I, II, & III	Fire Prevention	
4	The Applicant shall provide colored material samples of the fiber cement panels, trim, and lap siding for Buildings D, E, and F to the Planning Director for review and approval prior to issuance of building permit.	Building Permit for Phase II	Plng.	
5	The Applicant shall install audible warning devices at all signalized intersections (Temple at Mystic, Temple at Jacques, Temple at Broadway, and Broadway at School) and replace older audible devices with newer, updated versions.	CO for Phase II	T&P	
6	The Applicant shall reapply with thermoplastic, all pavement markings (including, but not limited to the following: double yellow center lines, stop lines, edge lines, only's, arrow's, etc.) along the Temple Street corridor from Mystic Avenue to Broadway at School Street.	CO for Phase II	T&P	
7	The Applicant shall replace all City installed warning, regular, and guide signs (approximately 15 'street cleaning', 12 street name blades, 11 'no parking anytime', 3 'no turn on red', 2 'loading zone', 1 'pedestrian crossing', 1 'no u turn') with similar signs with high intensity prismatic sheeting.	Where applicable for CO for Phase I, II, & III	T&P	
8	The Applicant shall provide three pedestrian impact recovery systems along or adjacent to the Temple Street corridor to be installed by Traffic and Parking at the discretion of the Ward Alderman.	CO for Phase II	T&P	
9	That 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	
10	That 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 of concrete.	CO for Phase I, II, & III	ISD	
11	To the extent possible, all exterior lighting must be confined to the subject property and must not intrude, interfere or spill onto neighboring properties.	CO for Phase I, II, & III	ISD	

12	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.	Construction of Phase I, II & III	ISD / T&P	
13	Interim plan for Butler drive shall be developed, subject to Plng and T&P staff approval and implemented as outlined below.	BP for Phase II	Plng / T&P	
14	The following site improvements shall be completed before final COs are issued for Phase 1; a. parking, landscaping within boundaries of phase 1 as shown on phasing plan dated 3.28.09 and stamped into the OSPCD on May 15, 2009	Final COs for Phase 1	Plng / T&P	
15	The following site improvements shall be completed before building permits are issued for Phase 2; a. interim Butler Drive Plan	BP for Phase II	T&P	
16	The following site improvements shall be completed before final COs are issued for Phase 2; a. parking, landscaping within boundaries of phase 2 as shown on plan dated 3.28.09 and stamped into the OSPCD on May 15, 2009 b. improvements to the intersection of Temple Street and Memorial Road as outlined in original permit c. completion of all Butler Drive work as shown on the Master Plan site plan dated 4.28.09 d. completion of access way onto Memorial Road	CO for Phase II	Plng / T&P	
17	The following site improvements shall be completed before final COs are issued for Phase 3; a. parking, landscaping within boundaries of phase 3 as shown on phasing plan dated 3.28.09 and stamped into the OSPCD on May 15, 2009	CO for Phase III	Plng / T&P	
18	Applicant will screen the dumpster with fencing that blocks view of the dumpster itself.	CO	Plng.	
19	Applicant shall reevaluate the price and maintenance costs of the asphalt shingle walkway roofs and is encouraged to replace these with metal standing seam roofs. The Applicant may change these to metal standing seam roofs with approval from the Planning Director.	BP for Phase II	Plng.	
20	Applicant shall evaluate whether Buildings E and F can be modified so that the walkways presently planned for the courtyard can instead face the parking lot and is encouraged to make this modification, if feasible. The Applicant may revise these facades accordingly with approval from the Planning Director.	BP for Phase II	Plng.	
21	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.	
22	The Applicant shall present building material and color samples to staff for review and comment prior to construction.	BP	Plng.	

Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, Acting Chairman  
Richard Rossetti, Acting Clerk  
T.F. Scott Darling, III, Esq.  
Danielle Evans  
Elaine Severino (Alt.)

Attest, by the 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 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 \_\_\_\_\_

Date: August 26, 2010  
Case #: ZBA 2007-03-R0710  
Site: 16 Butler Dr/100 Temple St