



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

PLANNING DIVISION

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JOSH SAFDIE (ALT.)

Case #: ZBA 2006-01-R-0610

Site: 75 Cross Street

Date of Decision: July 14, 2010

Decision: *Petition Approved with Conditions*

Date Filed with City Clerk: July 16, 2010

ZBA DECISION

Site: 75 CROSS STREET

Applicant Name: Somerville Community Corporation

Applicant Address: 337 Somerville Ave, Somerville, MA 02143

Property Owner Name: 75 Cross Street Nominee Trust

Property Owner Address: 65 Bromfield Rd, Somerville, MA 02144

Alderman: Roche

Legal Notice: Applicant, Somerville Community Corporation and Owner, 75 Cross Street Nominee Trust, seek a Special Permit Revision under SZO §5.3.8 to modify the design of the structure.

Zoning District/Ward: Residence B

Zoning Approval Sought: Special Permit under SZO §5.3.8

Date of Application: 5/24/2010

Date(s) of Public Meeting/Hearing: ZBA 7/14/2010

Date of Decision: July 14, 2010

Vote: 4-0

Appeal # ZBA 2006-01-R-0610 was opened before the Zoning Board of Appeals at Somerville City Hall on July 14, 2010. 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 Somerville Community Corporation (SCC), which is under contract to purchase the property, would provide permanent supportive housing for formerly homeless households. The eight units (6 two-bedroom units and 2 one-bedroom units) would be operated and offered to residents for long term housing. Residents can remain in the units for as long as they like and the facility will support a predominantly long term population. The difference between this property and market rate housing would be that residents will only pay 30% of their income as rent. SCC will use Winn Management to manage the property, similar to the rest of SCC's portfolio.

The residents will also receive supportive services from the Somerville Homeless Coalition (SHC) as needed. This is a similar arrangement to other SCC properties. Case work will be handled at SHC's office.

The applicant is proposing the following revisions to the previously approved proposal:

- a) Modify the design and facades of the structure. The Randolph Place elevation modifications include a change in dormer height and window appearance, size and number. The Cross Street elevation has a modified bump out, which has been redesigned along with the appearance, size and number of windows. The other two facades have relocated windows.
- b) Reduce the height of the structure from a four-story, 44 ft high building to a three-story, 41 ft high building.
- c) Removal of all balconies.
- d) Change the exterior siding material to cementitious clapboards in place of the exterior insulating system.

FINDINGS FOR SPECIAL PERMIT (SZO §5.3.8):

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

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."

In the original proposal, the contemporary design and modern materials associated with this project was considered a drawback to the proposal. The modifications that have been incorporated into the redesign create a building that is more traditional in design and material appearance and therefore, more consistent with the surrounding area. The scale, massing and height of the building would be reduced and balconies removed which will be an improvement for the site and reduce the visual and potential noise impacts on the neighborhood. Other additions such as a roll down gate on the parking garage door will provide increased security for the residents.

The previously approved building, as well as the building that previously existed on the site, covers most of the property and landscaping/pervious surface is minimal. Conditions have been attached to the approval that would require plantings and pervious surfaces where possible including the driveway ramp and on foundation walls.

DECISION:

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Scott Darling and Josh Safdie. 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 **4-0** to **APPROVE** the request. In addition the following conditions were attached:

(These conditions supersede all prior conditions of approval)



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#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	Approval is for the construction of an eight unit building (6 two-bedroom and 2 one-bedroom). This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	Plng.							
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>(5/24/2010)</td><td>Revision application submitted to the City Clerk's Office</td></tr><tr><td>6/30/2010 (7/9/10)</td><td>Modified plans submitted to OSPCD (A1-A7)</td></tr></table>				Date (Stamp Date)	Submission	(5/24/2010)	Revision application submitted to the City Clerk's Office	6/30/2010 (7/9/10)	Modified plans submitted to OSPCD (A1-A7)
	Date (Stamp Date)				Submission					
	(5/24/2010)				Revision application submitted to the City Clerk's Office					
6/30/2010 (7/9/10)	Modified plans submitted to OSPCD (A1-A7)									
Any changes to the approved plans that are not <i>de minimis</i> must receive ZBA approval.										
2	Revised elevations and floor plans shall be submitted to Planning Staff for approval that incorporates a new siding material and color on the Randolph Place setback, a façade treatment on the Cross Street and Randolph Place foundation walls (ex. stone veneer or climbing plants), and an improved entrance on Cross Street with additional trim and lighting.	BP	Plng							
3	The applicant must submit code compliant fire alarm and sprinkler plans to the Fire Prevention Bureau for review and approval prior to the commencement of construction work. A Certificate of Compliance will be required from the Fire Prevention Bureau prior to the issuance of a Certificate of Occupancy.	Building Permit / CO	ISD / FIRE							
4	A landscaping plan shall be submitted to Planning Staff for approval. All landscaping at the site must be planted and maintained according to National Nurseryman's standards.	Building Permit	Plng							
5	The ramp leading down to the garage shall be constructed using a pervious concrete or paver system.	CO	Plng							
6	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							
7	The applicant shall submit a revised site plan for Planning Staff approval, which shall include the location of any transformer and HVAC systems as well as the installation of a sidewalk between the building and Randolph Place.	Building Permit	Plng							
8	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 meet DPW standards.	CO	ISD							



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9	The Applicant shall provide a secure bicycle storage facility in the underground parking area.	CO	PIng	
10	The clearance for the entrance/exit to the garage must be at least 6'-6" tall, in order to accommodate the range of passenger vehicles commonly found in the City.	CO	ISD	
11	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	
12	The applicant shall install an 18ft roll down gate at the entrance to the below grade parking garage	CO	PIng	
13	The applicant shall address surface drainage issues on the adjacent properties along the right side-yard directing storm water away from those foundations.	BP	ISD /PIng	
14	The applicant shall contact the appropriate utility providers to address the overhead wires on the site and bring them into compliance with all applicable codes.	BP	ISD /PIng	
15	The applicant shall install a fence at each end of the open walkway that currently allows access from Pearl Street to Randolph Place before the start of construction.	BP	PIng.	
16	The applicant shall repair the back stairs at 130-132 Pearl Street to a safe condition that meets all building code requirements before the start of construction.	BP	PIng. /ISD	
17	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	PIng	
18	The applicant shall work with Planning Staff on the location of window openings on the right-side façade to minimize glare and address privacy issues concerning adjacent structures.	BP	PIng.	
19	The applicant shall increase the height of the handrail/fence near the opening between the two adjacent structures.	CO	PIng.	



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Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Acting Chairman*
Richard Rossetti, *Acting Clerk*
T.F. Scott Darling, III, Esq.
Josh Safdie (alt)

Attest, by the Senior Planner:

Christopher DiIorio

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 _____



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