



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 2007-21-R0808
Site: 1 Glenwood Road
Date of Decision: September 17, 2008

Decision: Revision Approved with Conditions
Date Filed with City Clerk: September 25, 2008

ZBA DECISION

Applicant Name:	James Murray
Applicant Address:	114 Broadway, Somerville, MA 02145
Property Owner Name:	James Murray
Property Owner Address:	114 Broadway, Somerville, MA 02145
Agent Name:	N/A

<u>Legal Notice:</u>	Applicant & Owner: James Murray seeks to revise a SPSR project approved under §7.11.2.e with special permits granted under §4.5.3 by replacing three sets of double windows with glass block. RA zone. Ward 5.
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<u>Zoning District/Ward:</u>	RA zone/Ward 5
<u>Zoning Approval Sought:</u>	Revision to Special Permit# ZBA 2007-21
<u>Date of Application:</u>	August 27, 2008
<u>Date(s) of Public Hearing:</u>	September 17, 2008
<u>Date of Decision:</u>	September 17, 2008
<u>Vote:</u>	5-0

Appeal #ZBA 2007-21-R0808 was opened before the Zoning Board of Appeals at Somerville City Hall on September 17, 2008. After one hearing of deliberation, the Zoning Board of Appeals took a vote.

DESCRIPTION:

The Applicant sought approval for improvements made to the structure that were inconsistent with the 2007 permit. Specifically, three pairs of double-hung windows (as shown in the approved plans) have been replaced with glass block. Two pairs are located at the corner of the building, with one pair on the Glenwood Road side and the other on the Vernon Street side; the third pair is to the left of the garage door.

The applicant stated that he was unaware of the requirement to obtain approval to make these “field revisions”, having purchased the site subsequent to its permitting. The reason for the request is to improve the privacy in the interior (corner windows) and to respond to interior conditions that would be incompatible with clear operational windows (a stairwell to the left of the garage door).

FINDINGS FOR SPECIAL PERMIT REVISION

In order to grant a special permit with site plan review, the SPGA must make certain findings and determinations as outlined in §5.2.5 of the SZO.

The Board found that the proposed changes are benign and would not adversely impact the character of this formerly industrial building, would have no impact on the approved use, and would not impact the findings of the original approval, including the following:

1. Information Supplied: The Applicant must comply "with the information requirements in Section §5.2.3;"
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 with site plan review."
3. Purpose of the District: The Applicant has to ensure that the project "is consistent with the intent of the specific zoning district" ("to establish and preserve quiet neighborhoods of one- and two-family homes, free from other uses except those which are both compatible with and convenient to the residents of such districts").
4. Site and Area Compatibility: The Applicant has to ensure that the project "Is designed in a manner that is compatible with the existing natural features of the site and is compatible with the characteristics of the surrounding area, and that the scale, massing and detailing of buildings are compatible with those prevalent in the surrounding area."
5. Consistency with Purposes of the Ordinance: The proposal will remain "consistent with: 1) the purposes of this Ordinance, particularly those set forth in Article 1", including "to conserve the value of land and buildings".
6. Functional Design. Not applicable.
7. Impact on Public Systems. Not applicable.
8. Environmental Impacts. Not applicable.
9. Consistency with Purposes.
10. Preservation of Landform and Open Space. Not applicable.
11. Relation of Buildings to Environment. Not applicable.
12. Stormwater Drainage. Not applicable.
13. Historic or Architectural Significance. The Board found that the changes to the structure are neutral in their effect on the building's historic or architectural significance. As the site was historically industrial, glass block is an appropriate material, and one whose use the ZBA previously blessed elsewhere in this building's rehabilitation.
14. Enhancement of Appearance: The Board found that the proposed changes are neither harmful nor particularly beneficial to the building's appearance.
15. Lighting. Not applicable.
16. Emergency Access. Not applicable.
17. Location of Access. Not applicable.
18. Utility Service. Not applicable.
19. Prevention of Adverse Impacts. Not applicable.
20. Signage. Not applicable.
21. Screening of Service Facilities. Not applicable.

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, attaching the following conditions:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	This approval is for the modification of an approved three-family dwelling as depicted in the plans below:	BP/CO	ISD/PIng.							
	<table><tr><th>Plan Date</th><th>Submission</th></tr><tr><td>8/8/7</td><td>Originally approved plans as modified by:</td></tr><tr><td>“OSPCD Rec’d 8/27/08”</td><td>Revised elevations showing glass block</td></tr></table>				Plan Date	Submission	8/8/7	Originally approved plans as modified by:	“OSPCD Rec’d 8/27/08”	Revised elevations showing glass block
	Plan Date				Submission					
	8/8/7				Originally approved plans as modified by:					
	“OSPCD Rec’d 8/27/08”				Revised elevations showing glass block					
Any changes to the presently approved use or site plan that are not <i>de minimis</i> must receive ZBA approval.										

Attest, by the Zoning Board of Appeals:

Herbert Foster, Chairman
Orsola Susan Fontano, Clerk
Richard Rossetti
Danielle Fillis
T.F. Scott Darling, III, Esq.

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 _____