



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 #2007-56-R0908
Site: 1-4 Hayden Terrace
Date of Decision: October 15, 2008

Decision: Revision Approved with Conditions
Date Filed with City Clerk: October 27, 2008

ZBA DECISION

Applicant Name:	1-4 Hayden Terrace Trust
Applicant Address:	661 Main Street, Malden, MA 02148
Property Owner Name:	1-4 Hayden Terrace Trust
Property Owner Address:	661 Main Street, Malden, MA 02148
Agent Name:	Richard G. DiGirolamo, Esq.
Agent Address:	424 Broadway, Somerville, MA 02145

Legal Notice: Applicant & Owner: One Hayden Terrace Trust seeks a revision to Special Permit ZBA 2007-56 to eliminate a single parking space, alter the proposed parking layout and relocate the dumpster area. RB zone. Ward 5.

<u>Zoning District/Ward:</u>	RB zone/Ward 5
<u>Zoning Approval Sought:</u>	Revision to Special Permit #2007-56
<u>Date of Application:</u>	September 10, 2008
<u>Date(s) of Public Hearing:</u>	October 15, 2008
<u>Date of Decision:</u>	October 15, 2008
<u>Vote:</u>	5-0

Appeal #ZBA 2007-56-R0908 was opened before the Zoning Board of Appeals at Somerville City Hall on October 15, 2008. After one hearing of deliberation, the Zoning Board of Appeals took a vote.

DESCRIPTION & FINDINGS:

In November 2007 the applicant was granted a Special Permit pursuant to an Order on Joint Motion for Remand to modify the initial plans of the structure and for a shared driveway.

The applicant is requesting this Special Permit Revision in order to:

1. Modify the proposed parking layout

The applicant is proposing to relocate an additional section of the existing retaining wall and alter the layout of the parking spaces along the south side of the structure. The layout would change from a predominantly diagonal configuration to a less defined arrangement. The ZBA finds that the proposed parking layout is generally not an optimal configuration from the planning perspective. However, given the history of this case, outlined in the ZBA

decision for 2007-56, the involvement of the courts and the agreement of all litigants in the case to support this layout, the ZBA finds the proposal acceptable.

2. Eliminate one parking space on the Hayden Terrace site

The applicant is proposing to eliminate one parking space in order to facilitate the relocation of the Linden Street Condominium's dumpster onto the Hayden Terrace property. The area created by the vacated dumpster would become an additional compact parking space for the Linden Street property. The ZBA finds that the 1-4 Hayden proposal would continue to conform with parking requirements under the SZO as no additional parking was required under the original proposal. Under the proposed configuration the applicant would be providing three (3) instead of four (4) additional spaces for the project.

3. Relocate the dumpster

The applicant is proposing to relocate the dumpster onto the Hayden Terrace property. The ZBA finds that the proposed location of the dumpster would be directly adjacent to and immediately beneath the first floor unit on the south side of the building. The ZBA does not find this to be an optimal location for the dumpster. However, it has been related to the ZBA from the applicant, that the waste management company that collects the refuse from the Linden Street Condominium property identified this as the best location for them to access the dumpster.

DECISION:

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Scott Darling and Josh Safdie. 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	This approval is to alter the site plan in order to eliminate a single parking space, alter the proposed parking layout and relocate the dumpster area. The previous approval is for expansion of a non-conforming four-unit dwelling. This approval is based upon the following application materials and the plans submitted by the Applicant and/or agent:	BP/CO	ISD/ Plng.	A-8 plan is unchanged from original plans of 18 September 2007, except for additional information showing building height (shown in bubbles).	
	Plan Date (Stamp Date)				Submission
	11/26/07 (11/26/07)				Revised A-8 plan drawn by Peter Quinn Architects
	08/18/08 (10/10/08)				Proposed Parking Layout
	Any changes to the approved use or submitted plans that are not de minimis must receive ZBA approval.				
2	Parking shall be constructed as specified in connection with the special permit application as shown on the parking easement plan dated 08/18/08 and stamped into OSPCD on 10/10/08.			Parking space layout originally shown in "Exhibit B" revised by Proposed Parking Layout	
3	Said parking spaces shall not be conveyed independent of the Premises or future condominium units therein.			Parking space layout revised by Proposed Parking	

				Layout
4	No roof decks, dormers, porches or bay windows not shown on Exhibit A may be constructed on the Premises.			Approved revised A-8 plans are consistent with "Exhibit A".
5	The railings and shutters shown on Exhibit A must be completed and maintained substantially as shown thereon. There shall be no changes made to, or shutters installed around, the top floor windows on the rear of the building at the Premises.			Approved revised A-8 plans are consistent with "Exhibit A".
6	Any exterior modifications (with the exception of maintenance and replacement, but including major and minor modifications) to the Premises shall require an amendment of the special permit or such other zoning relief as is required by the defendant Zoning Board of Appeals with prior notice to the Vrooms or their successors in title or interest at 29-29A Linden Avenue, Somerville, Massachusetts.			
7	The building siding at the Premises shall be one color, however, the trim may be a second complementary color.			
8	There shall be no more than four dwelling units at the premises.			
9	Six foot cedar fencing shall be installed along the top of the entire length of the new retaining wall			

Attest, by the Zoning Board of Appeals:

Herbert Foster, Chairman
Orsola Susan Fontano, Clerk
Richard Rossetti
T.F. Scott Darling, III, Esq.
Josh Safdie (Alt.)

Attest, by the Director of Planning:

Madeleine Masters

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 a decision incorporating clerical corrections to the decision originally filed on _____ in the Office of the City Clerk, and twenty days have elapsed since the filing date of that original decision, and either

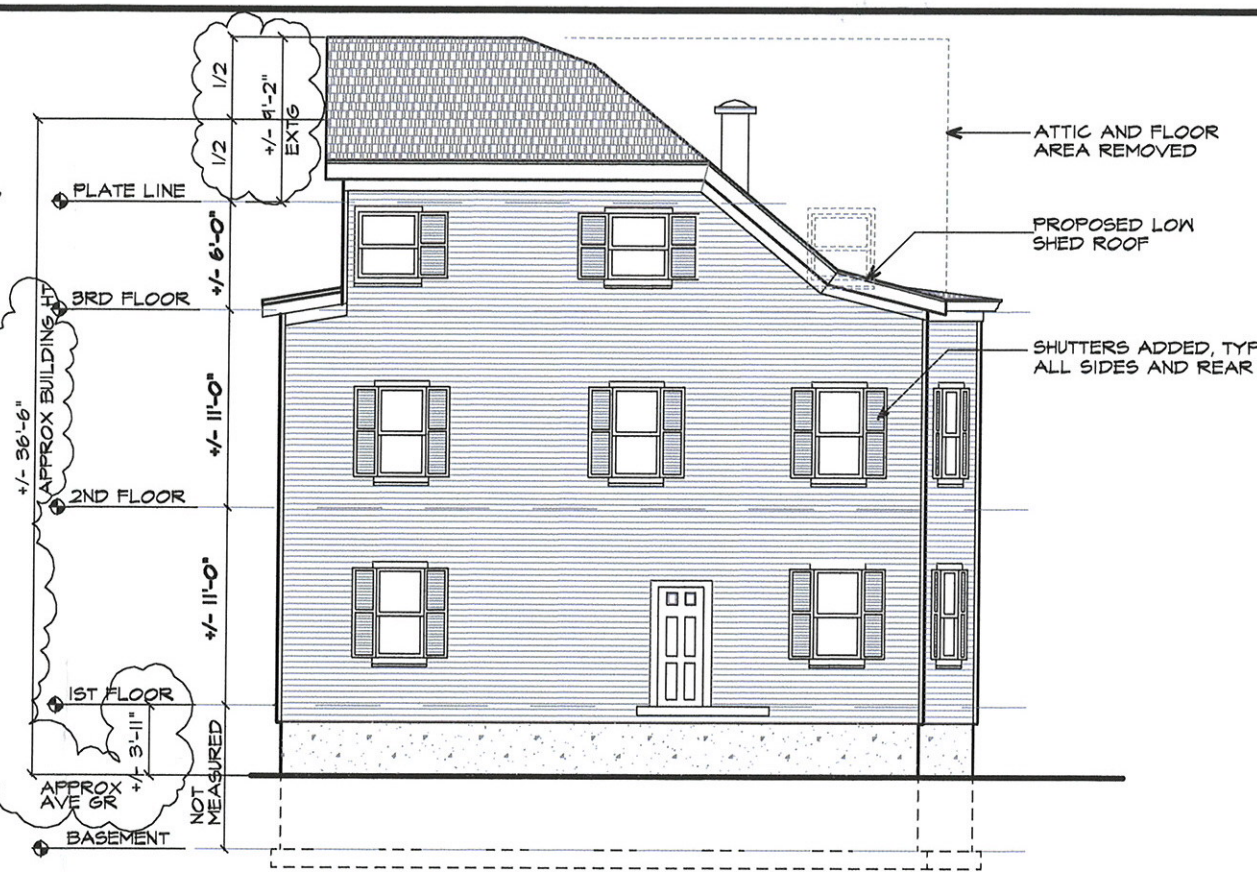
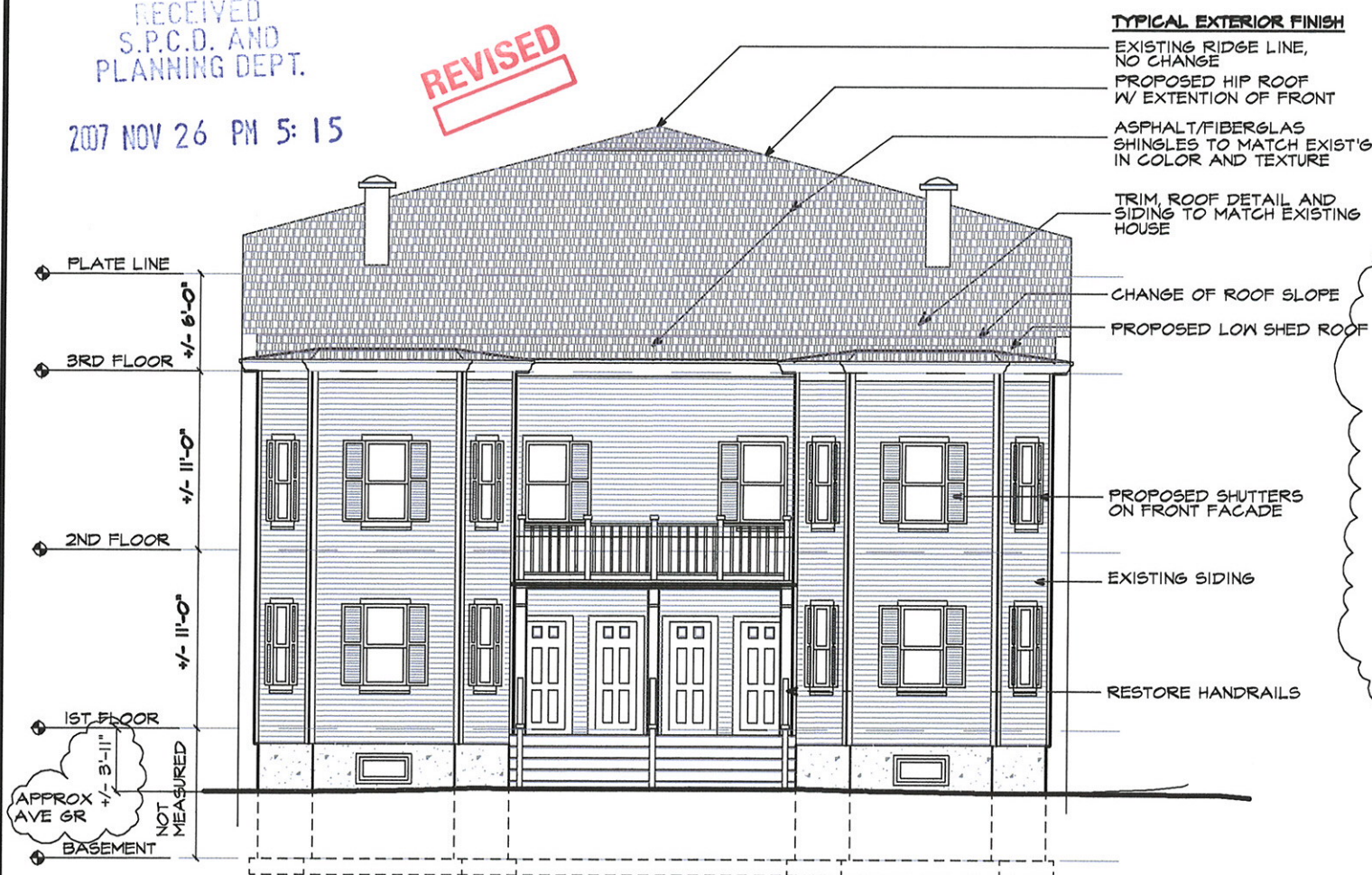
_____ there have been no appeals filed in the Office of the City Clerk, or
_____ any appeals that were filed have been finally dismissed or denied.

Signed _____

City Clerk Date _____

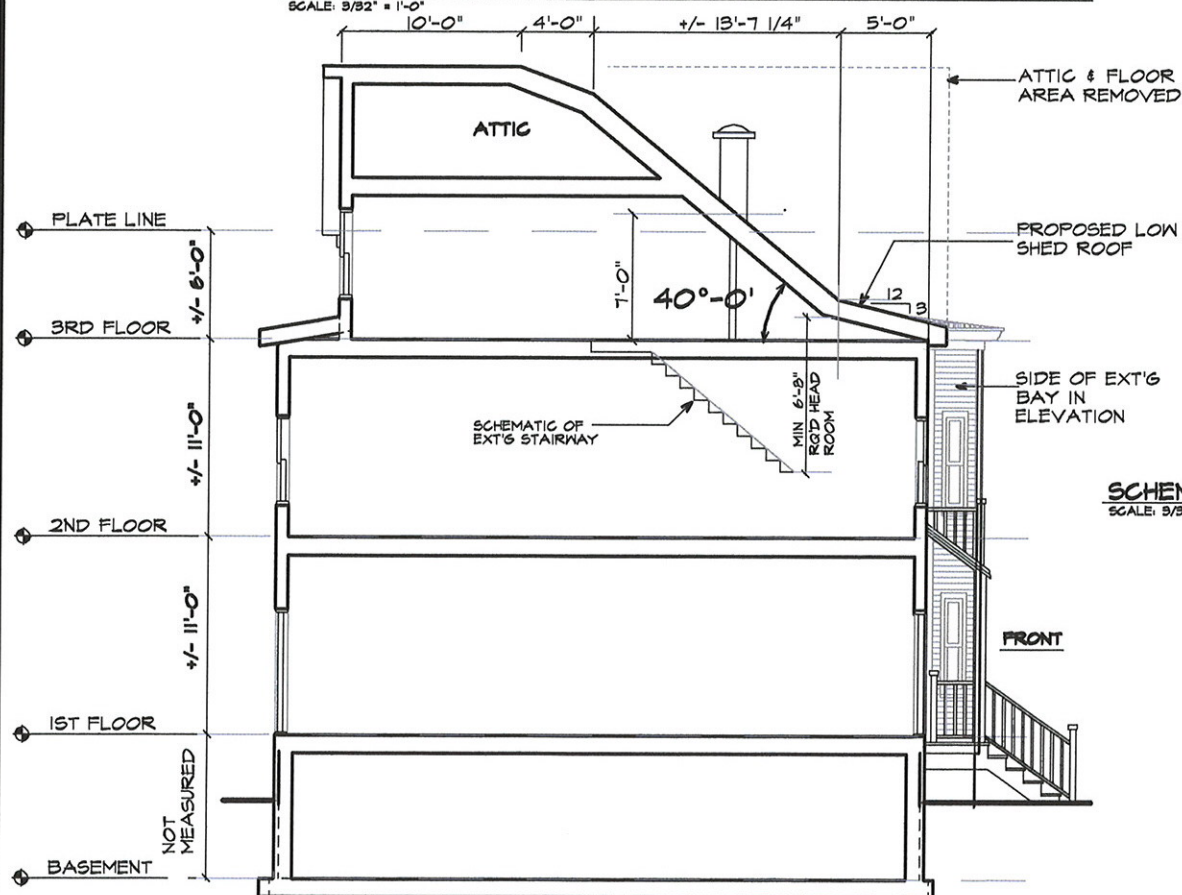
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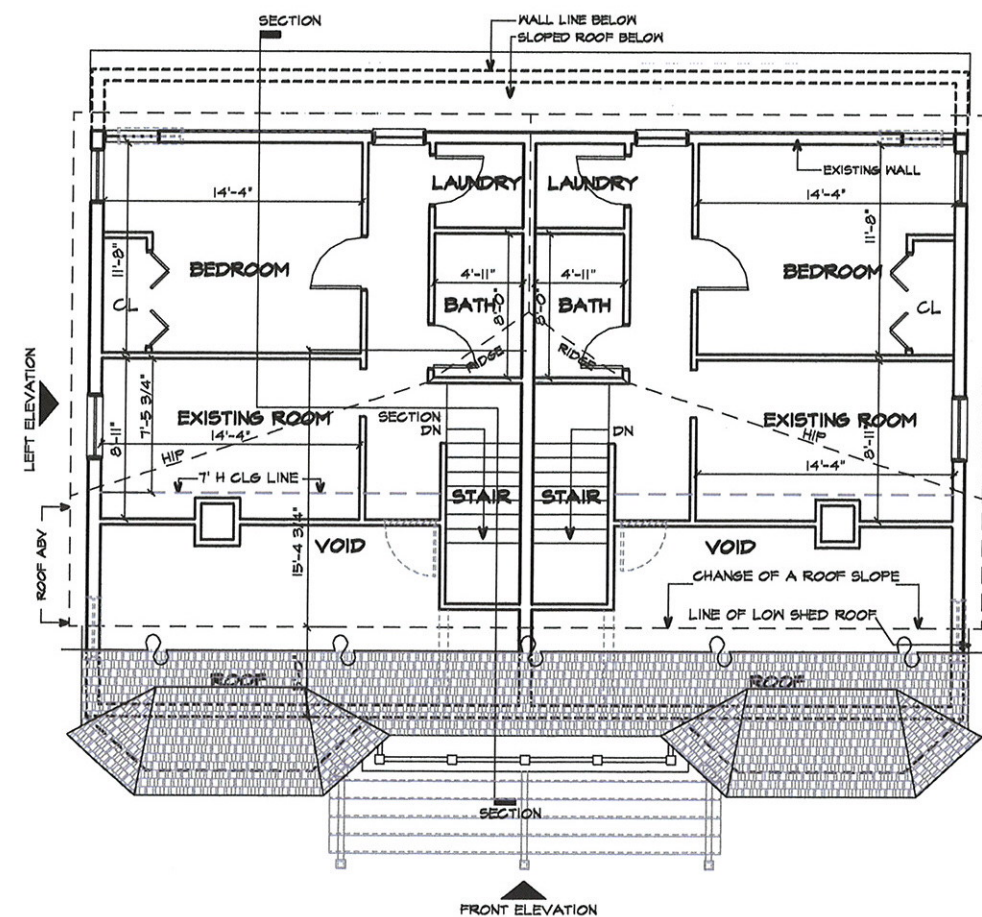


SCHEMATIC LEFT ELEVATION WITH DOUBLE PITCH ROOF
SCALE: 8/32" = 1'-0"

SCHEMATIC FRONT ELEVATION WITH DOUBLE PITCH ROOF
SCALE: 3/32" = 1'-0"



SCHEMATIC BUILDING SECTION
SCALE: 9/32" = 1'-0"

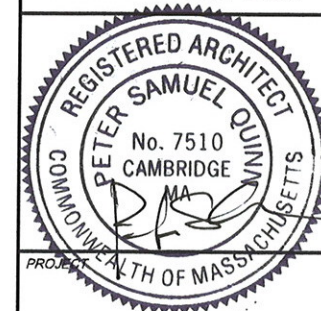


 **SCHEMATIC PLAN - 3RD FLOOR**
SCALE: 3/32" = 1'-0"

PETER
QUINN
ARCHI
TECTS

ARCHITECTURE
PLANNING
COMMUNITY DESIGN

PETER QUINN ARCHITECTS LLC
1955 MASS AVE, SUITE 4
CAMBRIDGE, MA 02140
PH 617-354-3989 FAX 617-868-0280



1-4 HAYDEN TERRACE
SOMERVILLE, MA

PREPARED FOR

DRAWING TITLE

SCHEMATIC
FRONT & SIDE
ELEVATION,
SECTION &
FLOOR PLAN
(DOUBLE PITCH
ROOF)

SCALE AS NOTED

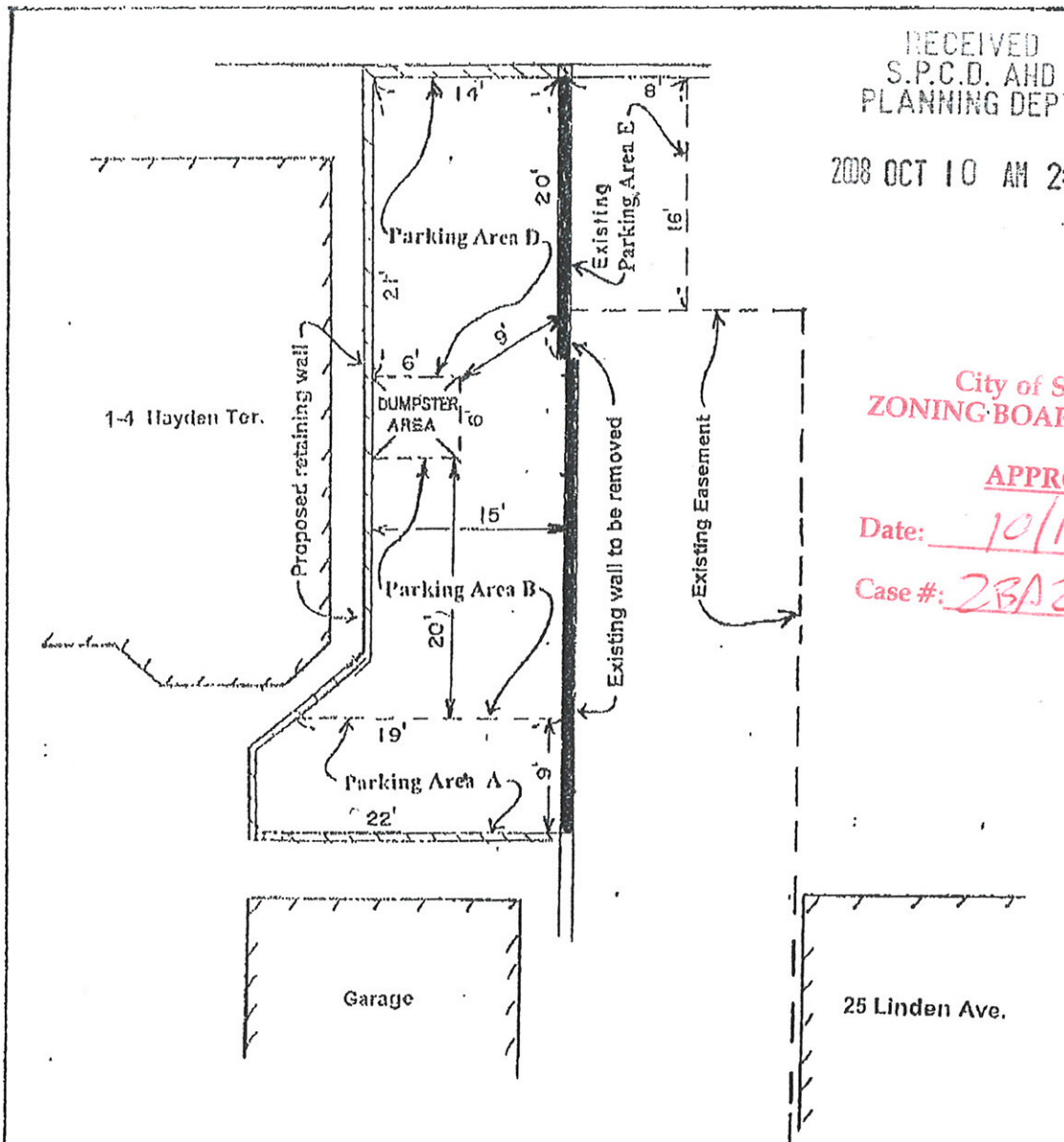
REVISION / ISSUE DATE

REVISION	15 NOVEMBER 06
REVISION	30 MAY 07
REVISION	20 JUNE 07
REVISION	09 JULY 07
REVISION	11 JULY 07
REVISION	18 JULY 07
REVISION	02 AUGUST 07
REVISION	14 SEPTEMBER 07
REVISION	18 SEPTEMBER 07
REVISION	26 NOVEMBER 07

DRAWN BY	APPROVED BY
DM	PQ

SHEET

A-8



NOTE: The purpose of this plan is to illustrate proposed parking areas on property owned by One Hayden Terrace Trust and Linden Gate Condominium Trust. The final location of the parking/dumpster areas to be determined in the field by both parties.



Paul J. Desbrow

SKETCH PLAN SHOWING PROPOSED PARKING LAYOUT

IN
SOMERVILLE, MA
1-4 HAYDEN TERRACE &
25 LINDEN AVENUE

Scale: 1" = 10 Ft.

AUGUST 18, 2008

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