



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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Case #: ZBA #2007-22-R0210
Site: 14-18 Main Street
Date of Decision: March 17, 2010
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: March 18, 2010

ZBA DECISION

Applicant Name:	Jim Murray
Applicant Address:	114 Broadway, Somerville, MA 02145
Property Owner Name:	14-18 Main Street, LLC
Property Owner Address:	114 Broadway, Somerville, MA 02145
Agent Name:	Jai Singh Khalsa
Agent Address:	Khalsa Design, Inc., 17 Ivaloo Street, Somerville, MA 02143
 <u>Legal Notice:</u>	 Applicant, Jim Murray, & Owner, J Murray & Sons, seek a revision to Special Permit ZBA 2007-22 (SZO §5.3.8). The revision is to construct balconies and alter the garage door and location of windows.
 <u>Zoning District/Ward:</u>	 NB zone/Ward 4
<u>Zoning Approval Sought:</u>	Revision to Special Permit# 2007-22
<u>Date of Application:</u>	February 21, 2010
<u>Date(s) of Public Hearing:</u>	March 17, 2010
<u>Date of Decision:</u>	March 17, 2010
<u>Vote:</u>	5-0

Appeal #ZBA 2007-22-R0210 was opened before the Zoning Board of Appeals at Somerville City Hall on March 17, 2010. After one hearing of deliberation, the Zoning Board of Appeals took a vote.

DESCRIPTION:

The proposed revisions are shown on the elevations dated January 26, 2010 and the site plan dated December 23, 2009.

The applicant is proposing the following revisions to the original proposal:

- a. Add two balconies (one with stairs) to the north elevation, two balconies to the Edgar Ave elevation, and one balcony to the roof of the three story bump out in the rear of the structure. The purpose of the balconies is to provide the residential units with a small amount of outdoor space.
- b. Eliminate a window to the left of the front door. The view inside of the window would be of the interior staircase. This revision was withdrawn.
- c. Change the garage door from two smaller doors to a single large door to better serve circulation into the garage. The egress door from the garage would be relocated from the Edgar St elevation to the rear of the building.
- d. Lower the height of the stucco finish in the rear of the building and replace with clapboard.
- e. Shift two windows in the rear bump out on the Edgar Ave elevation to coordinate with stair landings. This change is on the plans; however, the built structure does not include windows on this portion of the building.

FINDINGS FOR SPECIAL PERMIT REVISION

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 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.

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 revisions, except for the elimination of the front window, are designed in a manner that is compatible with the built and unbuilt surrounding area. The balconies are placed so that they would not closely abut an adjacent residential structures nor negatively impact the appearance of the building. The other alterations including the size of the garage door, elimination of windows in the rear of the house, and reduction in the amount of stucco in the rear are compatible with the original approval. The elimination of the front window disrupts the symmetry of the building and creates a blank wall along the sidewalk. The Applicants submitted a revised plan before the ZBA meeting showing that this window will be installed. Revised plans also ensure that the detailing and landscaping shown along the large stucco wall will remain a part of the project to visually break down the large blank wall along the street. Details include: a brick soldier course or similar detail along the Edgar Ave elevation, vertical elements in the stucco below the column lines that extend to the ground, and landscaping for the 3 foot buffer along Edgar Ave, showing at least 15 bushes.

DECISION:

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Scott Darling and Elaine Severino with Danielle Evans absent. 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 construction of six one- or two-bedroom units and 8 concealed parking spaces. 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>Feb 26, 2010</td><td>Initial revision application submitted to the City Clerk's Office</td></tr><tr><td>(Aug 14, 2007)</td><td>Original plans submitted to OSPCD (proposed parking plan & front/right elevations: A.1c, rear elevation: A.2A)</td></tr><tr><td><u>Jan 26, 2010</u></td><td><u>Modified plans submitted to OSPCD (N & E elevations: A-300, Main St & Edgar Ave elevations: A-301) (Revised A-301 is date stamped 3/17/10)</u></td></tr><tr><td><u>Dec 23, 2009</u></td><td><u>Modified plans submitted to OSPCD (Arch Site Plan: A-020)</u></td></tr><tr><td><u>TBD</u></td><td><u>Modified front elevation and Edgar St elevation (with landscaping)</u></td></tr></table>				Date (Stamp Date)	Submission	Feb 26, 2010	Initial revision application submitted to the City Clerk's Office	(Aug 14, 2007)	Original plans submitted to OSPCD (proposed parking plan & front/right elevations: A.1c, rear elevation: A.2A)	<u>Jan 26, 2010</u>	<u>Modified plans submitted to OSPCD (N & E elevations: A-300, Main St & Edgar Ave elevations: A-301) (Revised A-301 is date stamped 3/17/10)</u>	<u>Dec 23, 2009</u>	<u>Modified plans submitted to OSPCD (Arch Site Plan: A-020)</u>	<u>TBD</u>	<u>Modified front elevation and Edgar St elevation (with landscaping)</u>
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Any changes to the approved plans that are not <i>de minimis</i> must receive ZBA approval.																
2	The garage access shall be revised so that inbound access is on the right of the entryway and outbound egress is on the left	CO	T&P													
3	Landscaping should be installed in compliance with National Nurserymen's Standards	Perpetual	ISD													
4	The Applicant is responsible for notifying the Planning Staff at least five (5) working days in advance of a request for a final sign-off on a building permit from ISD. Issuance of a building permit shall be contingent upon a satisfactory inspection of site work to ensure compliance with the conditions of this special permit and variance.	Final sign off	Plng.													

Attest, by the Zoning Board of Appeals:

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