



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.)

**Case #: ZBA 2007-61-R0308**  
**Site: 100 Properzi Way**  
**Date of Decision: April 16, 2008**  
**Decision: *Petition Approved with Conditions***  
**Date Filed with City Clerk: April 30, 2008**

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**ZBA DECISION**

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**Applicant Name:** Moshe Safdie  
**Applicant Address:** 100 Properzi Way, Somerville, MA 02143  
**Property Owner Name:** Moshe Safdie  
**Property Owner Address:** 100 Properzi Way, Somerville, MA 02143  
**Agent Name:** Paul Gross

Legal Notice: Applicant & Owner Moshe Safdie seeks a Revision to Special Permit #ZBA2007-61 to alter the exterior cladding in parts of the building, modify doors and windows at front portion of building, raise height of rear stair shaft, and add a roof deck. NB & RB zones. Ward 2.

Zoning District/Ward: NB & RB zones/Ward 2  
Zoning Approval Sought: Revision to Special Permit #2007-61  
Date of Application: November 15, 2007  
Date(s) of Public Hearing: April 16, 2008  
Date of Decision: April 16, 2008  
Vote: 5-0

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Appeal #ZBA 2007-61-R0308 was opened before the Zoning Board of Appeals at Somerville City Hall on April 16, 2008. 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 (1) hearing(s) of deliberation, the Zoning Board of Appeals took a vote.

## **DESCRIPTION/FINDINGS:**

In January 2008 the applicant was granted a Special Permit under SZO §4.5.3 for the expansion of a non-conforming use to build a two-story front addition and a two-story rear addition with basement and mezzanine. The Applicant was also granted Special Permit approval under SZO §4.4.1 for the expansion of a nonconforming structure for the front addition to extend 14'1" into the required side yard.

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

**1. Construct a rooftop deck**

Staff finds that the rooftop deck would not be visible from the adjacent apartment building to the south as it would be screened by the mezzanine. Also, any concerns about noise or privacy should be limited due to the nature of the office use and the times of operation. Additionally, Moshe Safdie owns the building directly adjacent to the building on the side the deck is proposed.

**2. Change the exterior material from brick to cedar shiplap siding on the elevator hoistway and stair shaft #2**

Staff finds that new brick for the addition would be difficult to match with the old brick of the existing building. This material change would produce a clear distinction between the two areas and create a more visually appealing structure.

**3. Raise the height of stair shaft #2 four feet**

Staff finds this four foot increase would match the height of the elevator hoistway and create a more balanced and visually appealing structure. No impact from this revision is anticipated.

**4. Change the front door from a single leaf glass with sidelight to a double leaf glass with no sidelight**

The applicant has decided not to proceed with the front addition. This change will be made to the existing façade. Staff finds that this alteration would not change the size of the opening and would maintain the symmetry of the façade.

**5. Add an exterior wood slat screen to the south side of the mezzanine addition**

Staff finds this to have a positive effect by screening the glass mezzanine level from the neighbors in the adjacent apartment building to the south.

## **DECISION:**

Present and sitting were Members Orsola Susan Fontano, Acting Chairperson, Richard Rossetti, Acting Clerk, Danielle Fillis, Scott Darling and Elaine Severino. 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	The applicant has received approval to expand a non-conforming use to build a two-story rear addition with basement and mezzanine. This approval is to further permit a roof deck, raise the height of a stairwell, change the materials of the stair and elevator shaft, change front door to double door and install a window screen on the south side of the mezzanine curtain wall. This is based upon the following application materials and the plans submitted by the applicant and/or contractor:	BP/ CO	ISD/ Plng.									
	<table><tr><th>Date</th><th>Submission</th></tr><tr><td>November 15, 2007</td><td>Initial application and plans submitted to the City Clerk’s Office</td></tr><tr><td>January 4, 2008</td><td>Parking Memo</td></tr><tr><td>April 9, 2008</td><td>Plans submitted to the City Clerks office (A0.1, A0.2, A1.0, A1.1, A1.2, A1.3, A1.4, A3.0, A3.1)</td></tr></table>				Date	Submission	November 15, 2007	Initial application and plans submitted to the City Clerk’s Office	January 4, 2008	Parking Memo	April 9, 2008	Plans submitted to the City Clerks office (A0.1, A0.2, A1.0, A1.1, A1.2, A1.3, A1.4, A3.0, A3.1)
	Date				Submission							
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Any changes to the approved site plan or elevations must receive ZBA approval.												
2	The applicant shall place appropriate signage on the driveway to alert drivers to potential oncoming vehicles.	CO	Plng.									
3	The ivy on the façade, the magnolia tree in the front yard and the bushes along the base of the façade shall be retained.	CO	Plng.									
4	The new parking lot shall be screened from Skehan Street and surrounding residential with new landscaping and fencing (chain link fence should be removed and replaced if possible) pursuant to §10.5 screening requirements. Landscaping shall be installed to National Nurserymen’s standards.	CO	Plng.									
5	Fire Prevention shall conduct an on-site inspection of both 100 and 92 Properzi Way	CO	FP									
6	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.									

Attest, by the Zoning Board of Appeals:

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

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  
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 \_\_\_\_\_