



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

PLANNING DIVISION
STAFF

GEORGE PROAKIS, *DIRECTOR OF PLANNING*
LORI MASSA, *SENIOR PLANNER*
DAN BARTMAN, *SENIOR PLANNER*
MELISSA WOODS, *PLANNER*
AMIE HAYES, *PLANNER*
DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*

Case #: ZBA 2013-05
Date: March 14, 2013
Recommendation: Unable to Recommend

PLANNING STAFF REPORT

Site: 45 Matignon Road a/k/a 0 Alewife Brook Parkway

Applicant Name: Lycee International de Boston/International School of Boston, Inc.
Applicant Address: 45 Matignon Road, Cambridge, MA 02140
Property Owner Name: Lycee International de Boston/International School of Boston, Inc.
Property Owner Address: 45 Matignon Road, Cambridge, MA 02140
Alderman: Robert Trane / Ward 7

Legal Notice: Applicant and Owner, Lycee International de Boston/International School of Boston, Inc., seeks a Variance under SZO §5.5 and §10.7.1 to construct a 14 foot fence around the Lower and Middle School play yard. RB Zone. Ward 7.

Zoning District/Ward: RB Zone / Ward 7

Zoning Approval Sought: Variance under SZO §5.5 and §10.7.1

Date of Application: February 15, 2013

Dates of Public Hearing: Zoning Board of Appeals – **March 20, 2013**

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is comprised of two school buildings, Building S and Building SA, and one church, St. Sava Serbian Orthodox Church. Located in both Somerville and Cambridge, this property is situated at the corner of Matignon Road and Alewife Brook Parkway. The parcel is a condominium property, where the Applicant owns two of the three condominium units, buildings S and SA. Building SA is a two-story brick structure constructed in 1958. Building S is a four-story stone and brick structure constructed in 1851. Together, these buildings house 450 students. The total lot size exceeds 198,000 square feet, and 36,400 square feet of the total lot size are located in Somerville. Situated south of Teele Square, within a Residence B district, abutting properties are residential and predominantly consist of two-family dwellings.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722
www.somervillema.gov



The subject parcel has not received any prior zoning relief.



*45 Matignon Road a/k/a
0 Alewife Brook
Parkway: Lycee
International de Boston /
International School of
Boston, Inc.*

2. Proposal: The Applicant proposes to construct a fourteen (14) foot fence around the Lower and Middle School play yard which would consist of steel posts and thick netting. Students from the School use this play area on a regular basis; therefore, when the previously existing twelve (12) foot tall fence deteriorated to a point that the fencing was no longer effective, the posts and netting were re-erected to keep recreation and athletic equipment from going into the backyards of neighboring properties. The 12 foot fence and netting that previously existed had become rotten and deteriorated away. Acting in the best interest for the neighboring abutters, the School replaced the fence with steel posts and a thicker outdoor netting between the fence posts before learning that a Variance would be needed to heighten the fence. The height of the fence was increased to 14 feet in an attempt to further reduce or eliminate recreation and athletic equipment from entering onto adjacent properties. The dark color of the steel fence posts and netting were intentional, to make the height of the fence and netting difficult to see from neighboring properties as well as to maintain the existing viewshed of the School.



*Minimal view of fencing from Hooker
Avenue noted within circle.*

3. Nature of Application: The Somerville Zoning Ordinance, under §10.7.1, limits maximum fence heights to 6 feet above the existing grade. Applicant and Owner, Lycee International de Boston/International School of Boston, Inc., seeks a Variance under SZO §5.5 and §10.7.1 to construct a 14 foot fence around the Lower and Middle School play yard. The height of the fence was increased from 12 to 14 feet to further reduce or eliminate recreation and athletic equipment from entering onto adjacent properties.

4. Surrounding Neighborhood: Located in both Somerville and Cambridge, this property is situated at the corner of Matignon Road and Alewife Brook Parkway. The subject property is located in a

Residence B district within the larger Teele Square neighborhood near Arlington and Cambridge. Abutting properties are residential and predominantly consist of two-family dwellings.

5. Impacts of Proposal: The proposal to construct a 14 foot tall fence around the Lower and Middle School play yard will not be detrimental to the structures on this parcel and will prevent damage from happening to surrounding residential properties due to loose recreational and athletic equipment. The dark color of the steel fence posts and netting were intentional, to make the height of the fence and netting difficult to see from neighboring properties as well as to maintain the existing viewshed of the School.

6. Green Building Practices: The Applicant does not specify any green building practices.

7. Comments:

Fire Prevention: Has been contacted but has not yet provided comments.

Ward Alderman: Has been contacted but has not yet provided comments.

II. FINDINGS FOR VARIANCE (SZO §5.5.3 and §10.7.1):

In order to grant a Variance, the Board must make certain findings and determinations as outlined in §5.5.3 of the SZO.

Please find the Applicants' responses to these questions on their application form attached to this Staff Report.

1. There are "special circumstances relating to soil conditions, shape or topography of land or structures which especially affect such land or structures but not affecting generally the zoning district in which it is located, causing substantial hardship, financial or otherwise."

Building S is situated on the parcel in a manner that encourages use of the north area of the lot to be used as recreational space for the Lower and Middle School play yard, while the area south of Building S is used as recreational space for the Upper School. Backyards of adjacent homes along Hooker Avenue are within such a close proximity to the School that use of the Lower and Middle School play yard presents a hardship. This hardship requires extra efforts on behalf of the School to eliminate the potential damage to nearby properties that could be caused by loose recreation or athletic equipment. The play area has been in this location for 17 years and, to reduce interference with residential properties, a similar fence was in existence until recently, when the fence was no longer effective due to deterioration.

2. The variance requested is the "minimum variance that will grant reasonable relief to the owner, and is necessary for a reasonable use of the building or land."

Due to the close proximity of neighboring residences, recreation and athletic equipment routinely crossed over the fence onto neighboring properties. The installation of 12 foot tall fence posts and netting was effective until recently, when the fencing deteriorated away due to rot. In an effort to protect the nearby residential properties, and without knowledge that a Variance is necessary, the School erected a 14 foot tall fence to replace the original fence. The School believes the increased height of the fence will further reduce or eliminate equipment interfering with adjacent residential properties.

3. “The granting of the variance would be in harmony with the general purpose and intent of this Ordinance and would not be injurious to the neighborhood or otherwise detrimental to the public welfare.”

Granting a Variance will enable the 14 foot tall replacement fence to continue to reduce, and potentially eliminate, interference between recreation and athletic equipment and nearby residential properties. By not replacing this fence, equipment will routinely cross over onto nearby properties, potentially causing property damage. The fence protects nearby residential dwellings from loose equipment, which enables these two adjacent uses to exist harmoniously in a dense urban environment.

III. RECOMMENDATION

Variance under SZO §5.5.3 and §10.7.1

Based on the materials submitted by the Applicant, the above findings and subject to the following conditions, the Planning Staff is **UNABLE TO RECOMMEND** approval of the requested **VARIANCE** at this time.

The recommendation is based upon a technical analysis by Planning Staff of the application material based upon the required findings of the Somerville Zoning Ordinance, and is based only upon information submitted prior to the public hearing. This report may be revised or updated with new recommendations, findings and/or conditions based upon additional information provided to the Planning Staff during the public hearing process.

#	Condition	Timeframe for Compliance	Verified (initial)	Notes								
1	Approval is for a Variance to construct a 14 foot fence around the Lower and Middle School play yard. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/Plng.									
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>(February 15, 2013)</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>February 26, 2013 (March 13, 2013)</td><td>Fence location plan submitted to OSPCD</td></tr><tr><td>January 11, 2013</td><td>Photographs of existing fence submitted to OSPCD (Sheets 1-22)</td></tr></table>				Date (Stamp Date)	Submission	(February 15, 2013)	Initial application submitted to the City Clerk's Office	February 26, 2013 (March 13, 2013)	Fence location plan submitted to OSPCD	January 11, 2013	Photographs of existing fence submitted to OSPCD (Sheets 1-22)
	Date (Stamp Date)				Submission							
	(February 15, 2013)				Initial application submitted to the City Clerk's Office							
	February 26, 2013 (March 13, 2013)				Fence location plan submitted to OSPCD							
	January 11, 2013				Photographs of existing fence submitted to OSPCD (Sheets 1-22)							
Any changes to the approved site plan that are not <i>de minimis</i> must receive SPGA approval.												
2	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP									

3	The Applicant shall contact Planning Staff at least five working days in advance of a request for a final inspection by Inspectional Services 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.	
---	---	----------------	-------	--

45 Matignon Road a/k/a 0 Alewife Brook Parkway

