



City of Somerville

ZONING BOARD OF APPEALS

City Hall 3rd Floor, 93 Highland Avenue, Somerville MA 02143

DECISION

PROPERTY ADDRESS: 59 Albion Street
CASE NUMBER: P&Z 20-010
OWNER: Kate and Daryl St Laurent
OWNER ADDRESS: 59 Albion Street, Somerville, MA 02143
DECISION: Approved with Conditions (Site Plan Approval)
DECISION DATE: November 17, 2021

This decision summarizes the findings made by the Zoning Board of Appeals (the "Board") regarding the proposal to establish a Backyard Cottage submitted for 59 Albion Street.

LEGAL NOTICE

Marilyn Moedinger proposes to establish a Backyard Cottage in the Neighborhood Residence district which requires Site Plan Approval.

RECORD OF PROCEEDINGS

On November 17, 2021, the Zoning Board of Appeals held a public hearing advertised in accordance with M.G.L. 40A and the Somerville Zoning Ordinance. Present and sitting at the public hearing were Board Members Chair Susan Fontano, Clerk Josh Safdie, Elaine Severino, Anne Brockelman, Ann Fullerton, and Alternate Katherine Garavaglia. The Board discussed the design of the rear wall and whether any changes should be made to its aesthetic design. The Board declined to require any conditions regarding the rear wall but requested that the Applicant consider the Board's comments on its design.

SITE PLAN APPROVAL FINDINGS

In accordance with the Somerville Zoning Ordinance, the Board may approve or deny an application for site plan approval upon making findings considering, at least, each of the following:

1. *The comprehensive plan and existing policy plans and standards established by the City.*

The Board finds that the proposal will help to achieve the following from SomerVision, the comprehensive Master Plan of the City of Somerville:

- Preserve and enhance the character of Somerville's neighborhoods, [...] and respect neighborhood form and patterns while expanding Somerville's architectural legacy.

2. The intent of the zoning district where the property is located.

The Board finds that the proposal is consistent with the intent of the NR zoning district which is, in part, “[t]o conserve already established areas of detached and semi-detached residential buildings.”

The Board also finds that proposal is consistent with the intent of the Zoning Ordinance more broadly, including the following:

- To preserve and enhance the existing character of Somerville’s traditional housing and respect existing built form and development patterns.
- To encourage contemporary architectural design for new construction that compliments the established character of existing buildings.

3. Mitigation proposed to alleviate any impacts attributable to the proposed development.

The Board finds that the proposal does not have any impacts that require mitigation.

DECISION

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Clerk Safdie moved to approve the proposal to establish a Backyard Cottage with the conditions included in the staff memo dated November 3, 2021. Ms. Garavaglia seconded. The Board voted **5-0** to approve the permit, subject to the following conditions:

Perpetual

1. Construction documents must be substantially equivalent to the approved plans and other materials submitted for development review.

Prior to Building Permit

2. Material specifications from suppliers must be submitted to confirm fenestration glazing is compliant with the VLT and VLR ratings required by the Somerville Zoning Ordinance.
3. This Decision must be recorded with the Middlesex County Registry of Deeds prior to applying for a Building Permit.
4. Physical copies of all submittal materials as permitted by the Review Boards must be submitted for the public record in accordance with the document format standards of the ISD/PB/ZBA Submittal Requirements.
5. A copy of the Recorded Decision stamped by the Middlesex South Registry of Deeds must submitted for the public record.
6. A written narrative or descriptive checklist identifying the completion or compliance with permit conditions must be submitted to the Inspectional Services

Department at least ten (10) working days in advance of a request for a final inspection.

Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chair*
Josh Safdie, *Clerk*
Elaine Severino
Anne Brockelman
Ann Fullerton



Sarah Lewis, Director of Planning, Preservation & Zoning
Office of Strategic Planning & Community Development

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. 15.5.3.

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.

FOR SITE PLAN APPROVAL(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 _____