



City of Somerville

ZONING BOARD OF APPEALS

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

DECISION

PROPERTY ADDRESS: 13 Alpine Street
CASE NUMBER: P&Z 21-051
OWNER: Apres Ski LLC
OWNER ADDRESS: 21 Village Street, Unit 1, Somerville, MA 02143
DECISION: Approved with Conditions (Major Amendment)
DECISION DATE: October 6, 2021

2021 OCT 19 AM 9:51
CITY CLERK'S OFFICE
SOMERVILLE, MA

This decision summarizes the findings made by the Zoning Board of Appeals (the "Board") regarding the major amendment to a previously issued special permit submitted for 13 Alpine Street.

LEGAL NOTICE

Apres Ski LLC proposes a Major Amendment to previously approved plans which required a Special Permit (ZBA 2016-75).

RECORD OF PROCEEDINGS

On August 4, 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, and Alternate Katherine Garavaglia. Attorney Adam Dash and Architect Evan Stellman provided an overview of the changes made to the project that they are requesting the Board's approval regarding. The Board expressed concerns about the following changes: addition of a head house for stairs leading to the roof; roof deck access; changes in overall roof and building height and massing. Keith Glover of Apres Ski LLC explained the Applicant's reasoning for making changes without the Board's permission. The Board continued the public hearing.

On September 1, 2021 the Board resumed the public hearing. Present and sitting at the public hearing were Board Members Chair Susan Fontano, Clerk Josh Safdie, Elaine Severino, Anne Brockelman, and Alternate Katherine Garavaglia. The Board and Applicant discussed the additional changes the Applicant made to the building and the plans since the last hearing, including the installation of planters on the 2nd story terraces. The Board and Applicant discussed the reasoning for changing roof access from a hatch to a walkout staircase and how the requirements for each differ. The Board stated that the submitted plans were inaccurate and that they did not have a clear understanding of the changes proposed, so required updated and accurate plans from the Applicant prior to the next hearing. The Board continued the public hearing.

On September 22, 2021 the Board resumed the public hearing. Present and sitting at the public hearing were Board Members Chair Susan Fontano, Clerk Josh Safdie,

Elaine Severino, Anne Brockelman, and Alternate Katherine Garavaglia. The Board and Applicant discussed changes to the plans since the last meeting. The Board and Applicant also discussed the size of the 4th floor terrace compared to the approved plans, and potential methods of shielding the terrace using fencing and planter boxes. The Board continued the public hearing.

On October 6, 2021 the Board resumed the public hearing. Present and sitting at the public hearing were Board Members Chair Susan Fontano, Clerk Josh Safdie, Elaine Severino, and Anne Brockelman. The Board discussed whether to require the planter boxes and railing to be 3ft or 4.5ft from the edge of the building and decided that 3ft was sufficient.

FINDINGS

The Board finds that many of the proposed changes regarding materiality, minor changes in fenestration, and changes to the designs of the 2nd floor terraces are compatible with the surrounding area. The Board also finds that the perception of a larger massing due to the expansion of the 4th floor terrace and the headhouse leading to the roof are compatible with and not detrimental to the surrounding area, provided that the conditions imposed in this decision are complied with.

DECISION

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Clerk Safdie moved to approve the major amendment to a previously issued special permit with the conditions recommended in the October 1st Staff Memo, with the condition concerning railings and planters on the 4th floor terrace being modified to require a 3ft setback instead of 4ft. Ms. Severino seconded. The Board voted **4-0** to approve the permit, subject to the following conditions:

Perpetual

1. Conditions 1 and 26 of ZBA 216-75 are null and void. All other conditions of previously approved permits remain valid.
2. Construction documents must be substantially equivalent to the approved plans and other materials submitted for development review.
3. The railing and planter boxes on 4th floor terrace must be recessed at least three (3) feet from the plane of the exterior wall of the story below.
4. A green wall must be installed along the west-facing horizontal span of the brick-faced first story.
5. All vegetation must be maintained in healthy, growing condition at all times by the property owner(s) or their designated agent(s).
6. Vegetation that is significantly damaged, missing, infested, disease-ridden, or dead must be replaced within one (1) year or by the next planting season, whichever occurs first.

7. All buyers, grantees, lessees, renters, and tenants must be notified in writing prior to sale or lease of any dwelling unit that all vegetation must be maintained and/or replaced in accordance with the conditions of this approval.
8. The roof may not be used for social, recreational, and/or leisure space.
9. The roof may only be accessed for normal maintenance of the building and maintenance, repair, and/or replacement of mechanical equipment.

Prior to Building Permit


10. This Decision must be recorded with the Middlesex County Registry of Deeds.
11. 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.
12. A copy of the Recorded Decision stamped by the Middlesex South Registry of Deeds must be submitted for the public record.

Prior to Certificate of Occupancy

13. 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



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 _____