



City of Somerville

# ZONING BOARD OF APPEALS

City Hall 3<sup>rd</sup> Floor, 93 Highland Avenue, Somerville MA 02143

**TO:** Zoning Board of Appeals  
**FROM:** Planning & Zoning Staff  
**SUBJECT:** 13 Alpine Street, P&Z 21-051  
**POSTED:** July 22, 2021

**RECOMMENDATION:** See recommendations related to specific changes below

Staff memos are used to communicate background information, analysis, responses to public comments, review of statutory requirements and other information from the Planning & Zoning staff to the Review Board members.

This memo summarizes the plan revision submitted for 13 Alpine St, identifies any additional discretionary or administrative development review that is required by the Somerville Zoning Ordinance, and provides related analysis or feedback as necessary. The application was deemed complete on May 11, 2021, and is scheduled for a public hearing on August 4, 2021. Any Staff recommended findings, conditions, and decisions in this memo are based on the information available to date prior to any public comment at the scheduled public hearing.

## LEGAL NOTICE

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

## SUMMARY OF PROPOSAL

Apres Ski LLC is proposing modifications to the plans approved by the Board in 2017 (ZBA 2016-75) which have been determined to be beyond *de minimis* and therefore require review by the Board.

As the original approval was issued under the Zoning Ordinance in effect prior to December 12, 2019, revisions to the decision are evaluated under that Zoning Ordinance as well. 13 Alpine Street was in the BB (Business-B) zoning district and required a Special Permit to alter a non-conforming structure and a Special Permit with Site Plan Review to construct seven residential units.

The Applicant's narrative identifies the changes they are requesting the Board's approval for. Staff have provided recommendations for each group of interrelated changes below.

## ANALYSIS

The item numbers are taken from the Applicant's narrative and are used only to help the Board identify the relevant changes that the Applicant has identified. The numbered changes are not exhaustive of the changes shown in the drawing set.

Roof decks & associated changes (Items 1, 10-11)

*Recommendation: None*

The proposal includes an expansion of the terrace on the 4<sup>th</sup> floor, as well as the creation of a new roof deck on top of the 4<sup>th</sup> floor. To provide access to the new roof deck, the proposal also includes extending the staircase on the right side of the building up an additional story and creating a new staircase headhouse on the roof. Compare the existing perspective drawing (left) with the proposed perspective drawing (right):



The Applicant's narrative states that the new staircase and roof deck are necessary to provide adequate access to the mechanical equipment on the upper roof level and that the deck area must be fenced in. However, if the roof deck was intended for only functional access to the mechanical equipment, it would not need to be so large; the functional design of the roof deck and the apparent ability of all seven units to have unrestricted access to it through a common staircase suggests that it will be used as a shared roof deck by the residential units in the building.

Staff support the provision of outdoor space for residential units, but the proposed roof deck is not necessary to provide this – each unit already has either a balcony or a terrace directly accessible from their unit, and this roof deck would be in addition to those areas.

During the Board hearings for the original approval, multiple neighbors expressed concerns about the impacts that the proposed terrace on the 4<sup>th</sup> floor would have on the privacy of abutting properties, and the Board and neighbors expressed concerns about how tall and bulky the building already appeared to be.<sup>1</sup> The creation of a new roof deck and staircase headhouse could heighten both those concerns.

<sup>1</sup> See the minutes for ZBA meetings on [7/12/17](#) and [8/2/17](#) posted on the City's calendar.

Ward 5 Councilor Niedergang is aware of the Applicant's proposal and has been in contact with neighbors and the Applicant to discuss any concerns that neighbors may have regarding this change. Staff has not provided a recommendation regarding this change and defers to the Board's opinion regarding whether the additional height and massing of this building is compatible with the surrounding neighborhood.

Green wall (Not identified)

*Recommendation: None*

Condition 26 of the original decision reads: "A green wall shall be installed along the horizontal span of the brick-faced first story and along the vertical span of the elevator shaft, minus the override." The Applicant's proposed revision includes extending the green wall to the top of the elevator shaft, including the override. The wording of the condition is not clear as to the intent of the Board in applying this condition and whether installing a green wall on the override of the elevator shaft would be compatible with or violate the intent of the condition. Staff recommends that the Board add a condition to this decision that clarifies the Board's intent regarding the green wall and the elevator override.

If the intent of the condition was to prohibit the green wall from being installed on the override, Staff recommends the following condition: "Green wall is prohibited on the elevator override.

If the intent of the condition was to allow, but not require, that the green wall be installed on the override, Staff recommends the following condition: Green wall may be installed on the elevator override.

Cast stone signage (Item 3)

*Recommendation: Approve*

In making the finding that the proposal was complied with the standards under SZO §4.4.1, the Board's decision noted that "the proposal includes retaining [...] the cast stone "Faulkner Brothers" name plate, [a] prominent element[] of the existing building."

The Applicant's narrative states that the cast stone name plate was destroyed by the previous owner, and now proposes to manufacture and install a new cast stone name plate that reads "13 Alpine Street" rather than "Faulkner Brothers." While maintaining the original cast stone name plate was ideal, since it has been destroyed Staff sees no reason to require that the new name plate read "Faulkner Brothers."

Various other changes (Items 2, 4-9, 12)

*Recommendation: Approve*

These items include changes to the materials used for the building, planters, and railings, and changes to the locations of windows. Staff do not have any concerns or comments on these proposed changes.

## CONSIDERATIONS & FINDINGS

As this is a revision to a Special Permit granted under the previous zoning ordinance, and as the proposed changes were determined not to be *de minimis* in nature, the findings required by the previous zoning ordinance apply. SZO §5.3.8 reads, in part:

*Revisions that are not de minimis shall be subject to the full notice and hearing provisions of §5.3.2 of this Ordinance, but shall not be subject to review by additional boards, departments, city agencies or commissions except as requested by the SPGA or upon the recommendation of the Planning Director. Applicable findings shall be made in accordance with the type of permit(s) being revised.*

The only applicable finding(s) for the revision is the following:

*5.2.5.(d) Site and area compatibility. Is designed in a manner that is compatible with the existing natural features of the site and is compatible with the characteristics of the surrounding area, and that the scale, massing and detailing of buildings are compatible with those prevalent in the surrounding area;*

## PERMIT CONDITIONS

Should the Board approve the Major Amendment to the previously approved plans which required a Special Permit with Site Plan Review, Planning & Zoning Staff recommends the following conditions:

### Validity

- Construction documents must be substantially equivalent to the approved plans and other materials submitted for development review.
- This Decision must be recorded with the Middlesex County Registry of Deeds.

### Public Record

- 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.
- A copy of the Recorded Decision stamped by the Middlesex South Registry of Deeds must be submitted for the public record.