



City of Somerville

2021 APR 15 P 4:08

ZONING BOARD OF APPEALS

City Hall 3rd Floor, 93 Highland Avenue, Somerville MA 02143
CITY CLERK'S OFFICE
SOMERVILLE, MA

DECISION

CASE NUMBER: CZC20-0006
PROPERTY ADDRESS: 0 Fremont Street
OWNER: Fremont Street LLC
OWNER ADDRESS: 25 Prescott Ave., Chelsea, MA 02150
DECISION: Approved with Conditions
DECISION DATE: April 15, 2021

This decision summarizes the public hearing and findings made by the Zoning Board of Appeals ("the Board") regarding development proposed for 0 Fremont Street.

LEGAL NOTICE

Fremont Street LLC proposes to construct a duplex in the NR district on a steep slope which requires a Special Permit.

RECORD OF PROCEEDINGS

On March 31, 2021 the Board held a public hearing advertised in accordance with M.G.L. 40A and the Somerville Zoning Ordinance. Present and sitting were Zoning Board members Orsola Susan Fontano, Danielle Evans, Josh Safdie, Elaine Severino, and Anne Brockelman.

Applicant Fremont Street LLC provided an overview of the development proposal to construct a duplex on a vacant lot with a steep slope, provided arguments to support findings for the statutory required considerations, and answered questions from the Board. The Board heard comments, questions, and concerns from members of the public and addressed issues raised with the Applicant.

FINDINGS

In accordance with the Somerville Zoning Ordinance, the Planning Board may approve or deny a Special Permit authorizing development on a steep slope 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 achieve the goal to expand an integrated, balanced mix of safe, affordable and environmentally sound rental and homeownership units for households of all sizes and types from diverse social and economic groups set by SomerVision 2030, the comprehensive Master Plan for the City of Somerville.

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

The Board finds that the proposal will meet the intent of the NR zoning district which is, in part: "To conserve already established areas of detached and semi-detached residential buildings."

3. *Consistency of site disturbance with the intent and purpose of Section 10.10 Steep Slopes*
 - a. *To minimize storm water runoff and soil erosion problems incurred by the grading of steep slopes.*
 - b. *To maintain the natural topography and drainage patterns of land.*
 - c. *To help protect real property at the base of a steep slope from damage caused by erosion, mudslides, rockslides, falling trees, and other harms.*

The Board finds that the new comprehensive Site Construction Permit administered by the Engineering Department and required for all construction, clearing, grading, paving, or excavation that could potentially increase runoff or introduce pollutants to the city's storm drainage system will address the majority of concerns related to storm water runoff, drainage, soil erosion, etc. by requiring a proper stormwater management controls for the site, which is primarily a matter of expense and not feasibility.

The Board finds that almost fifty percent (50%) of the site will remain in its natural topography and landscape due to existing ledge that cannot be removed without significant effort.

The Board finds that the front retaining wall facing East Albion Street will help mitigate potential damage caused by erosion, mudslides, rockslides, falling trees, and other harms from the newly disturbed landscape areas of the eastern (left side) portions.

4. *Geo-technical, structural engineering, and arboreal best practices for successfully and safely stabilizing steep slopes.*

The Board finds that the Applicant is making good faith effort to use geo-technical and structural engineering best practices for development on a steep slope, including the terraced nature of the site planning and inclusion of erosion control/slope stabilization seed mix in the landscaping.

DECISION

Following public testimony, review of the submitted materials and staff memo, and discussion of the statutorily required considerations, Danielle Evans moved to approve the Special Permit. Elaine Severino seconded. The Board voted **5-0** to approve the Special Permit with the following conditions:

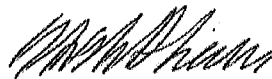
Prior to Certificate of Occupancy:

1. A sidewalk must be provided as indicated on the approved plans and East Albion Street from the intersection with Fremont St. to the Albion dead end must be resurfaced. Final designs must be approved by relevant City departments.
2. The existing pedestrian stairs at the unimproved section of Fremont Street must be demolished and replaced with new pedestrian staircase. Final designs must be approved by relevant City departments.
3. The East Albion Street sewer must be inspected and replaced as required by the City Engineer.

Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chair*
Danielle Evans, *Clerk*
Anne Brockelman
Elaine Severino
Josh Safdie

Attest, by the Director of Planning & Zoning:



Sarah Lewis

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 Appeals.

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 _____