



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

MICHAEL F. GLAVIN  
EXECUTIVE DIRECTOR

PLANNING DIVISION

**ZONING BOARD OF APPEALS MEMBERS**

ORSOLA SUSAN FONTANO, CHAIRMAN  
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DANIELLE EVANS  
ELAINE SEVERINO  
JOSH SAFDIE  
ANNE BROCKELMAN, (ALT.)

**Case #: ZBA 2016-81-R1-(08/18)**  
**Site: 45 Cameron Ave**  
**Date of Decision:** October 3, 2018  
**Decision:** *Approved with Conditions*  
**Date Filed with City Clerk:** October 11, 2018

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**ZBA DECISION**

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**Applicant Name:** Aroli Realty Trust / Menkiti Ifeanyi, Trustee  
**Applicant Address:** 45 Cameron Avenue, Somerville, MA  
**Owner Name:** Aroli Realty Trust / Menkiti Ifeanyi, Trustee  
**Owner Address:** 45 Cameron Avenue, Somerville, MA  
**Alderman:** Katjana Ballantyne

Legal Notice: Applicant and Owner, Aroli Realty Trust, Menkiti Ifeanyi Trustee, seeks a Revision to a Special Permit previously granted in 2016. The Applicant seeks to alter one of the conditions of the original permit that required utilities to be buried underground.

<u>Zoning District/Ward:</u>	RB Zone. Ward 7.
<u>Zoning Approval Sought:</u>	Striking condition #25 in previously approved ZBA special permit
<u>Date of Application:</u>	September 4, 2018
<u>Date(s) of Public Hearing:</u>	October 3, 2018
<u>Date of Decision:</u>	October 3, 2018
<u>Vote:</u>	5-0

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Appeal #ZBA 2016-81-R1-(08/18) was opened before the Zoning Board of Appeals at the Visiting Nurse Association (VNA) on Lowell Street. Notice of the Public Hearing was given to persons affected and was published and posted, all as required by M.G.L. c. 40A, sec. 11 and the Somerville Zoning Ordinance. On October 3, 2018, the Zoning Board of Appeals took a vote.



**DESCRIPTION:**

On March 1, 2017, the ZBA approved, with conditions, a special permit for 45 Cameron Avenue to do the following: alter a non-conforming property under §4.4.1 of the SZO through the upward extension of the non-conforming, left, right, and front yard setbacks, along with parking relief.

Under §5.3.8 of the SZO, a special permit may be revised as long as a certificate of occupancy (CO) or final sign-off has not yet been received. A CO has not been issued and a final sign-off has not been received for 45 Cameron Avenue.

The Applicant seeks to revise the special permit originally approved by the ZBA by striking Condition #25 (see attached decision with condition #25 included). This condition required the Applicant to bury all utility lines.

**FINDINGS:**

Highway, Lights & Lines, the departments that have final jurisdiction over whether utilities are to be buried or allowed to go aerial, have determined that, because the project at 45 Cameron Avenue is not new ground-up construction, the services into the building must go aerial and not be buried. The Board has received a memo from Steve MacEachern, Superintendent of Highway, Lights and Lines affirming that these lines must go aerial and not be buried.

In light of the above, The Board finds that it is appropriate to strike Condition #25 from the special permit.

**DECISION:**

Present and sitting were Members Orsola, Susan Fontano, Richard Rossetti, Danielle Evans, Elaine Severino, and Anne Brockelman. Upon making the above findings, Richard Rossetti made a motion to approve the request for a Special Permit. Elaine Severino seconded the motion. Wherefore the Zoning Board of Appeals voted **5-0** to **APPROVE** the request. All other conditions of the original permit shall remain in effect, as stated below:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	Approval is for the upward extension of the right, left and front yard non-conforming setbacks and for the increase in FAR.	BP/CO	ISD/ PIng.							
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>July 14, 2016</td> <td>Initial application submitted to city clerk's office</td> </tr> <tr> <td>November 7, 2016</td> <td>Updated plans received by OSPCD</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	July 14, 2016	Initial application submitted to city clerk's office	November 7, 2016	Updated plans received by OSPCD
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July 14, 2016	Initial application submitted to city clerk's office									
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ANY changes to the approved plans, other than those changes made specifically to conform with the conditions below, must first be submitted to the Planning Division to determine whether or not they are <i>de minimis</i> in nature or whether they require review by the SPGA.										



2	The Applicant must contact the Engineering Department to coordinate the timeline for cutting or opening the street and/or sidewalk for utility connections or other construction. There is a moratorium on opening streets from November 1 <sup>st</sup> to April 1 <sup>st</sup> and there is a list of streets that have additional opening restrictions.	BP	Eng/ISD	
3	The Applicant shall present their electrical plan to lights and lines/wiring for their review and approval prior to the issuance of a Building Permit.	BP	Wiring/ISD	
4	The Applicant shall provide the Traffic & Parking Division with a plan for construction traffic management for that division's review and approval prior to the issuance of a building permit. This plan shall include delivery windows for construction equipment and materials.	BP	T&P / ISD	
5	The Applicant shall present a demolition plan to the Inspectional Services Division (ISD) and shall follow that department's procedures for demolition and neighborhood notification thereof exactly.	BP	ISD	
6	The entire property is being overhauled. ALL materials used on the exterior of the structure including, but not limited to, siding, windows, trim, fencing, hardscape, decking, etc., shall be submitted to Planning Staff for their review and approval PRIOR TO the issuance of a building permit and prior to their installation.	BP	Plng/ISD	
7	Engineering and Highways division shall review and sign off on the proposed curb cut prior to the building permit being issued.	BP	Eng/Highways/ISD verification	
<b>Construction Impacts</b>				
8	The applicant shall post the name and phone number of the general contractor and all sub-contractors at the site entrance where it is visible to people passing by.	During Construction	ISD	
9	For the convenience of and respect for the neighborhood, during the construction phase, construction work shall not begin prior to 7:30am and shall finish no later than 5pm Monday through Friday. There shall be no construction or construction-related work performed on weekends.	During Construction	ISD	
10	Deliveries to the construction site shall be limited to 9am to 3pm so as not to interfere with the comings and goings of neighborhood residents during peak commute times.	During Construction	ISD/T&P	
11	Approval is subject to the Applicant's and/or successor's right, title and interest in the property.	Cont./perpetual	Plng.	Deed submitted & application formed signed
12	The Applicant shall, at their expense, replace any existing equipment (including, but not limited to street sign poles, signs, traffic signal poles, traffic signal equipment, wheel chair ramps, granite curbing, etc.) and the entire sidewalk immediately abutting the subject property if damaged as a result of construction activity. All new sidewalks and driveways must be constructed to DPW standard.	CO	DPW/ISD	



13	All construction materials and equipment shall be stored onsite. If occupancy of the street layout is required, such occupancy must be in conformance with the requirements of the Manual on Uniform Traffic Control Devices and the prior approval of the Traffic and Parking Division must be obtained.	During Construction	T&P	
<b>Design</b>				
14	NO vinyl shall be used for clapboard, trim, decking, fencing, windows or the like.	CO	ISD/Plng	
15	Windows shall be two-over two, with muntins applied to the glass. No between-the-glass muntins shall be allowed. No reflective or tinted glass shall be used. Dark spacers shall be used. Window sash, muntins, casing, stile and rail shall be dark colored. Vinyl windows shall not be allowed.	CO	ISD/Plng	
16	All exterior lighting on the site shall be downcast and shall not, in any way, spill onto abutting properties.	Final sign off / Perpetual	Wiring Inspector	
17	Windows that are installed on any portion of the building that is 3 feet or less from the lot line shall be inoperable, fire-rated windows that comply exactly with ISD / building code requirements. The Applicant shall work directly and closely with ISD to ensure compliance.	CO/Perpetual	ISD/Plng	
18	All venting shall be painted or wrapped to match the color of the portion of the building from which it exits.	CO	ISD/Plng	
<b>Site</b>				
19	Parking areas shall be made of grasscrete.	CO	ISD/Plng	
20	Because the entire property is being overhauled, the Applicant is required to submit a landscaping plan. Said plan must be submitted to Planning Staff for their review and approval prior to its installation.	CO	Plng/ISD	
21	ALL landscaping materials, including hardscape, shall be submitted to Planning Staff for their review and approval prior to installation	CO	ISD/Plng	
22	Since the entire property is being overhauled, a full landscaping plan must be submitted to Planning Staff for their review and approval prior to installation of plantings and hardscape.	CO	ISD/Plng	
23	All at-grade mechanical equipment shall be screened with evergreen vegetation ( <b>no arborvitae</b> ). Planning Staff shall approve vegetative screening prior to installation.	CO/Perpetual	ISD/Planning	
24	All trash and recycle areas shall be screened with cedar wood lattice or similar screening. Planning Staff shall approve such screening. No dumpsters shall be permitted on site (after the construction period is complete).	CO/Perpetual	ISD/Planning	
25	<del>ALL utilities shall be buried underground.</del>	CO/Perpetual	Lights & Lines	
<b>Public Safety</b>				
26	The Applicant and/or Owner(s) shall meet the Fire Prevention Bureau's requirements.	CO	FP	
27	All smoke/fire detectors shall be hard-wired.	CO	FP/ISD	
28	As per Somerville regulations, no grills or similar cooking/heating apparatus shall be permitted on decks. Condo docs or rental agreements shall state as such.	Perpetual	ISD/FP	



29	All lighting on the property shall be downcast and shall not cast/spill onto abutting or nearby properties in any way.	CO/Perpetual	ISD/Fire Prevention	
30	All fire/smoke detectors shall be hard-wired.	CO/Perpetual	ISD	
<b>Final Sign-Off</b>				
31	The Applicant shall contact Planning Staff at least five (5) 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	ISD/Plng.	



Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chairman*  
Richard Rossetti, *Clerk*  
Danielle Evans  
Elaine Severino  
Anne Brockelman (Alt.)

Attest, by the Administrative Assistant:

\_\_\_\_\_  
Monique Baldwin

Copies of this decision are filed in the Somerville City Clerk's office.  
Copies of all plans referred to in this decision and a detailed record of the  
SPGA proceedings are filed in the Somerville Planning Dept.

**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. 3.2.10.

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.

Signed \_\_\_\_\_ City Clerk Date \_\_\_\_\_

