



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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PLANNING DIVISION

ZONING BOARD OF APPEALS MEMBERS

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Case #: ZBA 2016-25
Site: 21 Cherry Street
Date of Decision: May 17, 2017
Decision: Petition Approved with Conditions
Date Filed with City Clerk: May 31, 2017

ZBA DECISION

Applicant Name:	Mouhab Rizkallah
Applicant Address:	30 College Avenue, Somerville, MA 02144
Property Owner Name:	Lacourt Foundation, LLC
Property Owner Address:	30 College Avenue, Somerville, MA 02144
Agent Name:	N/A

<u>Legal Notice:</u>	Applicant and Owner, Mouhab Rizkallah and Lacourt Foundation, LLC, respectively, seek a Special Permit per SZO §4.4.1 to substantially alter a non-conforming 6-unit structure on an undersized lot. The applicant also seeks parking relief under SZO §9.1.3.* RB Zone. Ward 5
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<u>Zoning District/Ward:</u>	RB zone/Ward 5
<u>Zoning Approval Sought:</u>	§4.4.1 & §9.13
<u>Date of Application:</u>	February 22, 2016
<u>Date(s) of Public Hearing:</u>	May 17, 2017
<u>Date of Decision:</u>	May 17, 2017
<u>Vote:</u>	5-0

Appeal #ZBA 2016-25 was opened before the Zoning Board of Appeals at the Somerville High School Auditorium on May 17, 2017. 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. After one hearing of deliberation, the Zoning Board of Appeals took a vote.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
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DESCRIPTION:

The Applicant proposes to alter the property by changing the roofline, and style, adding height, a rear addition, massing to the right rear elevation and extending the front façade of the house in a step-back fashion over the existing garage. Decks will be added to each of the front elevations and decks/egress ways are proposed along the right elevation of the property. The Applicant proposes to retain the existing parking currently extant at the front of the property.

Green Building Practices:

None reported with this application

4. Comments:

Ward Alderman: Mark Niedergang has been involved with the neighborhood and the Applicant since the outset of this proposal (approximately a year-and-a-half ago) and has worked with staff to hold at least six meetings with neighbors to work through multiple designs for this building.

5. A Note from Staff:

During the past year, the applicant and staff and Aldermen have met with neighbors on three occasions. Staff has also received feedback from the neighborhood to the many iterations of this plan. Neighbors raised concerns about building height, shadowing of neighboring properties, number of units, and parking, among other items. Staff is of the belief that there is a reasonable renovation to be had on this site that would meet zoning findings and permit these units to be upgraded. Nonetheless, despite extensive efforts from all parties involved, there has not been any consensus on what such a reasonable renovation might be. The last submitted plan is closer to a reasonable project than the original submittals. Staff has, therefore, used this latest version, and is recommending that the proposal be conditioned to address a few remaining issues that staff believe will make the project consistent with zoning findings. These issues are addressed in conditions #13 and #14.

Update: April 19, 2017

Per the ZBA's request members of ISD and of the Planning Division performed a site visit at 21 Cherry Street to determine the layout, bedroom count, and unit types within the building. ISD determined that the all were as represented by the Applicant in their existing conditions submittal.

Per the request of the ZBA at their February 1, 2017, meeting, the abutters and the Applicant conducted a neighborhood meeting in an effort to come to a mutually workable solution regarding the proposed project. On the evening of Tuesday, April 4, 2017, Staff, Alderman Niedergang, abutter representatives and the Applicant met for approximately four hours at City Hall discussing specific project issues. The concerns and potential solutions for these issues are noted in the images that immediately follow this update. At this time, the Applicant has decided to proceed in front of the ZBA with the Mansard-style plans that were before the Board in February.



21 CHERRY STREET DEVELOPMENT CONCERNS

POTENTIAL IMPACT	As Proposed Complies w/ Zoning?	AVAILABLE SOLUTION
1 HARD TO FIND ON-STREET PARKING: → CHERRY ST IS A PARKING LOT FOR RED LINE COMMUTERS.	<input checked="" type="checkbox"/> <input type="checkbox"/>	- IF > 2 SPACES NEEDED, DEVELOPER OFFER ACCURATE OFF-SITE PARKING.
2 SHADOW CONCERNS AT → 27-28-25A COUNTRY & DRIVEWAY → 22 FRONT → SIDEWALK	<input type="checkbox"/> <input type="checkbox"/>	- INVAGINATION AREA IN MIDDLE OF LEFT 3 RD FLOOR.
3 FRONT MISSING → LACK OF VISUAL APPEAL.	<input type="checkbox"/> <input type="checkbox"/>	- PERHAPS TERRACE BACK SIMILAR TO SHEP DORMER FRONT
4 LEFT REAR MISSING: →	<input type="checkbox"/> <input type="checkbox"/>	- PERHAPS MIDDLE INVAGINATION IS GOOD ENOUGH LEFT SIDE REDUCTION - PERHAPS 2 INVAG. LEFT REAR & LEFT MIDDLE
5 REAR SECTION MISSING.	<input type="checkbox"/> <input type="checkbox"/>	- PERHAPS SHIFT RIGHT.

21 CHERRY STREET DEVELOPMENT CONCERNS

POTENTIAL IMPACT	As Proposed Complies w/ Zoning?	AVAILABLE SOLUTION
1 PERMEABILITY → ADDITION W/ REAR → PUBLIC → REDUCED CARNS.	<input type="checkbox"/> <input type="checkbox"/>	- BY DESIGN REQUESTED, PERM IS IMPROVING. - CONDITION THAT SUBMITTER WILL REVIEW DESIGN ADEQUACY.
2 RIGHT SIDE ADJACENT TOO CLOSE TO NEIGHBOR (PRIVACY CONCERN)	<input type="checkbox"/> <input type="checkbox"/>	- RIGHT SIDE ELEVATION NOT COMPARABLE BY PRESENT NEIGHBORS - DEFER TO CANNONLINE/HORN - PERHAPS PORCH BECOMES UTILITY SPACE WITH NO WINDOWS.
3 LEFT-FRONT TREE VULNERABILITY	<input type="checkbox"/> <input type="checkbox"/>	- CONSOLIDATE/RETAIN ARBORIST TO MITIGATE TREE DAMAGE.
4	<input type="checkbox"/> <input type="checkbox"/>	
5	<input type="checkbox"/> <input type="checkbox"/>	

Update: May 17, 2017

Since the April 19, 2017, ZBA hearing date, Alderman Niedergang and the Staff Planner met on two occasions with abutters and the Applicant in joint meetings intended to reach a compromise that better balanced the Applicant's project goals with abutters' individual and collective concerns.

On Wednesday, May 3, 2017, a 3-hour joint meeting was held to work through lingering issues. The outcome of this meeting was that the Applicant would amend his design plans to reflect the changes verbally agreed to at the conclusion of this meeting. On Tuesday evening from 5:30 – 7:00, a second joint meeting was held in which the design changes were reviewed and some final changes discussed. All of the changes agreed to during those meetings are reflected in the updated plan set that accompanies this updated staff report.

Staff particularly notes the extensive efforts undertaken by all parties throughout this 1.5 year process including attending numerous, lengthy meetings and diligently digging into the details of



the proposed project. The result of these efforts by the abutters and Applicant is the compromise project proposal that is presented to the ZBA for their May 17, 2017 hearing for their review.

FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1):

In order to grant a special permit, the SPGA must make certain findings and determinations as outlined in §5.1 of the SZO. This section of the report goes through §5.1 in detail.

1. Information Supplied:

- The Board finds that the information provided by the Applicant conforms to the requirements of §4.4.1 of the SZO and allows for a comprehensive analysis of the project with respect to the required Special Permits.

2. Compliance with Standards: *The Applicant must comply "with such criteria or standards as may be set forth in this Ordinance which refer to the granting of the requested special permit."*

- The existing structure is non-conforming with regard to lot area, lot area per dwelling unit (d.u.), left yard setback, right yard setback, front yard setback, and number of residential units. The property is conforming with regard to FAR (at .68 in a zone where 1.0 is allowed) and building height. Under the proposed plan both of these elements will remain conforming. As there will be no change to the number of dwelling units, the lot area per d.u. ratio will remain the same.
- The existing structure is non-conforming with regard to parking, but the proposed plan does not increase that non-conformity.

Section 4.4.1 states that "[l]awfully existing one-and two-family dwellings which are only used as residences, which are non-conforming with respect to dimensional requirements, may be enlarged, extended, renovated or altered by special permit granted by the SPGA in accordance with the procedures of Article 5."

Under the proposal, the entirety of the structure running along the left elevation would experience an upward extension of the existing dimensional non-conformities. In some locations, the setback is .79 from the lot line while in others it ranges from approximately a foot-and-a-half to just more than three feet, depending on the location and the protruding building elements.

Given that this structure is less than 3 feet from the lot line in some places, no new, operable windows can be installed in those locations. The Applicant proposes blind windows. Inoperable, fire-rated windows may also be used as long as they meet the Inspectional Services Division's (ISD) requirements.

Since the April 19 ZBA meeting, the Applicant has modified the location of the rear, one-story addition so that it is outside of the left side yard setback and thus set further away from 23 Cherry Street which is situated at the rear of the left abutting lot. The right elevation of the rear addition will be flush with the right façade of the existing building. This extends the right non-conforming setback of 3' 27" deeper into the property. This was a compromise solution with the neighbors.

The Applicant proposes a 3-level addition at the back portion of the structure along the right elevation. This will bring the massing of this portion of the structure at 4.68 feet from the right light line. In addition, the Applicant proposes first, second and third floor open porches that will also serve as egress for upper floor building residents.



All of these are permitted with a special permit and relevant findings, per Section 4.4.1.

3. **Consistency with Purposes:** *The Applicant has to ensure that the project "is consistent with (1) the general purposes of this Ordinance as set forth in Article 1, and (2) the purposes, provisions, and specific objectives applicable to the requested special permit which may be set forth elsewhere in this Ordinance, such as, but not limited to, those purposes at the beginning of the various Articles."*

- The proposal, as conditioned, is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to promoting the health, safety, and welfare of the inhabitants of the City of Somerville; to secure safety from fire, panic and other dangers; and to encourage the most appropriate use of land throughout the City.

4. **Site and Area Compatibility:** *The Applicant has to ensure that the project "(i)s designed in a manner that is compatible with the characteristics of the built and unbuilt surrounding area, including land uses."*

- The surrounding neighborhood is a mixture of one-, two-, three-, and multi-family housing as well as a school at the bottom of the street where Cherry intersects with Elm. The residential properties on the street range from triple-deckers, gable-fronted, flat-roofed, gambrel-roofed, some with Classical Revival elements and others Italianate, while others present no discernable style. The Kennedy School is located at the bottom of the street where Cherry intersects with Elm.
- The existing structure, despite its non-conformities, is actually smaller in size and form than many other structures in the neighborhood. The front garage is an oddity, and the use as six small units is unique but legal and its use as a six-unit is grandfathered. But, the structure could benefit from upgrades, and it is not unreasonable that additions to this structure can be compatible with the neighborhood.
- The project proposes a Mansard-style roof on a portion of the building. While this style is not present on Cherry Street, this style abounds throughout the City. Compared to nearby full-height triple-deckers, this is a less-imposing roof line. Since the April 19, 2017 ZBA hearing, the Applicant has modified the roof style on the left elevation of the building in order to accommodate massing and shading concerns raised by abutting property owners. The abutters have agreed to this compromise design.
- Continued concerns raised by abutters to the property resulted in changes to the proposed massing at the front of the building. The reduction in this front façade massing is reflected in the plan set presented to the ZBA for their May 17, 2017 hearing date. In an effort to address these massing concerns, the Applicant reduced the size of the first level front deck, reduced the size of the second floor front deck and scaled back the projection of the second floor so that it is on the same plane as the third floor (previous plans presented the second floor projected several feet forward of the third floor façade plane.) The massing is further reduced on the front façade by removing the third floor deck and installing a Juliet balcony in its place.

5. **Housing Impact:** *Will not create adverse impacts on the stock of existing affordable housing.*

- The proposal will not add to the existing stock of affordable housing, but upgrades six market rate units in the City.

6. **SomerVision Plan:** *Complies with the applicable goals, policies and actions of the SomerVision plan, including the following, as appropriate: Preserve and enhance the character of Somerville's neighborhoods, transform key opportunity areas, preserve and 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; and, make Somerville a regional employment center with a mix of diverse and high-quality jobs.

- The proposal contributes to SomerVision in that it preserves and upgrades 6 units of housing in the City.

A note on parking for this site. As noted at the beginning of the report, since the publication of the legal notice, it has since been determined that there is no parking relief needed for this project. The calculations to determine this have been updated for the April 19, 2017, meeting as follows:

Item #	Existing Unit	Proposed Unit	Existing Parking Req'd	Proposed Parking Req'd
1	Studio	Studio	1.0	1.0
2	3 Bdr	1 Bdr	2.0	1.5
3	1 Bdr	1 Bdr	1.5	1.5
4	1 Bdr	2 Bdr	1.5	1.5
5	1 Bdr	2 Bdr	1.5	1.5
6	2 Bdr	2 Bdr	1.5	1.5
			+ 1.0 visitor space for every 6 units	+ 1.0 visitor space for every 6 units
			Total Existing Parking Req'd: 10.0	Total Proposed Parking Req'd: 9.5
			Total Existing Parking Provided: 2.0	Total Proposed Parking Provided: 2.0
Proposal results in reduction of .5 spaces				

Parking Calculation
<p>(New Parking Req. - Old Parking Req.) x .5 = new spaces required*</p> <p>10.0 - 9.5 = .5</p> <p>.5 x .5 = .25</p> <p>* < 1 and negative numbers do not require parking relief</p>



DECISION:

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Josh Safdie, Anne Brockelman and Pooja Phaltankar with Danielle Evans absent and Elaine Severino recused . Upon making the above findings, Richard Rossetti made a motion to approve the request for a Special Permit. Josh Safdie seconded the motion. Wherefore the Zoning Board of Appeals voted **5-0** to **APPROVE** the request. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes												
1	Approval is to alter a legally-existing, non-conforming 6-unit in the RB zone according to the renderings attached to the ZBA decision and received by OSPCD on May 11, 2017.	BP/CO	ISD/ Plng.													
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>February 2016</td> <td>Initial application submitted to city clerk's office</td> </tr> <tr> <td>December, 2016</td> <td>Final proposal submitted to OSPCD</td> </tr> <tr> <td>March, 2017</td> <td>Updated renderings submitted OSPCD.</td> </tr> <tr> <td>April 2017</td> <td>Updated renderings submitted to OSPCD</td> </tr> <tr> <td>May, 2017</td> <td>Final renderings submitted to OSPCD</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	February 2016	Initial application submitted to city clerk's office	December, 2016	Final proposal submitted to OSPCD	March, 2017	Updated renderings submitted OSPCD.	April 2017	Updated renderings submitted to OSPCD	May, 2017	Final renderings submitted to OSPCD
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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 shall be required to demonstrate that the updated project plans meet the current City of Somerville stormwater policy. Utility, grading, and drainage plans <u>shall be submitted to the Engineering Department for review and approval before a building permit will be issued.</u>	BP	Eng/ISD													
3	The Applicant shall submit a proposed grading and drainage plan, stamped by a registered PE in Massachusetts that demonstrates compliance with the City's stormwater policy. This plan shall be reviewed and approved by the Engineering Department prior to the issuance of a building permit.	BP	Eng/ISD													



4	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. <u>There is a moratorium on opening streets from November 1st to April 1st and there is a list of streets that have additional opening restrictions.</u>	BP	Eng/ISD	
5	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	
6	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 will include delivery windows for construction equipment	BP	T&P / ISD	
7	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	
8	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	
9	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	
10	Approval is subject to the Applicant's and/or successor's right, title and interest in the property.	Cont./perpetua l	Plng.	Deed submitted & application formed signed
11	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 standards.	CO	DPW/ISD	
12	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	
Design				
13	The rear elevation shall incorporate a second dormer window in the Mansard roof to provide visual balance.	CO	ISD/Plng	



14	The Applicant shall provide material samples for siding, trim, windows, and doors to Planning Staff for review and approval prior to issuance of a building permit and certainly prior to installation. Planning Staff shall have final selection and approval over all materials used on the exterior 21 Cherry Street. Lighting styles, location and design along with roofing/gutter samples shall also be provided for Staff approval.	BP	Plng.	
15	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	
16	All trim, decking, and the like shall be of wood or a composite material first reviewed and approved by Planning Staff prior to installation. No vinyl shall be used.	CO/Perpetual	ISD/Plng	
17	Any ZBA approval shall depend upon fulfilling any requirements of the Massachusetts Architectural Access Board (MAAB). Proof of any MAAB determination shall be submitted to ISD prior to the issuance of a building permit and prior to any work being performed on the building.	BP	ISD/Plng	
18	All windows shall be two-over-two with a dark sash, dark spacers and dark grids (muntins). Grids shall be applied to the exterior of the glass. No between-glass grids shall be allowed. Windows shall not present a mirrored or reflective quality in any way and shall not be tinted. Windows that are three feet or less from the lot line shall meet building code requirements by being either blind windows (see photo) or shall be fire rated, inoperable windows. The Applicant shall	CO/Perpetual	ISD/Plng	
19	Windows shall not be tinted and shall not present any mirrored or other reflective coatings.	CO	ISD/Plng	
20	The Mansard roof shall be built to historically-correct proportions with construction drawings reviewed by Planning Staff and ISD to determine that appropriate proportions are being used. On the left elevation, the Mansard roof shall only be present in roughly the first 1/3 portion of the house.	CO	ISD/Plng	
21	The building shall be maintained with no more than 6 units and no more bedrooms than indicated on the plans approved by the ZBA.	CO/Perpetual	ISD	
22	The third floor on the front elevation shall present a Juliet balcony only.	CO/Perpetual	ISD	
23	There shall be no deck provided above the rear addition on the property. Only a Juliet balcony shall be allowed.	CO/Perpetual	ISD	
24	Dormers shall be no longer than 50% of the roof plane to which they are attached.	CO/Perpetual	ISD	
Site				



25	Pervious pavers shall be used for the driveway. Asphalt shall not be allowed on this site.	CO	ISD/Plng	
26	Pervious pavers shall be used for a walkway along the right side of the structure leading to the rear of the building.			
27	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. Landscaping shall be installed between the left property line and the left side of the rear addition. The Applicant shall work with Planning Staff and the immediate abutter to determine the design, plantings and other materials to be installed/implemented.	CO	ISD/Plng	
28	All mechanical equipment shall be screened with evergreen vegetation (no arborvitae). Planning Staff shall approve vegetative screening prior to installation.	CO/Perpetual	ISD/Planning	
29	All trash and recycle areas shall be screened with cedar wood lattice or similar screening. <u>Planning Staff shall approve such screening. No dumpsters shall be permitted on site (after the construction period is complete).</u>	CO/Perpetual	ISD/Planning	
30	No patio shall be installed in the rear yard.	CO/Perpetual	ISD	
31	<p>The Applicant shall hire a certified arborist to inspect the following trees/vegetative elements and devise a plan to protect them during the construction phase of the project in order to ensure that no damage is done to the root systems, trunk or branches:</p> <ul style="list-style-type: none"> - The mature tree located at the front left of the property between 25 Cherry St. and 21 Cherry St. - The mature tree located at the left rear of the property between 23 Cherry St. and 21 Cherry St. - The mature grape vine between 21 Cherry St. and 19 Cherry St. <p>Should either of the mature trees be severely damaged or killed as a result of the construction, replacement trees of a minimum 4" caliper shall be planted in their stead by the Applicant.</p> <p>The species of replacement tree shall be selected by the Planning Division's arborist in consultation with the Applicant and abutters. Should the mature grape vine be severely damaged or meet its demise as a result of the construction, the Applicant shall install (a) replacement grape vine(s) of a species determined by the Planning Division's arborist in consultation with the Applicant and abutters.</p>			
Public Safety				
32	The Applicant and/or Owner(s) shall meet the Fire Prevention Bureau's requirements.	CO	FP	



33	The building shall be sprinkled/fully suppressed.	CO	FP/ISD	
34	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	
35	All fire/smoke detectors shall be hard-wired.	CO/Perpetual	ISD	
Miscellaneous				
36	The Applicant shall work with Planning Staff to determine siding and trim colors that are less bold than those presented on the project renderings. Planning Staff shall have the final determination and approval of these colors.	CO	ISD/PInG	
37	Gas and electric meters shall not be located on the front of the structure. Gas and electric meters may be located on the side of the structure but shall be screened from the street by a hard, Planning Staff-approved evergreen planting. Utilities shall not be located adjacent to windows and shall not impact any parking, landscaping, or egress. The provisions of this condition may be waived by staff if the applicant submits a letter from the utility, signed by a utility representative, on utility letterhead, indicating that there is no feasible alternative to placing meters in violation of this condition.	CO	ISD/PInG/ Lights & Lines	
38	Electrical conduits on the exterior facades of buildings shall be painted to match the wall material to which they are attached. Conduits are not allowed on the front of any structure.	CO	ISD/PInG	
39	Garbage and recycling locations shall be clearly indicated on site plans. All garbage and recycling shall be stored inside of the structure or, if stored outside, shall be fully screened from view from the public way and from abutting properties by an appropriate material reviewed and approved by Planning Staff. The storage location shall not impact any parking, landscaping, or egress. <u>If stored outside, garbage and recycling shall not be stored near or under the windows of abutting properties.</u>	CO/Perpetual	ISD PInG	
Final Sign-Off				
40	<u>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.</u>	Final sign off	ISD/PInG.	

Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chairman*
Richard Rossetti, *Clerk*
Josh Safdie
Anne Brockelman (Alt.)
Pooja Phaltankar (Alt.)

Attest, by the Administrative Assistant:

Dawn M. Pereira

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 _____

