



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

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Case #: ZBA 2018-30
Site: 11 Glenwood Road
Date of Decision: April 4, 2018
Decision: Petition Approved with Conditions
Date Filed with City Clerk: April 18, 2018

ZBA DECISION

Applicant / Owner Name: Courtney Koslow & Maura Vogel
Applicant / Owner Address: 11 Glenwood Road
Alderman: Mark Niedergang

Legal Notice: Applicants and Owners, Courtney Koslow & Maura Vogel, seek a Variance under §5.5, §8.5 and a special permit under §4.4.1 of the SZO to convert a carriage barn into a residential living unit. RA zone. Ward 5.

<u>Zoning District/Ward:</u>	RA Zone. Ward 5
<u>Zoning Approval Sought:</u>	§4.4.1, §5.5, §8.5
<u>Date of Application:</u>	January 3, 2018
<u>Date(s) of Public Hearing:</u>	3/21/18, 4/4/18
<u>Date of Decision:</u>	April 4, 2018
<u>Vote:</u>	5-0

Appeal #ZBA 2018-03 was opened before the Zoning Board of Appeals in the Aldermanic Chambers of Somerville City Hall, 93 Highland Avenue, Somerville, MA. 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.



I. DESCRIPTION:

The Applicants propose converting the existing accessory structure on the 11 Glenwood Road parcel into another living unit. It is possible that, at one time, this accessory structure was a carriage barn or another type of service-oriented structure serving this property.

Existing Conditions

The principal structure on the lot is a 3 bedroom, 1 ¾-story Mansard single-family dwelling house with approximately 2,073 square feet of living space. The Applicants propose leaving this structure as it is. The accessory structure on the property is currently used as garage/storage and consists of *roughly* 630 square feet of open space between the two floors. Two standard garage doors front the accessory structure and an exterior stairwell leading to the second floor of the building is also extant. A ground-level entry door to the garage area is also present.

Proposed Conditions

As part of this project, the Applicants propose converting the two garage doors into a large, windowed area complete with sliding, barn-style doors. The proposed first floor will include a full bath, open living area and a stairwell to the second level. The proposed second floor will contain one bedroom and a half-bath.

Additional Items

In addition, the Applicants propose removing approximately 360 square feet of bituminous material (blacktop) in front of the accessory structure in order to open up more green space on the parcel that may, in the future accommodate a garden or other eco-friendly landscape feature.

II. 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 §5.1.4 of the Somerville Zoning Ordinance (SZO). Also, in order to grant a special permit with site plan review, the SPGA must make certain findings and determinations as outlined in §5.2.5 of the SZO. This section of the report goes through §5.1.4 and 5.2.5 in detail.

1. Information Supplied:

The Board finds that the information provided by the Applicant conforms to the requirements of §5.2.3 of the SZO and allows for a comprehensive analysis of the project.

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 with site plan review.”*

Nature of Application:**§4.4.1 of the SZO**

This portion of the SZO states that “[l]awfully existing nonconforming structures other than one- and two-family dwellings may be enlarged, extended, renovated or altered only by special permit authorized by the SPGA in accordance with the procedures of Article 5. The SPGA must find that such extension, enlargement, renovation or alteration is not substantially more detrimental to the



neighborhood than the existing nonconforming building. In making the finding that the enlargement, extension, renovation or alteration will not be substantially more detrimental, the SPGA may consider, without limitation, impacts upon the following: traffic volumes, traffic congestion, adequacy of municipal water supply and sewer capacity, noise, odor, scale, on-street parking, shading, visual effects and neighborhood character.”

Existing conditions on the site present a property with an accessory structure within 1.5 feet of the property line. This accessory structure is currently used as garage/storage space. The building is conforming with regard to use but is non-conforming with regard to location. An accessory structure is required to be situated three feet from the property line. In the case of the accessory structure at 11 Glenwood Road, this building is situated only 1.5 feet from the property line according to the dimensional table submitted with the Application.

The Board finds that, in general, renovating this existing, non-conforming structure will not negatively impact the site or surrounding neighborhood. This accessory structure had existed on this site for well over 100 years, the visual impacts of its form and massing having been largely consistent over that time period. The Board finds that this will not change under the proposal. Further, no additional shadowing will occur from the proposed project as the height, form, and massing of the structure will not change.

The major visual alteration that will be visible from the exterior is the change-out of the existing two garage doors that face the public way (Glenwood Road). The Applicants propose changing out the existing standard garage doors for two large banks of windows couple with sliding, barn-style doors. The Board finds that these proposed alterations will visually enhance the property from the public way.

With the exception of the front garage doors, the remainder of the alterations to this structure are proposed for the interior, therefore having no visual impact on the site or surrounding properties.

The conversion of this accessory structure into a dwelling unit in a location on a property where a dwelling unit is not allowed by zoning will be discussed in the Variance Findings section later in this report. Regarding the overall interior changes to this structure, however the Board finds that the inclusion of a small living unit with one additional bedroom on the property will not generate significant, if any at all, increase in traffic volume, congestion or on-street parking. The Applicants intend to use this additional unit on a limited basis – during the times when family members come from out-of-town to assist with the care of an immunosuppressed young child. These stays are limited in time. Given the nature of the care needed, there will not be much coming-and-going of vehicular traffic from the site beyond what already occurs. Further, should another vehicle temporarily be used by family members utilizing this new dwelling unit, the Applicants have sufficient space on the parcel to allow another vehicle to park without creating a front yard parking scenario.

The only uptick in noise and odor that the Board anticipates is that typically associated with smaller home renovation projects such as this. Moreover, due to the nature of the medical complications experienced by the young child in the household, the Board anticipates that even more caution than is typical will be taken by construction teams to further reduce dust, noise, and order associated with the project.

The Board does not find that the addition of one full and one half-bath on the property will create any undue demand on City sewer and water systems. As the Board noted earlier in this report, this new dwelling unit is planned for use on a limited basis. If the family members of the Applicants did not have this new unit to stay in and were, instead, staying in the principal structure on the property during the



entirety of their visit, they would be using the sewer and water facilities there just as much as they would use them in the new living unit. The demand on the City systems would be the same. The only difference would be the location on the property where the systems were being used.

Even if this unit is later used on a full-time basis, the likely impact to services is still minimal, as this is an additional dwelling unit that is likely only to generate the impacts of one small household. The lot is, under zoning, large enough for a conversion to two-units. The only difference in this case is that the additional unit is in the carriage barn and not in the main house.

4. Site and Area Compatibility: *The Applicant has to ensure that the project “(i)s 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 the buildings are compatible with those prevalent in the surrounding area”.*

Surrounding Neighborhood: Glenwood Road is populated with numerous 1 ¾-story Mansard dwelling houses like the one located at Applicants’ property. Interspersed among these houses are 2 ½-story gable-fronted residences, 2 ¾-story gambrels with cross gables, and the occasional triple-decker. The dwellings on this street cover the range from single-, two-, and three-family dwellings, with the three-family buildings be existing, non-conforming structures in terms of their use.

Impacts of Proposal (Design and Compatibility): As the Board noted earlier in this report, the only exterior visual change to the building that will be significantly visible from the public way will be the replacement of the two garage doors with two large banks of windows accompanied by rolling barn-style doors. The Board finds that this proposed alteration will improve the appears of the building and provide visual enhancement of the site from the public way. In general, this is a better solution than a large addition to the existing house, which might produce a second unit but would be far more disruptive to site area compatibility.

5. 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 areas in the SomerVision map that are designated as enhance and transform should most significantly contribute towards the SomerVision goals that are outlined in the table below. The areas marked as conserve are not expected to greatly increase the figures in the table since these areas are not intended for large scale change.*

<i>SomerVision Summary</i>	<i>Existing</i>	<i>Proposed</i>
<i>Dwelling Units:</i>	1	2
<i>Affordable Units:</i>	0	0
<i>Commercial Sq. Ft.:</i>	0	0
<i>Estimated Employment:</i>	0	Temporary construction
<i>Parking Spaces:</i>	2	2



6. Impact on Affordable Housing: *In conjunction with its decision to grant or deny a special permit for a structure of four or more units of housing, the SPGA shall make a finding and determination as to how implementation of the project would increase, decrease, or leave unchanged the number of units of rental and home ownership housing that are affordable to households with low or moderate incomes, as defined by HUD, for different sized households and units.*

The proposal will not add to the existing inventory of affordable housing units in the City.

III. FINDINGS FOR VARIANCES (SZO §5.5 & §8.5):

Section 5.5.3 of the SZO states that: "...a variance from the requirements of this Ordinance may be authorized by the Board of Appeals only for reasons of practical difficulty and substantial hardship, and only where the Board finds that all of the following conditions apply:

- a. There are special circumstances relating to soil conditions, shape or topography of land or structures which especially affect such land or structures but not affecting generally the zoning district in which it is located, causing a substantial hardship, financial or otherwise.*
- b. The specific variance as may be granted by the Board is the minimum variance that will grant reasonable relief to the owner, and is necessary for a reasonable use of the building or land.*
- c. The granting of the variance will be in harmony with the general purpose and intent of this Ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. In addition to considering the character and use of the nearby buildings, the Board, in making its findings, shall take into account the number of persons residing or working in such buildings or upon such land, and the present and probable future traffic conditions."*

Applicant and the Board's responses to these criteria appear below:

- a. There are special circumstances relating to soil conditions, shape or topography of land or structures which especially affect such land or structures but not affecting generally the zoning district in which it is located, causing a substantial hardship, financial or otherwise.*

Applicant: From the Application: "We are in need of additional square footage of livable space for our family who all live outside of Massachusetts to come and help us care for our two young daughters, particularly our two-year old Mae who just had a double lung transplant. The property of our single family mansard-style house includes an historic carriage house at the top of our 20-foot wide driveway. Given Mae's lung transplant and her life-long immunosuppressed state, we have been told directly by her doctors that she cannot be exposed to construction, demolition or excavation dust. As a result, the only option we have to achieve the additional space our family needs is to finish off the interior of the carriage house already in place on our property. The construction work would happen in the interior of an existing structure, away from Mae's direct living space where she spends every day as she is not able to be in daycare or preschool setting at this point in time. The December



2006 Massachusetts Land Court Case of Furlong v Zoning Board of Appeals of Salem confirmed that safety can be considered a “hardship” under zoning.

In addition, the existence of the historic carriage house itself is a special circumstance affecting the land. With the carriage house in place, it makes it undesirable and inconsistent with the intent of zoning to add an additional unit attached to the main home, as the addition would take up the open space and natural light on the property. That is not a desirable outcome for our family, the greater public or the historic nature of the property, and would add to the perception of increased density.”

Board Response: State zoning law requires that the basis for any variance to be granted must be the topography of the lot, be it soil conditions (such as contamination), slope of the land, shape of the lot. Specifically, M.G.L. Chapter 40A, the state zoning statute states that “...owing to circumstances related to the soil conditions, shape or topography of such land...a literal enforcement of the provisions of the [zoning] ordinance...would involve substantial hardship.” In the instance of the 2016 MA Land Court case, Furlong vs. Zoning Board of Appeals of Salem, cited by the Applicants, the Land Court determined that literal enforcement of Salem’s zoning ordinance would result in the creation of a safety issue. This safety issue, according to the MA Land Court, could be considered a substantial hardship to the property owner. In its ruling, the MA Land Court determined that “...the facts here demonstrate that if Brewer [the Entity applying for zoning relief] adjusted its plans to fit within the requirements of the local zoning ordinance, a significant risk of harm...would result.”

However, it was not because of the safety issue that the Court ruled in favor of the property owner, it was the fact that the property owner’s lot was oddly-shaped and that this odd-shaped lot was the basis on which the variance could be granted. Applying Salem’s zoning rules to this odd-shaped lot would have created a safety situation and, therefore, a significant hardship.

Regarding the topography, shape of lot, and soil conditions at 11 Glenwood Road, the lot is flat, rectangular, and presents no known contamination. The lot is undersized, but so is the majority of lots in the City. There are two things that are challenging with this lot that trigger the request for a variance: the existence and location of the accessory structure (it is too close to the property line for a dwelling unit), and the fact that this lot is 93 square feet short of having enough land area to support two residential units.

However, examination of MA state zoning law (Section 10 of M.G.L. Chapter 40A) shows that:

“...circumstances relating to the soil conditions, shape, or topography of such land or structures [emphasis added, Board] and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law.”

The Board finds that the shape and location of the buildings on this site are set, including the accessory structure, a building with historic value and whose demolition would be opposed by the historic preservation commission. A literal interpretation of the SZO would require that an addition be put on the main house and require the demolition of the carriage house, thereby radically changing the circumstances of the lot.



Furthermore, as stated by the Applicant in their narrative to the ZBA and in their response to Variance criterion “A,” any sort of demolition and/or construction work within the confines of the only safe living space available to a considerably immuno-compromised young child would create a significant safety risk for that child. As noted in the MA Land Court case, a safety issue may be considered a significant hardship. Therefore, the Board finds that the literal interpretation of the SZO in this specific circumstance would create a hardship on the Applicants. In addition, removal of the historic accessory structure would be detrimental to the site, the neighborhood, and the City as this is the last remaining historic accessory structure on Glenwood Street, a public way that was once replete with such buildings.

b. The specific variance as may be granted by the Board is the minimum variance that will grant reasonable relief to the owner, and is necessary for a reasonable use of the building or land.

Applicant: As stated in the Applicants’ submission: “Receiving a zoning variance is the minimum approval necessary to grant a reasonable relief to our family, as it is the only safe and viable option given our daughter’s complex medical needs to create the additional living space we need to family to assist in her care. It also results in the reasonable use of the land and structure as it preserves the existing historical integrity of the property layout as there will be no change in the footprint of the main house or carriage house. It also allows us to continue to preserve the carriage house structure, the only remaining structure of several that originally existed on our street.”

Board Response: The Applicants’ request is to create a separate dwelling space with one bedroom, relaxation space and 1.5 bathrooms for the purpose of providing temporary accommodations for family caregivers. Given the limited other options available to create additional living space on this property, the Board is hard-pressed to find those options less negatively impactful to the buildings, land, or Applicants due to the safety issues involved in this specific case. Nonetheless, the Board, after review of the case, finds that the circumstances surrounding this situation require this minimal-impact interior renovation for a second unit is indeed the minimum necessary for the effective use of this property.

c. The granting of the variance will be in harmony with the general purpose and intent of this Ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. In addition to considering the character and use of the nearby buildings, the Board, in making its findings, shall take into account the number of persons residing or working in such buildings or upon such land, and the present and probable future traffic conditions.”

Applicant: As stated by the Applicant in their submission: “The granting of a zoning variance to allow for the creation of a dwelling unit inside the existing carriage house creates an outcome in harmony with the intent of the Somerville Zoning Ordinance and the SomerVision Comprehensive Plan. Granting a variance will preserve the character of the property in an RA district that contains an historically maintained 1860’s mansard home and carriage house, rather than adding square footage attached to the main house, changing the character and adding to the perception of increased density. It would improve our shared neighborhood’s environmental quality, one of the goals of SomerVision, by not building on an existing open space and creating additional permeable surface. It would demonstrate that Somerville stands by its motto of being an Exceptional Place to Live Work Play and Raise a Family by providing needed space for our family to receive support as we manage a child



with a complex medical condition. Granting of the variance will in no way be injurious to the neighborhood. We have 23 letters signed from all abutters, neighbors and elected officials stating that to be the case and supporting our variance request. We did not encounter a single abutter or neighbor who was against our variance application. In addition, our 20-foot wide driveway makes it easier for fire and public safety vehicles to access the carriage house than they are able to directly access most properties in Somerville.”

Board Response: The Board finds that the proposal is consistent with the purpose of the RA district in which this property is found, which is *“To establish and preserve quiet neighborhoods of one- and two-family homes, free from other uses except those which are both compatible with and convenient to the residents of such districts.”* The proposed use for this accessory structure is as an additional dwelling unit, for a total of two on the property.

As noted earlier in this report, these buildings are already extant on the property. With the exception of the garage-to-window conversion on the front façade of the accessory structure, all alterations to this building will be internal, therefore creating little visual impact on the neighborhood. The inclusion of an additional dwelling unit that will have limited use in order to temporarily house family caregivers is consistent with the overall purpose of the Somerville Zoning Ordinance (SZO) which is, in part, *“...to promote the health, safety, and welfare of the inhabitants of the City of Somerville...”*

Improving the exterior appearance of the structure will enhance the visual enjoyment of the property for both the owner as well as the surrounding public. It is always preferable to adaptively-reuse existing structures such as this one rather than demolish and build new from the ground up. The Applicants’ proposal to re-use this historic structure not only helps preserve the character of the neighborhood, but it also prevents the City from losing the last remaining historic accessory building on Glenwood Road.

If this historic accessory structure were to be demolished, several tonnes of landfill waste would be generated. Couple such demolition with the erection of a new structure or an addition to the principal structure on the property and many more tonnes of additional landfill waste are generated. Thus, retaining and re-using this structure is another way of helping the City meet its sustainability goals.

Utilizing this structure as living space is consistent with the residential nature of the RA district. 11 Glenwood Road is surrounded by one-, two-, and three-family residential properties. The increase in density is not inconsistent with the surrounding area or the RA district as a whole.

As noted throughout this report, granting relief in order for the Applicants to create limited additional living space for family caregivers to help care for an immunosuppressed child. Additional density (number of persons) staying in this converted accessory structure at any one time will be limited in both number and duration.

Lastly, given the limited number of occasional inhabitants and their focus on at-home care for an immunosuppressed child, the number of entries and exits to and from this property are expected to be minimal.



DECISION:

Special Permit under SZO §4.4.1 and §7.11 AND Variance under §5.5 and §8.5

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Elaine Severino, Danielle Evans, Josh Safdie, Anne Brockelman and Pooja Phaltankar. 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. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	Approval is for the conversion of an accessory structure into a second dwelling unit for the property.	CO / BP	ISD/PIng.							
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>March 1, 2018</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>March 12, 2018</td> <td>Updated statements submitted to OSPCD</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	March 1, 2018	Initial application submitted to the City Clerk's Office	March 12, 2018	Updated statements submitted to OSPCD
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March 12, 2018	Updated statements submitted to OSPCD									
Any changes to the approved site plan or elevations/use that are not <i>de minimis</i> must receive SPGA approval.										
Pre-Construction										
2	The Applicant must contact the Engineering Department to obtain a street address for the new dwelling unit prior to a building permit being issued.	BP	Eng							
3	New sanitary connection flows over 2,000 GPD require a removal of infiltration and/or inflow by the Applicant. This will be achieved by submitting a mitigation payment, established by the City Engineers Office, to the City based on the cost per gallon of I/I to be removed from the sewer system and a removal ratio of 4:1. If a different ratio of removal or mitigation payment amount is adopted by the Board of Aldermen prior to the Applicant receiving a Certificate of Occupancy, payment will be adjusted to the BOA rate. The Applicant shall work with Engineering and meet this condition before a certificate of occupancy is issued.	CO	Eng.							
4	The Applicant shall 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 1st to April 1st and there is a list of streets that have additional opening restrictions.	BP	Eng							
Construction Impacts										
5	The Applicant shall post the name and phone number of the general contractor at the site entrance where it is visible to people passing by.	During Construction	PIng.							



6	Approval is subject to the Applicant's and/or successor's right, title and interest in the property.	Cont.	Plng.	Deed submitted & application formed signed
7	The Applicant shall, at his 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	
8	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 Department must be obtained.	During Construction	T&P	
Design				
9	Applicant shall provide final material samples for siding, trim, windows, and doors and the like to Planning Staff for their review and approval prior to issuance of a building permit.	BP	Plng.	
10	Any mechanical equipment shall be screened so as it is not visible from the street. Electric and water meters shall not be installed on the front façade of the existing structure nor of the to-be-converted accessory structure.	CO	Plng.	
Site				
11	Landscaping shall be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD	
12	Approximately 360 square feet of bituminous material shall be removed from the upper driveway area and a green area (grass, garden, landscaping, etc.) shall be installed in its place.			
Miscellaneous				
13	The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the building and all on-site amenities, including landscaping, fencing, lighting, parking areas and storm water systems, ensuring they are clean, well kept and in good and safe working order.	Perpetual	ISD	
14	Exterior construction and construction-related activity shall occur between the hours of 7:30pm and 5:00pm Monday through Friday only. There shall be no exterior construction or construction-related work occurring on weekends or holidays.	During construction	ISD	
15	There shall be no loitering by project workers on the project site. All personnel shall be respectful of abutting properties and shall not leave equipment or vehicles idling, shall not play loud music at the site, shall not engage in loud conversation prior to or after permitted working hours.	During construction	ISD	



16	All construction waste shall be stored neatly on-site and carted away on a regular basis.	During construction	ISD	
17	Food waste shall be removed from the site daily.	During construction	ISD	
Public Safety				
18	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
19	Any transformers shall be fully screened and installed in a location approved by Lights and Lines	Electrical permits & CO	Lights and Lines	
20	Per City ordinance, no grills, barbeques, chimineas or similar cooking or heating devices shall be used or stored on decks, balconies, porches, or patios. These conditions shall also be written into any current or future condo or rental documents. Proof of such inclusion shall be provided to the sign-off divisions.	Perpetual	ISD/Fire Prevention	
21	All exterior lighting shall be confined to the subject property, cast light downward and must not intrude, interfere or spill onto neighboring properties.	CO	Plng.	
Final Sign-Off				
22	The Applicant shall contact Planning Staff at least five 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	Plng.	



Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chairman*
Richard Rossetti, *Clerk*
Elaine Severino
Daniel Evans
Josh Safdie

Attest, by City Planner: _____
Alexander Mello

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 _____

