



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2015-98-R1(10/28)
Site: 7 Montgomery Avenue
Date of Decision: December 12, 2018
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: December 19, 2018

ZBA DECISION

Applicant Name: Charles Zammuto & James Langley
Applicant Address: 13 Algonquin Drive, Burlington, MA 01803
Owner Name: Charles Zammuto & James Langley
Owner Address: 13 Algonquin Drive, Burlington, MA 01803
Agent Name: Sean O'Donovan
Agent Address: 741 Broadway, Somerville, MA 02144
Alderman: Matt McLaughlin

Legal Notice: Applicant/Owner, Charles Zammuto & James Langley, seek a Revision to a Special Permit under SZO §5.3.8 to approve dimensional changes during construction that vary from the original approval of a new 2-story 3-bedroom single-family home. RB zone. Ward 1.

<u>Zoning District/Ward:</u>	RB zone. Ward 1.
<u>Zoning Approval Sought:</u>	§5.3.8
<u>Date of Application:</u>	October 23, 2018
<u>Date(s) of Public Hearing:</u>	December 12, 2018
<u>Date of Decision:</u>	December 12, 2018
<u>Vote:</u>	5-0

Appeal #ZBA 2015-98-R1 (10/28) was opened before the Zoning Board of Appeals in the Aldermanic Chambers at Somerville City Hall on December 12, 2018. 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 December 12, 2018 the Zoning Board of Appeals took a vote.



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I. DESCRIPTION:

The Applicant is requesting a revision to the Special Permit to account for changes that were made on-site during construction.

II. FINDINGS FOR REVISION TO SPECIAL PERMIT (SZO §5.3.8):

In order to grant a special permit, the SPGA must make certain findings and determinations as outlined in §5.1.4 of the SZO. This section of the report goes through §5.1.4 in detail.

1. **Information Supplied:**

The Board finds that the information provided by the Applicant conforms to the requirements of §5.1.2 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."*

Nature of Application: RB – residential district.

An updated surveyed site plan was provided with the application. As the lot is so constrained, the minimum side yard dimension of 3 feet on each side are important for access issues, and the plan shows the footprint was constructed per the required setbacks.

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."*
No change from the original approval.

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."*

Surrounding Neighborhood: Winter Hill

Impacts of Proposal (Design and Compatibility):

As construction is complete, changing the first floor elevation is not possible without a complete demolition and reconstruction. The Board recommends that the Applicant be required to alter the porch to the 3-bay construction with hidden stairs – to create a consistent floor line - shown on the permit drawings. Additional fascia boards should be added at the ground and first floor lines to reduce the extent of the trellis that hides the under the porch and stair area. Evergreen plantings in front of the trellis are also recommended, if there is width available, and should be coordinated with the Landscape Architects in the Transportation & Infrastructure Department.

5. **Housing Impact:** *Will not create adverse impacts on the stock of existing affordable housing.*
No change from the original approval.

6. **SomerVision Plan:** *Complies with the applicable goals, policies and actions of the SomerVision plan, including the following, as appropriate: 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.*



No change from the original approval.

7. **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.*

No change from the original approval.

III.DECISION:

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Josh Safdie, Danielle Evans, and Anne Brockelman. Upon making the above findings, Richard Rossetti made a motion to approve the request for a Revision to Special Permit. Anne Brockelman seconded the motion. The Zoning Board of Appeals voted **5-0** to **APPROVE** the request **WITH CONDITIONS**. The following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes
1	Approval is for a revision to the new three-bedroom single-family detached house to correct the column spacing of the porch, internalize the stair, and redesign the panels of the porch/stair at the streetwall in accordance with Planning Staff recommendations in this report. Any additional changes to the approved plans that are not <i>de minimis</i> must receive SPGA approval.	BP/CO	ISD/ Planning	
Construction Impacts				
2	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	Planning	
3	Approval is subject to the Applicant's and/or successor's right, title and interest in the property.	Continuous	Planning	Deed submitted & application form signed
4	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	
5	All construction materials and equipment must 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				
6	Applicant shall provide revised elevation drawings addressing the porch and stair at the front façade to Planning Staff for review and approval prior to any demolition, removal, or rebuilding be started.	CO	Planning	



Site				
7	A landscape plan and plant list shall be provided to the Director of Transportation & Infrastructure for review and approval by a Landscape Architect. All landscaping planted at the trellis below the porch on the street front façade shall be perpetually maintained by the Applicant and subsequent owners.	Perpetual	Planning/ T&I/ISD	
Miscellaneous				
8	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.	Continuous	ISD	
Final Sign-Off				
9	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	Planning	



Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chairman*
Richard Rossetti, *Clerk*
Danielle Evans
Josh Safdie
Anne Brockelman

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 _____

