



**CITY OF SOMERVILLE
INSPECTIONAL SERVICES - BUILDING DIVISION**

1 Franey Road Somerville, MA 02145
(617) 625-6600 Ext. 5600

VIOLATION NOTICE

CHARLES ZAMMUTO & JAMES H LANGLEY JR.
13 ALGONQUIN DR
BURLINGTON, MA 01803

Date: October 17, 2018
Subject: Changes to Exterior on ZBA approved project
Site Address: 7 MONTGOMERY AVE
File #: 18-019373

Dear Mr. Zammuto & Mr. Langley:

On 9/17/18, acting under the authority of Massachusetts General Laws Chapter 143 section 3A and Chapter 1 of the Massachusetts State Building Code, the Somerville Zoning Ordinance, and/or the Somerville Code of Ordinances, the Building Inspector has caused an inspection to be conducted at 7 MONTGOMERY AVE.

According to the records of the municipal assessor's office, this property is owned by you.

The Inspection revealed the following violation(s) of the International Building Code (IBC), International Residential Code (IRC), State Building Code (780 CMR), Somerville Zoning Ordinance (SZO), and/or Somerville Code of Ordinances (SCO):

SZO Sec. 5.3.6. Conditions for Approval of Special Permits or Special Permits with Site Plan Review. In addition to the conditions, standards and criteria set forth in the sections of this Ordinance that authorize the granting of a special permit or a special permit with site plan review, the SPGA may attach such conditions and limitations as it deems necessary to ensure that the findings and determinations it must make under Sections 5.1 and 5.2 are complied with.

In the event that the SPGA approves a special permit or a special permit with site plan review, any use or any construction, or any subsequent reconstruction or substantial exterior alteration shall be carried out only in conformity with all conditions and limitations included in the decision of the SPGA, and only in conformity with the application and the definitive site plan on the basis of which the findings and determinations were made.

SZO Sec. 5.3.8. Revision of Special Permit. Subsequent to a special permit, special permit with design review, or special permit with site plan review being granted by the SPGA, revisions in the plan may be made prior to the granting of the Certificate of Occupancy, in accordance with the following procedures and applicable law, ordinances, and regulations.

1. Only revisions deemed *de minimis* (i.e., minor details, final touches) by the Planning Director (or designee) may be approved without a public hearing. Approval of such changes shall be documented in the case file and Planning Director approval or disapproval of such changes may be appealed to the SPGA in accordance with Article 3.1.9.

a. Revisions may only be considered *de minimis* upon the Planning Director's making the following findings:

- i. Changes would not contravene the legal notice, any finding, or condition of the SPGA in the original approval;
- ii. Changes would not detrimentally impact matters of substance identified in meeting minutes of original hearings;
- iii. Changes would not alter the character of the development; and
- iv. Changes would be so insignificant as not to be noticeable to persons generally familiar with the original approval.

b. The Planning Director shall memorialize any *de minimis* findings and approvals in memoranda to the SPGA, affected City departments, and the Applicant.

c. Approved revised plans shall be marked by Planning Staff as substantially conforming to prior SPGA approval.

2. Revisions that are not *de minimis* shall be subject to the full notice and hearing provisions of § 5.3.2 of this Ordinance, but shall not

be subject to review by additional boards, departments, city agencies or commissions except as requested by the SPGA or upon the recommendation of the Planning Director. Applicable findings shall be made in accordance with the type of permit(s) being revised.

3. The use or development as originally approved shall otherwise be in accordance with the originally approved plans and conditions of approval.

4. Additional rules may be set forth in the Rules and Regulations of the Permit Granting Authorities.

5. Upon the issuance of a Certificate of Occupancy for a development, revision rights shall lapse, and further development or use changes shall be subject to the zoning applicable at that time.

VIOLATIONS:

1) Elevation finished grade to first floor finished floor. ZBA approved plan is 4 feet. Actual on site condition measured approximately 5'6".

2) Exterior altered so that front stairs and front door/window configuration altered and does not match ZBA approved plans. Changes require ZBA approval.

NOTE: Changes have not been deemed to be de minimus

You are hereby ordered to abate these violations immediately. You must obtain any applicable permits prior to performing any work. The Building Inspector will re-inspect as needed.

If you fail to comply with this violation notice, the Building Inspector may invoke the following procedures to compel you to correct the violations: 1) the issuance of tickets for each day the violation continues to exist; 2) an application for criminal complaint; 3) a complaint for injunction from a Court of competent jurisdiction; and/or 4) any other remedy allowed by law.

If you are aggrieved by this Order relative to the Somerville Zoning Ordinance, you have the right to appeal within 30 days to the Zoning Board of Appeals pursuant to Somerville Zoning Ordinance, Section 3.1.9 and 3.2.3.

With respect to zoning violations, Somerville Zoning Ordinance, Section 3.1.8 provides that any person who violates any provision of this Ordinance or who fails to perform any act required hereunder or does any prohibited act, shall upon conviction thereof, be punished by a fine of not more than \$500 for each offense and every day that a violation continues to exist shall constitute a separate offense and shall be punishable thereas.

Please feel free to contact me at 617-625-6600 x5614 to discuss this matter.

Respectfully,



Floyd Richardson
Local Building Inspector
617-625-6600 x5614