



City of Somerville

ZONING BOARD OF APPEALS

City Hall 3rd Floor, 93 Highland Avenue, Somerville MA 02143

DECISION

PROPERTY ADDRESS: 200 North Street
CASE NUMBER: ZBA 2017-125-R1-10/20
OWNER: LaCourt Realty, LLC, c/o Mouhab Rizkallah
OWNER ADDRESS: 30 College Ave, Somerville, MA 02144

DECISION DATE: November 4, 2020

REQUIRED PERMITS: Revision to previously issued Special Permit
DECISION: Approved with Conditions

This decision summarizes the findings made by the Zoning Board of Appeals regarding the development review application submitted for 200 North Street.

LEGAL NOTICE

Applicant, LaCourt Foundation, LLC, c/o Mouhab Rizkallah, seeks a revision to Condition #1 of the previously granted special permit ZBA 2017-125.

RECORD OF PROCEEDINGS

On November 4, 2020 the Zoning Board of Appeals held a public hearing advertised in accordance with MGL 40A and the Somerville Zoning Ordinance. Present and sitting at the public hearing were ZBA Members Susan Fontano, Danielle Evans, Elaine Severino, Josh Safdie, and Anne Brockelman.

Mouhab Rizkallah of LaCourt Foundation provided an overview of the requested changes to the plans approved by the ZBA in 2018 as part of case number ZBA 2017-125. The Applicant requested that the Board revise the previously issued Special Permit and approve the plans as proposed.

The Board heard comments from members of the public and addressed written public comments received by email. Necessary permit conditions to address the concerns of the Board and neighbors were discussed.

FINDINGS

The Applicant was requesting a revision to a Special Permit issued under the version of the Somerville Zoning Ordinance that was repealed in December 2019, and the finding considerations from that previous version of the Somerville Zoning Ordinance apply.

- The Board finds that the only finding required by the Somerville Zoning Ordinance that is applicable to the revision is concerning Site and Area Compatibility. Specifically, the relevant finding requires that 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 Board finds that most of the proposed exterior changes are reasonably compatible with the residential nature of the surrounding area.
- The Board finds that the absence of windows on the right-most bay of the Hamilton Street façade is not consistent with the residential nature of the building or of the surrounding area. Installing windows in that bay which match the other ground-story bays would make the proposal more compatible with the site and surrounding area.

DECISION

Following public testimony and consideration of the statutory requirements to approve or deny a revision to a previously issued Special Permit, Danielle Evans moved to approve the revision to the special permit with the conditions discussed at the meeting. Elaine Severino seconded. The Board voted **4-0-1** with Anne Brockelman abstaining and the revision to the special permit was **approved**, subject to the following conditions:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes										
1	Approval is for the revision of the first condition listed in the original decision. The revised condition identifies updated plans that reflect the changes made during construction.	BP/CO	ISD/PIng											
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>November 27, 2017</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>August 28, 2017 (February 28, 2018)</td> <td>Certified Plot Plan and Landscaping/Parking Plan</td> </tr> <tr> <td>November 12, 2017 (February 28, 2018)</td> <td>Modified plans submitted to OSPCD (E-01, A-02, A-01, E-02, A-03, and A-04)</td> </tr> <tr> <td>October 4, 2020</td> <td>Plan set submitted to OSPCD reflecting changes made during construction</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	November 27, 2017	Initial application submitted to the City Clerk's Office	August 28, 2017 (February 28, 2018)	Certified Plot Plan and Landscaping/Parking Plan	November 12, 2017 (February 28, 2018)	Modified plans submitted to OSPCD (E-01, A-02, A-01, E-02, A-03, and A-04)	October 4, 2020	Plan set submitted to OSPCD reflecting changes made during construction
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Any changes to the approved site plan or elevations/use that are not de minimis must receive SPGA approval.														

2	<p>The Applicant shall install operable windows in the right-most bay of the ground story Hamilton Street façade. The new windows must match the windows already installed on the ground story Hamilton St façade. The Applicant must submit updated plans that depict any internal changes caused by the addition of the windows for Planning Staff’s review and approval prior to the installation of the windows.</p>	BP/CO	ISD/PInG	
3	<p>All other conditions from ZBA 2017-125 remain in effect.</p>			

Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chair*
Danielle Evans, *Clerk*
Elaine Severino
Josh Safdie
Anne Brockelman



Attest, by the Planning Director: _____
Sarah Lewis

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. 15.5.3.

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 _____

