



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
**JOSEPH A. CURTATONE**  
**MAYOR**

GEORGE J. PROAKIS  
EXECUTIVE DIRECTOR

PLANNING DIVISION  
**ZONING BOARD OF APPEALS MEMBERS**

ORSOLA SUSAN FONTANO, *CHAIR*  
DANIELLE EVANS, *CLERK*  
ANNE BROCKELMAN  
ELAINE SEVERINO  
JOSH SAFDIE  
DREW KANE, (ALT.)

**Case #:** ZBA 2016-140-R1-5/19  
**Site:** 20-24 Rush Street  
**Date of Decision:** July 17, 2019  
**Decision:** *Petition Approved with Conditions*  
**Date Filed with City Clerk:** July 18, 2019

**ZBA DECISION**

**Site:** 20-24 Rush Street  
**Applicant Name:** Jonathan Lee / Buck Lee Real Estate Development  
**Applicant Address:** XXXXXXXXXXXXXXXXXXXXXXXXXXXXX  
**Owner Name:** same as above  
**Owner Address:** same as above  
**City Councilor:** Matthew McLaughlin

**Legal Notice:** Applicant and Owner, Jonathan Lee/Buck Lee Real Estate Development, seeks relief under §5.3.8 of the SZO to revise a previously-granted Special Permit. RB zone. Ward 1.

Zoning District/Ward: RB zone, Ward 1.  
Zoning Approval Sought: SZO §5.3.8  
Date of Application: May 21, 2019  
Date(s) of Public Hearing: 7/17/19  
Date of Decision: July 17, 2019  
Vote: 5-0

Case # ZBA 2016-140-R1-5/19 was opened before the Zoning Board of Appeals in the Council Chambers at Somerville City Hall. 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 July 17, 2019 the Zoning Board of Appeals took a vote.



## **I. PROJECT DESCRIPTION**

Due to a high water table, the proposed building will need to be raised approximately 1'4" further out of the ground from the approved *de minimis* drawing set.

- Raising the foundation thus will necessitate an increase in the number of steps needed to reach the first level of structure. This will be an increase of 3-4 steps, changing the visual appearance of the stairs.
- The siding will be lowered to cover more of the foundation and additional landscaping has been added in order to further mask the exposed concrete foundation. The plantings shown in the drawing set are intended to be illustrative. Final plants will be determined in consultation with the landscape designer and Planning Staff.

## **II. FINDINGS FOR SPECIAL PERMIT (SZO §5.3.8)**

### ***Section 5.3: Procedures for Special Permits and Special Permits with Site Plan Review***

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.

The findings made under the previous Special Permit approved by the ZBA on January 18, 2017 (ZBA 2016-140) are not applicable to this proposal.

## **III. DECISION:**

Present and sitting were Members Orsola Susan Fontano, Josh Safdie, Danielle Evans, Anne Brockelman, Elaine Severino, and Drew Kane (*alt*). Upon making the above findings, Danielle Evans made a motion to approve the request for a Special Permit. Elaine Severino 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 to increase the building height by an additional 1'4", lower the level of the siding to cover more of the foundation, increase the number of steps by 3-4 feet per front staircase, increase foundation plantings to mask exposed foundation further.	BP/CO	ISD/PIng.	
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>May 21, 2019</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> </tbody> </table>			
Date (Stamp Date)	Submission			
May 21, 2019	Initial application submitted to the City Clerk's Office			
	Any changes to the approved site plan or elevations/use that are not <i>de minimis</i> must receive SPGA approval.			
2	All conditions of approval from ZBA 2016-140 remain in effect.		ISD/PIng.	
<b>Final Sign-Off</b>				
3	The Applicant shall contact the Zoning Review Planner 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	ISD/PIng.	



Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chairman*  
Danielle Evans, *Clerk*  
Elaine Severino  
Josh Safdie  
Anne Brockelman  
Drew Kane (*Alt.*)

Attest, by the Planner:

\_\_\_\_\_  
Sarah White

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 \_\_\_\_\_

