



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2017-122-R1-3/2019
Site: 10-12 Ward Street
Date of Decision: June 19, 2019
Decision: *Approved with Conditions*
Date Filed with City Clerk: July 3, 2019

ZBA DECISION

Site: 10-12 Ward Street
Applicant Name: Block Properties, LLC
Applicant Address: 1330 Boylston St., Ste. 600, Chestnut Hill, MA
Owner Name: 14 Ward Street, LLC
Owner Address: Same as Applicant's
Agent: Peter Quinn
Agent Address: 259 Elm Street, Suite 301, Somerville, MA 02144
Ward Councilor: J.T. Scott

Legal Notice: Applicant, Novo Development Holdings, LLC, and Owner, 84 Franklin Street, LLC, seek relief under §5.3.8 of the SZO to revise a previously-granted Special Permit. RB zone. Ward 1.*

<u>Zoning District/Ward:</u>	BA zone. Ward 1.
<u>Zoning Approval Sought:</u>	SZO §5.3.8
<u>Date of Application:</u>	December 13, 2018
<u>Date(s) of Public Hearing:</u>	4/3, 4/17, 5/1, 5/15, 6/5, 6/19
<u>Date of Decision:</u>	June 19, 2019
<u>Vote:</u>	5-0

Case number # **ZBA 2017-122-R1-3/2019** was opened before the Zoning Board of Appeals at the Visiting Nurse Association 3rd Floor Community Room, 259 Lowell Street. 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 June 19, 2019, the Zoning Board of Appeals took a vote.



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I. DESCRIPTION

A. Background

On February 14, 2018, the ZBA granted Special Permits, a Special Permit with Site Plan Review (SPSR) and Variances for the project at 10-12 Ward Street (decision attached). On January 9, 2019, the ZBA granted an extension of the Special Permits and SPSR and re-approved the Variances (decision attached).

In the months since the January 9, 2019 ZBA decision, the Applicant team has made changes to portions of the approved project that Planning Staff finds are beyond *de minimis* in nature. As stated in Condition #1 of all ZBA approvals, any changes to an approved proposal that are considered to not be *de minimis* in nature, those changes must be reviewed and approved by the Special Permit Granting Authority (SPGA).

The Board also found that, due to the nature and number of the proposed changes, they are not *de minimis* in nature and, therefore, must be reviewed and approved, denied, or altered by the ZBA.

B. Discussion of Proposed Changes

Some interior reconfiguration drove changes to the location, style, and size of windows and balconies across the façade of the building. However, it is the exterior changes (building and site) that are most noticeable to anyone reasonably familiar with the project. The exterior changes are as follows: key exterior and site changes include:

- Relocation, resizing, and re-design of windows across all facades
- Widening of balconies
- Inclusion of additional cedar siding to soften the look of the building
- Re-location and re-orientation of basement egress
- Change location of transformer from above-ground to underground vault
- Increased landscaping along right front of site
- ADA ramp extended to accommodate final grade on site
- Shifted location of covered bicycle spaces
- Change in building height – increased from 49’ 9” to 49’ 11” (a height increase of 2 inches)
- Shifting of downspout locations
- Slight alteration in parapet slope
- Change in proposed Ward Street front door/entry style
- Inclusion of 3-story bays on left elevation and removal of cedar-clad architectural protrusions on same.
- Change in proposed rear building entry door/entry style

Overall, the Board finds that the proposed changes constitute a design improvement to the building. The inclusion of additional cedar siding will help to soften the hard angles of the structure and will contrast with the proposed man-made materials (metal) on other sections of the building. It should be noted, however, that conditions attached to prior approvals all still apply, including the proviso that all material samples be submitted to Planning Staff for their review and approval.

III.DECISION:

Present and sitting were, Susan Fontano, Danielle Evans, Josh Safdie, Anne Brockelman, Elaine Severino, and Drew Kane. 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 to revise the previously-issued Special Permit **WITH THE ORIGINAL CONDITIONS IN PLACE**.



Attest, by the Zoning Board of Appeals:

Susan Fontano, *Chairman*
Danielle Evans, *Clerk*
Josh Safdie
Elaine Severino
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 _____

