



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2016-04
Site: 1 Westwood Road
Date of Decision: August 17, 2016
Decision: Petition Approved with Conditions
Date Filed with City Clerk: August 22, 2016

ZBA DECISION

Applicant Name:	Evelyn Battinelli, Somerville Musuem
Applicant Address:	24 Hudson Street, Somerville, MA 02143
Property Owner Name:	Somerville Historical Society
Property Owner Address:	1 Westwood Road, Somerville, MA 02143
Agent Name:	Richard Graf, RA
Agent Address:	11 Franklin Avenue, Chelsea, MA 02151

Legal Notice: Applicant, Somerville Museum under Barbara Mangum, seeks a Special Permit under §4.4.1 of the SZO to increase the FAR, and substantially alter the building to install an elevator in order to meet ADA requirements.

<u>Zoning District/Ward:</u>	RA zone/Ward 3
<u>Date of Application:</u>	January 28, 2016
<u>Date(s) of Public Hearing:</u>	August 17, 2016
<u>Date of Decision:</u>	August 17, 2016
<u>Vote:</u>	5-0

Appeal #ZBA 2016-04 was opened before the Zoning Board of Appeals at Somerville City Hall on August 17, 2016. 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. After one hearing of deliberation, the Zoning Board of Appeals took a vote.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
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www.somervillema.gov

DESCRIPTION:

In order to comply with the Americans with Disabilities Act (ADA), the Museum must install an elevator that will provide access to all levels of the building. The Museum has been through the MAAB process and, as a single building Local Historic District (LHD), has obtained the approval of the Somerville HPC for the design of the addition housing the elevator. There is a preservation restriction on the Museum that is held by the Massachusetts Historical Commission (MHC) which requires that the Museum re-install a specific, historic, Palladian window on the rear elevation of the building at the same time as an elevator is installed. The Palladian window will be installed as part of this project.

FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1):

In order to grant a special permit, the SPGA must make certain findings and determinations as outlined in §4.4.1 of the SZO. This section of the report goes through §4.4. in detail.

1. Information Supplied:Regarding SZO §4.4.1:

- The Board finds that the information provided by the Applicant conforms to the requirements of §4.4.1 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."Regarding SZO §4.4.1:

- The non-conformities affected by this proposal are front setback, FAR, ground coverage and use.
- This structure is located in the RA zone where only one- and two-family residential structures are allowed. However, the property's non-conforming use has lawfully existed on this site since the 1920s.
- The maximum FAR allowed in the RA zone is .75. The building in question is already non-conforming with regard to FAR at 1.17. The ADA-compliant addition will add minimal additional usable area to the structure, only bringing the FAR up to 1.21.

Section 4.4.1 states that Lawfully existing non-conforming structures other than one- and two-family dwellings may be enlarged, extended, renovated or altered only by special permit authorized by the SPGA in accordance with the procedures of [Article 5](#). The SPGA must find that such extension, enlargement, renovation or alteration is not substantially more detrimental to the neighborhood than the existing nonconforming building. In making the finding that the enlargement, extension, renovation or alteration will not be substantially more detrimental, the SPGA may consider, without limitation, impacts upon the following: traffic volumes, traffic congestion, adequacy of municipal water supply and sewer capacity, noise, odor, scale, on-street parking, shading, visual effects and neighborhood character.

Regarding SZO §4.4.1:

- In considering a Special Permit under §4.4.1 of the SZO, the Board finds that the alterations proposed to the Museum are not substantially more detrimental to the neighborhood than the



existing, non-conforming building. Staff finds that the proposed addition is in keeping with the general character of the surrounding neighborhood and that the style, design, massing and materials of the addition are compatible with these existing characteristics of the original Museum building.

- The style, design, massing and materials of the addition are also in keeping with the character of the Westwood Road neighborhood which contains numerous properties dating from the 1890s through the early 1920s. This surrounding neighborhood contains multiple gable-ended, shingle style, gambrel, and Queen Anne style structures. The Classical Revival elements of the addition are compatible with the Classical Revival style of the original Museum structure.

When providing an ADA building access, the ADA-compliant entrance/exist cannot be secondary to an entrance/exist utilized by able-bodied individuals. The proposed addition will allow the Museum to provide both ADA-compliant and non-ADA compliant building access at the same location on the site.

The proposed addition will reduce the front setback from the already non-conforming 6.4 feet to +/- 0.1 feet. Essentially, the ADA-compliant addition will rest right at the front property line without encroaching on City property.

This is a rare case where the Board would recommend this extensive encroachment into a setback. However, taking into consideration the need to provide ADA access and that the proposed location of the addition provides the best possible access to all portions of the building, including the basement restrooms, Staff finds that the proposed addition and its location will not be substantially more detrimental to the structure or to the surrounding neighborhood.

- The existing ground coverage conditions are 50.77%. The ADA addition will increase this ground coverage by a further 5.1% the Board finds that this increase in ground coverage will not be significantly more detrimental to the site or surrounding neighborhood. As the Museum finds itself in a situation whereby it must become compliant in order to hold public functions, this additional ground coverage is necessary to accommodate an appropriately sized, scaled, and designed ADA-compliant entrance/exit.

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."*

Regarding SZO §4.4.1:

- The proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to promoting the health, safety, and welfare of the inhabitants of the City of Somerville; to secure safety from fire, panic and other dangers...
- Though not a housing unit, the Museum and its addition are consistent with a subsidiary purpose of the RA district which is to provide uses that are "... both compatible with and convenient to the residents of such districts."

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."*



- The style, design, massing and materials of the addition are also in keeping with the character of the Westwood Road neighborhood which contains numerous properties dating from the 1890s through the early 1920s. This surrounding neighborhood contains multiple gable-ended, shingle style, gambrel, and Queen Anne style structures. The Classical Revival elements of the addition are compatible with the Classical Revival style of the original Museum structure.

5. Housing Impact: *Will not create adverse impacts on the stock of existing affordable housing.*

- The proposal is for a museum building and has no impact on the stock of affordable housing.

6. SomerVision Plan: *Complies with the applicable goals, policies and actions of the SomerVision plan, including the following, as appropriate: Preserve and enhance the character of Somerville's neighborhoods, transform key opportunity areas, preserve and expand an integrated, balanced mix of safe, affordable and environmentally sound rental and homeownership units for households of all sizes and types from diverse social and economic groups; and, make Somerville a regional employment center with a mix of diverse and high-quality jobs. The areas in the SomerVision map that are designated as enhance and transform should most significantly contribute towards the SomerVision goals that are outlined in the table below. 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.*

- The proposal is for a museum building and has no impact on the SomerVision Plan.



DECISION:

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Elaine Severino, Josh Safdie and Anne Brockelman voting with Danielle Evans absent. Upon making the above findings, Richard Rossetti made a motion to approve the request for a Special Permit. Josh Safdie seconded the motion. Wherefore the Zoning Board of Appeals voted **5-0** to **APPROVE** the request. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes								
1	Approval is for the construction of an addition to house and elevator to address ADA access.	BP/CO	ISD/ Plng.									
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>January 28, 2016</td> <td>Initial submission to City Clerk</td> </tr> <tr> <td>July 1, 2016</td> <td>Updated plans submitted to OSPCD</td> </tr> <tr> <td>July 26, 2016</td> <td>Final plans submitted to OSPCD.</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	January 28, 2016	Initial submission to City Clerk	July 1, 2016	Updated plans submitted to OSPCD	July 26, 2016	Final plans submitted to OSPCD.
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Any changes to this project must be submitted to Planning Staff for review prior to their implementation.												
Construction Impacts												
2	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									
3	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	ISD/Plng.									
4	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. Construction equipment shall NOT be stored on City property.	During Construction	T&P/ ISD									
Design												
5	The design shall be executed exactly as rendered on the plan set submitted on July 26, 2016 (identified in item 1 above), including the re-installation of the Palladian window.	CO	ISD/Plng									
Site												



6	Lighting for the signage board shall be downcast only and shall be of a design and material approved by Planning/Preservation Staff.	Perpetual	Plng. / ISD	
7	Lighting for the signage board shall not extend from the building such that it overhangs onto the city sidewalk.	Perpetual		
8	The signage board shall be lit only during the hours when specific events are taking place. They shall be extinguished immediately thereafter.	Perpetual	Plng. / ISD	
9	The site shall be landscaped and maintained post-construction.	Perpetual	Plng. / ISD	
Miscellaneous				
10	The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the building and property.	Perpetual	ISD/Plng	
11	Any changes to the materials used for this project must first receive the approval of Planning/Preservation Staff and/or HPC prior to their installation.	Perpetual	Plng	
Public Safety				
12	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
Final Sign-Off				
13	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	ISD/Plng.	

Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chairman*
 Richard Rossetti, *Clerk*
 Elaine Severino
 Josh Safdie
 Anne Brockelman (Alt.)

Attest, by the Administrative Assistant:

Dawn M. Pereira

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 _____

