



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

PLANNING DIVISION

ZONING BOARD OF APPEALS MEMBERS

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DANIELLE EVANS
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JOSH SAFDIE (ALT.)

Case #: ZBA # 2010-65-R1-2/2012
Site: 6-8 Beacon Street
Date of Decision: April 4, 2012
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: April 6, 2012

ZBA DECISION

Applicant Name:	Inman Square Lofts, LLC
Applicant Address:	24 Crafts Road, Chestnut Hill, MA 02467
Property Owner Name:	Inman Square Lofts, LLC
Property Owner Address:	24 Crafts Road, Chestnut Hill, MA 02467
Agent Name:	Richard G. DiGirolamo, Esq.
Agent Address:	424 Broadway, Somerville, MA 02145

Legal Notice: Applicant/Owner, Inman Square Lofts, LLC, seek a revision under SZO §5.3.8 from Case ZBA 2010-65 to remove a portion of the southeast wall and construct a fence. The original permit included Special Permits to construct six dwelling units (§7.11.1.c), to allow the expansion of an existing nonconforming commercial structure (§4.4.1), and a variance (§5.5) from required parking spaces (§9.5). RC zone. Ward 2.

<u>Zoning District/Ward:</u>	RC zone/Ward 2
<u>Zoning Approval Sought:</u>	§5.3.8, §7.11.1.c, §4.4.1, §5.5 & §9.5
<u>Date of Application:</u>	February 6, 2012
<u>Date(s) of Public Hearing:</u>	April 4, 2012
<u>Date of Decision:</u>	April 4, 2012
<u>Vote:</u>	5-0

Appeal #ZBA 2010-65-R1-2/2012 was opened before the Zoning Board of Appeals at Somerville City Hall on April 4, 2012. Notice of the Public Hearing was given to persons affected and was published and posted, all as required by



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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.

DESCRIPTION:

The proposal is to remove a portion of the southeast wall of the garage that was originally planned to remain. The reason for the change is that wall needs to be structurally reinforced due to its current condition and this is a costly endeavor. The proposal is to keep the first 15.5 feet of the wall from the front of the building inward and demolish the remaining length of the wall. A six foot tall fence is proposed from the end of the wall to the rear property line. Under the fence, one concrete masonry unit (CMU) course above the grade will be maintained with a cast-stone cap. The fence will be made of horizontal wood slats with 3 in spacing and wood square posts. The green vegetative screen that was approved along the concrete wall remains in the plan along the wood fence.

There are some other small changes to the plans that should be noted. Two windows, one on the second floor and one on the third floor, were changed from long windows to small square windows. The window configuration on the ground floor on the front façade of the building has also been altered. The front doors to the individual units have changed from being on the same wall as the garage doors to being on a wall that is perpendicular to the garage doors.

FINDINGS FOR REVISION TO SPECIAL PERMIT #2010-65 (SZO §5.3.8):

The following Special Permit findings are relevant to the proposed site revisions.

1. Information Supplied: The Board finds that the information provided by the Applicant conforms to the requirements of §5.1.2 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."

With the approval of the wall to fence conversion and the minor window and door location changes, the site will otherwise comply with the approvals and conditions of case number ZBA 2010-65.

The fence will comply with SZO §10.7 that requires fences that are less than four feet to windows of a dwelling to be at least 75% open faced.

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."

The proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to conserving the value of land and buildings and encouraging the most appropriate use of land throughout the City. The property is located in a Residence C (RC) zoning district. The purpose of the district is "to establish and preserve a district for multi-family residential and other compatible uses which are of particular use and convenience to the residents of the district."

The six residential units complies with the intent of having multi-family residential uses in the area and replaces a garage which has been vacant and is not an appropriate use in this otherwise vibrant residential and pedestrian-friendly neighborhood. The revisions do not impact the project's consistency with the purpose of the Ordinance or the RC zoning district.



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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 original approval that included keeping the garage walls created a sense of a courtyard on the ground level. In the revision application the Applicants first proposed removing all of the southeastern wall and the front entry doors along the street. These changes would have removed the courtyard effect and created a building that looked unbalanced with a void in the front façade. The current plan keeps the front entryways and retains 15.5 feet of the concrete wall so that from the public right of way, the building appears to be the same as the original approval. The removal of the wall for the rest of the side yard will have the greatest impact on the residential neighbor that abuts it and little impact on the appearance of the building from the street or on other neighbors. The house immediately abutting the wall will receive more light to the first and second floors if the wall is removed but will have less privacy with a fence than a wall. A fence that is less than four feet to windows of a dwelling must be least 75 percent open faced. The proposal includes a green vegetative screen along the fence that will add a sense of privacy and create a more interesting space in the auto/pedestrian courtyard of the development.

A wooden fence with horizontal slats will be a quality fence that is more compatible to the contemporary design of the proposed structure than many other types of standard fences. A condition is attached to ensure that a chain link fence is not placed in this location or along the other two property lines.

The change to the window locations and sizes do not greatly impact the appearance of the building. The building has a contemporary design and the approved and proposed windows reflect this style. Since the first floor of the building is mainly a garage, the number of windows that can be placed here is limited. As conditioned, the garage door will have openings in it to provide pedestrians a view into the site and some interest along the ground floor.

The change to the front door locations near each unit's garage door will not be noticeable from the street.



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DECISION:

Present and sitting were Members Herbert Foster, Richard Rossetti, Danielle Evans, Scott Darling and Elaine Severino with Susan Fontano absent. Upon making the above findings, Richard Rossetti made a motion to approve the request for a revision to Special Permit #2010-65. Scott Darling 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	<p>Approval is to alter a nonconforming structure to create an approx 10,600 sf structure for 6 residential units with 7 parking spaces. This approval is based upon the following application materials and the plans submitted by the Applicant:</p> <table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>Feb 6, 2012</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>Mar 15, 2012</td> <td>Modified plans submitted to OSPCD (A1-0 Site Plan, A1-1 Level 1 Plan, A1-2 Level 2 Plan, A1-3 Level 3 Plan, A1-4 Roof Deck Level Plan, A2-1 East Elevation, A2-2 South Elevation, A2-3 West Elevation, A2-4 North Elevation, AD-1 Demolition Plans, AD-2 Demo Notes, Elevation and Section)</td> </tr> </tbody> </table> <p>Any changes to the approved site plan, or elevations that are not <i>de minimis</i> must receive SPGA approval.</p>	Date (Stamp Date)	Submission	Feb 6, 2012	Initial application submitted to the City Clerk's Office	Mar 15, 2012	Modified plans submitted to OSPCD (A1-0 Site Plan, A1-1 Level 1 Plan, A1-2 Level 2 Plan, A1-3 Level 3 Plan, A1-4 Roof Deck Level Plan, A2-1 East Elevation, A2-2 South Elevation, A2-3 West Elevation, A2-4 North Elevation, AD-1 Demolition Plans, AD-2 Demo Notes, Elevation and Section)	BP/CO	Plng.	
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2	Any transformers should be located as not to impact landscaped areas and shall be fully screened.	Electrical permits & CO								
3	The applicant shall develop a demolition plan in consultation with the City of Somerville Inspectional Services Division. Full compliance with proper demolition procedures shall be required, including timely advance notification to abutters of demolition date and timing, good rodent control measures (i.e. rodent baiting), minimization of dust, noise, odor, and debris outfall, and sensitivity to existing landscaping on adjacent sites;	Demolition Permitting	ISD							



4	The garage door/gate along Beacon St shall have openings in it to provide pedestrians a view into the site. Design of this door/gate shall be subject to review and approval of the Planning Staff.	Building Permit	Plng.	
5	Applicant shall submit material samples for the pavers to be used in the parking court area to Planning Staff for review and approval	Prior to installation	Plng.	
6	Unless deemed by the HPC to not be salvageable, the applicant shall retain and reuse granite from the original façade, and the date block from the original structure and incorporate them into the new design. Applicant shall retain brick from the original structure to use at the entry point to the parking area, and shall make best efforts to retain additional brick to be used in the landscape area as appropriate.	Building Permit	Plng.	
7	The color of the first floor of the structure shall match the façade of the building to be removed. The applicant shall submit color and material samples to Planning Staff for review and approval	Building Permit	Plng.	
8	Prior to any work that requires excavation the Applicant shall submit to the Planning Staff a letter from a LSP indicating that all work is in compliance with the RAM Plan and applicable DEP regulations. Any amendment with site design to meet regulations shall be reviewed and approved by Planning Staff.	During Construction	Plng/ISD	
9	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.	During Construction	T&P	
10	To the extent possible, all exterior lighting must be confined to the subject property, cast light downward and must not intrude, interfere or spill onto neighboring properties.	CO	Plng.	
11	The Applicant shall at his 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	
12	The Applicant shall close the portion of the existing curbcut that is not needed for the garage entrance. All new sidewalks will be installed by the Applicant in accordance with the specifications of the Highway Superintendent. Specifically, all driveway aprons shall be concrete.	CO	Plng.	
13	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
14	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards.	Perpetual	Plng. / ISD	

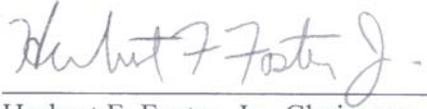


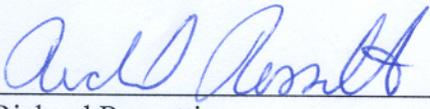
15	The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the building and all on-site amenities, including landscaping, fencing, lighting, parking areas and storm water systems, ensuring they are clean, well kept and in good and safe working order.	Perpetual	ISD	
16	There shall not be a chain link fence installed on the property.	CO	Plng.	
17	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	Plng.	

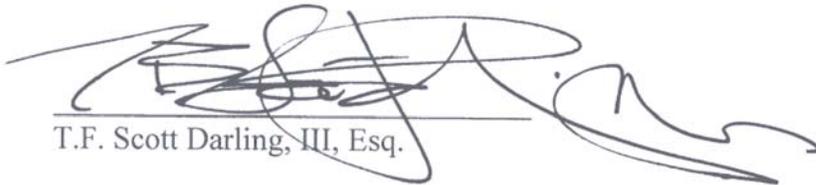


Attest, by the Zoning Board of Appeals:

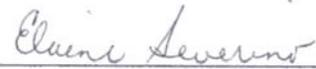
Herbert Foster, *Chairman*
Richard Rossetti, *Acting Clerk*
T.F. Scott Darling, III, Esq.
Danielle Evans
Elaine Severino (Alt.)


Herbert F. Foster, Jr., Chairman


Richard Rossetti


T.F. Scott Darling, III, Esq.


Danielle Evans


Elaine Severino, (Alt.)

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 _____



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