



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

PLANNING DIVISION

**ZONING BOARD OF APPEALS MEMBERS**

HERBERT F. FOSTER, JR., *CHAIRMAN*  
ORSOLA SUSAN FONTANO, *CLERK*  
RICHARD ROSSETTI  
T. F. SCOTT DARLING, III, ESQ.  
DANIELLE EVANS  
ELAINE SEVERINO (ALT.)  
JOSH SAFDIE (ALT.)

**Case #: ZBA # 2011-52**  
**Site: 399 Medford Street**  
**Date of Decision: July 13, 2011**  
**Decision: *Petition Approved with Conditions***  
**Date Filed with City Clerk: July 27, 2011**

---

**ZBA DECISION**

---

<b>Applicant Name:</b>	Roman Catholic Archbishop of Boston
<b>Applicant Address:</b>	St. Ann Parish, 50 Thurston Street, Somerville, MA 02143
<b>Property Owner Name:</b>	Roman Catholic Archbishop of Boston
<b>Property Owner Address:</b>	St. Ann Parish, 50 Thurston Street, Somerville, MA 02143
<b>Agent Name:</b>	McGinley Kalsow & Associates
<b>Agent Address:</b>	324 Broadway, Somerville, MA 02143

**Legal Notice:** Applicant and Owner the Roman Catholic Archbishop of Boston, seeks a special permit to alter a nonconforming structure under SZO §4.4.1 to remove two exterior doors, install a new door for a handicap accessible entrance, and to provide and install a new elevator vent at St. Ann Parish.

<b><u>Zoning District/Ward:</u></b>	RA & RB zone/Ward 4
<b><u>Zoning Approval Sought:</u></b>	§4.4.1
<b><u>Date of Application:</u></b>	June 7, 2011
<b><u>Date(s) of Public Hearing:</u></b>	July 13, 2011
<b><u>Date of Decision:</u></b>	July 13, 2011
<b><u>Vote:</u></b>	5-0

---

Appeal #ZBA 2011-52 was opened before the Zoning Board of Appeals at Somerville City Hall on July 13, 2011. 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  
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722

[www.somervillema.gov](http://www.somervillema.gov)



## **DESCRIPTION:**

The Applicant is proposing to move an exterior door on the northwest side of the building approximately 20 feet to the northeast façade to provide a handicap accessible entrance in that portion of the structure. The new accessible door will provide handicap access to the church directly from the on-site parking lot. An existing door that was previously retrofitted to be handicap accessible on the southeast side of the structure (the Thurston Street elevation), will be removed and replaced with a stained glass window to match the original opening similar to the other stained glass windows on that façade. This existing handicap accessible door, in its current location, at its current size, does meet handicap accessibility code and therefore needs to be removed. The new door will meet the requirements of ADA and the Massachusetts Architectural Access Board (MAAB). As part of this project, the Applicant will also be installing a new elevator vent on the northeast roof that will house the mechanical equipment for the interior handicap accessible lift.

## **FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1 & §5.1):**

In order to grant a special permit, the SPGA must make certain findings and determinations as outlined in §5.1.4 of the SZO. This section of the report goes through §5.1.4 in detail.

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."

In considering a special permit under §4.4 of the SZO, the Board finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. There shall be minimal, if any, impacts to the surrounding neighborhood from the specific changes to the structure as part of this special permit application. The external construction for this project will be minimal and the work being performed to relocate the door and install the elevator vent will be situated on the interior of the parcel, minimizing construction impacts on the neighborhood. The window well on the northwest side of the building will retain its character. The new handicap accessible door will provide handicap access to the church directly from the on-site parking lot. The replacement of the noncompliant handicap accessible door on Thurston Street will return the opening to its original design as a stained glass window. The property will remain a 2 story institutional use and will continue to be used for religious purposes. The use on the site is protected under MGL Chapter 40A, Section 3, and the Applicant is seeking a special permit to establish "reasonable accommodations under MAAB regulations.

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 promoting "the health, safety, and welfare of the inhabitants of the City of Somerville; to provide for and maintain the uniquely integrated structure of uses in the City; to secure safety from fire, panic and other dangers; to preserve the historical and architectural resources of the City; and to preserve and increase the amenities of the municipality."

The proposal is also consistent with the purposes of the districts (6.1.1. RA - Residence Districts and 6.1.2. RB - Residence Districts), which are, "To establish and preserve quiet neighborhoods of one- and two-family homes, free from other uses except those which are both compatible with and convenient to the residents of such



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143  
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722

[www.somervillema.gov](http://www.somervillema.gov)



districts,” and “To establish and preserve medium density neighborhoods of one-, two- and three-family homes, free from other uses except those which are both compatible with and convenient to the residents of such districts.” The property will remain a 2 story institutional use and will continue to be used for religious purposes which is consistent with the purposes of the RA and RB 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 project is compatible with the characteristics of the surrounding neighborhood and there shall be minimal, if any, impacts to the surrounding neighborhood as a result of the specific changes to the structure. The external construction for this project will be minimal and the work being performed to relocate the door and install the elevator vent will be situated on the interior of the parcel, minimizing construction impacts on the neighborhood. The window well on the northwest side of the building will retain its character. The new handicap accessible door will provide handicap access to the church directly from the on-site parking lot. The replacement of the noncompliant handicap accessible door on Thurston Street will return the opening to its original design as a stained glass window. The property will remain a 2 story institutional use and will continue to be used for religious purposes

5. Adverse environmental impacts: The proposed use, structure or activity will not constitute an adverse impact on the surrounding area resulting from: 1) excessive noise, level of illumination, glare, dust, smoke, or vibration which are higher than levels now experienced from uses permitted in the surrounding area; 2) emission of noxious or hazardous materials or substances; 3) pollution of water ways or ground water; or 4) transmission of signals that interfere with radio or television reception.

No adverse environmental impacts are anticipated from this project. No new noise, lighting, glare, smoke, vibration, nor emissions of noxious materials nor pollution of water ways or ground water are anticipated as part of the proposal. The property will remain a 2 story institutional use and will continue to be used for religious purposes.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143  
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722

[www.somervillema.gov](http://www.somervillema.gov)



**DECISION:**

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Scott Darling and Josh Safdie with Danielle Evans absent. Upon making the above findings, Susan Fontano made a motion to approve the request for a special permit. 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 under SZO §4.4.1 to remove two exterior doors, install a new door for a handicap accessible entrance, and to provide and install a new elevator vent at St. Ann Parish. 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>(June 7, 2011)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>September 22, 2010 (June 23, 2011)</td> <td>Proposed Drainage Site Plan – C.1.2</td> </tr> <tr> <td>May 31, 2011 (June 23, 2011)</td> <td>Site Plan – SD-1</td> </tr> <tr> <td>June 22, 2011 (June 23, 2011)</td> <td>Existing and Proposed Elevations – A2.2, A2.1</td> </tr> </tbody> </table> <p>Any changes to the approved site plans and elevations that are not <i>de minimis</i> must receive SPGA approval.</p>	Date (Stamp Date)	Submission	(June 7, 2011)	Initial application submitted to the City Clerk's Office	September 22, 2010 (June 23, 2011)	Proposed Drainage Site Plan – C.1.2	May 31, 2011 (June 23, 2011)	Site Plan – SD-1	June 22, 2011 (June 23, 2011)	Existing and Proposed Elevations – A2.2, A2.1	BP/CO	ISD/Plng.	
Date (Stamp Date)	Submission													
(June 7, 2011)	Initial application submitted to the City Clerk's Office													
September 22, 2010 (June 23, 2011)	Proposed Drainage Site Plan – C.1.2													
May 31, 2011 (June 23, 2011)	Site Plan – SD-1													
June 22, 2011 (June 23, 2011)	Existing and Proposed Elevations – A2.2, A2.1													
2	The Applicant shall meet the Fire Prevention Bureau's requirements.	CO	FP											
3	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*  
Orsola Susan Fontano, *Clerk*  
Richard Rossetti  
T.F. Scott Darling, III, Esq.  
Josh Safdie (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 \_\_\_\_\_



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143  
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722

[www.somervillema.gov](http://www.somervillema.gov)

