



**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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RICHARD ROSSETTI  
T. F. SCOTT DARLING, III, ESQ.  
DANIELLE EVANS  
ELAINE SEVERINO (ALT.)  
JOSH SAFDIE (ALT.)

**Case #: ZBA # 2011-80**  
**Site: 8 Tyler Street**  
**Date of Decision: November 16, 2011**  
**Decision: *Petition Approved with Conditions***  
**Date Filed with City Clerk: November 22, 2011**

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**ZBA DECISION**

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<b>Applicant Name:</b>	William Shea
<b>Applicant Address:</b>	21 Properzi Way, Unit A, Somerville, MA 02143
<b>Property Owner Name:</b>	JWF, LLC
<b>Property Owner Address:</b>	21 Properzi Way, Unit A, Somerville, MA 02143
<b>Agent Name:</b>	N/A

Legal Notice: Applicant William Shea and Owner JWF LLC seek a special permit to alter a nonconforming structure under SZO §4.4.1 to install two exterior doors.

<u>Zoning District/Ward:</u>	IA zone/Ward 2
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	October 18, 2011
<u>Date(s) of Public Hearing:</u>	November 16, 2011
<u>Date of Decision:</u>	November 16, 2011
<u>Vote:</u>	5-0

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Appeal #ZBA 2011-80 was opened before the Zoning Board of Appeals at Somerville City Hall on November 16, 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.



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**DESCRIPTION:**

The Applicant is subdividing the internal space so that two tenants can occupy this portion of the building. The tenant at 8 Tyler Street will require two means of egress. This will be achieved by installing doors on the Tyler Street side of the building to provide a main entrance into the space. A ramp will be constructed from the door to the sidewalk so that it is ADA accessible. The other door will be located on the Dane Street side of the building and will be used for emergency egress. Both of the entrances will have utility lights that will project light downward onto them.

8 Tyler Street will be used by MIT for museum storage and 10 Tyler Street is occupied by the Artisan Asylum Inc, a nonprofit community craft studio.

**FINDINGS FOR SPECIAL PERMIT (SZO §4.41 & §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. The doors will be industrial in nature and not greatly alter the appearance of the building. The doors will not increase existing nonconformities.

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 proposal is consistent with the purpose of the district, which is to establish and preserve areas for industrial and related uses which are not incompatible with commercial uses. The installation of doors will allow for the space to be divided for by-right uses in the industrial district.

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 doors will allow the interior space to be utilized by a tenant for warehousing. There will only be a few employees accessing the building for this use. A benefit to the alteration is that the entrance on Tyler Street will make the building ADA accessible.



**DECISION:**

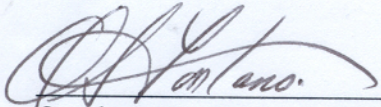
Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Danielle Evans, Scott Darling and Elaine Severino with Herbert Foster absent. Upon making the above findings, Richard Rossetti made a motion to approve the request for a special permit. Scott Darling seconded the motion. Wherefore 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 for the installation of two exterior doors. 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>Oct 18, 2011</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>Oct 24, 2011</td> <td>Plans submitted to OSPCD (A1.0 Elevations)</td> </tr> <tr> <td>Sept 27, 2011</td> <td>Plans submitted to OSPCD (D1.0 Demo, A1.3 Details &amp; Schedules)</td> </tr> <tr> <td>1982</td> <td>Site Plans</td> </tr> </tbody> </table> <p>Any changes to the approved elevations that are not <i>de minimis</i> must receive SPGA approval.</p>	Date (Stamp Date)	Submission	Oct 18, 2011	Initial application submitted to the City Clerk's Office	Oct 24, 2011	Plans submitted to OSPCD (A1.0 Elevations)	Sept 27, 2011	Plans submitted to OSPCD (D1.0 Demo, A1.3 Details & Schedules)	1982	Site Plans	BP/CO	ISD/Plng.	
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2	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											
3	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											
4	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.											



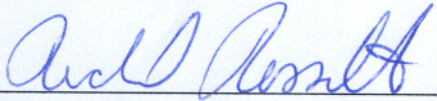
Attest, by the Zoning Board of Appeals:

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



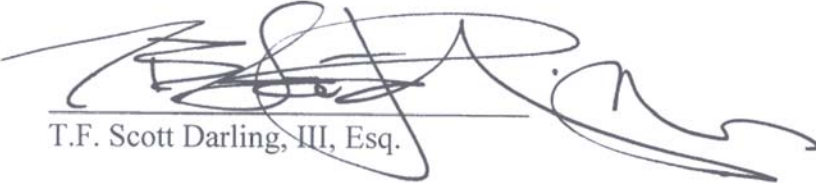
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Orsola Susan Fontano, Clerk




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Richard Rossetti



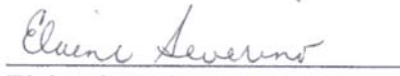
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T.F. Scott Darling, III, Esq.



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Danielle Evans



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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.



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**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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