



City of Somerville

ZONING BOARD OF APPEALS

City Hall 3rd Floor, 93 Highland Avenue, Somerville MA 02143

TO: Zoning Board of Appeals
FROM: Planning, Preservation, & Zoning Staff
SUBJECT: 9-11 Aldersey Street, P&Z 22-090 (original case number: ZBA 2003-25)
POSTED: July 29, 2022

RECOMMENDATION: Approve *with conditions*

Staff memos are used to communicate background information, analysis, responses to public comments, review of statutory requirements and other information from Planning, Preservation, & Zoning Staff to the Review Board members.

This memo summarizes the development review application submitted for 9-11 Aldersey Street, identifies any additional discretionary or administrative development review that is required by the Somerville Zoning Ordinance, and provides related analysis or feedback as necessary. The application was deemed complete on July 15, 2022 and is scheduled for a public hearing on August 3, 2022. Any Staff-recommended findings, conditions, and decisions in this memo are based on the information available to-date prior to any public comment at the scheduled public hearing.

LEGAL NOTICE

9-11 Aldersey Street, LLC seeks a Plan Revision to modify building elevations for the three buildings previously approved for this site under ZBA 2003-25.

BACKGROUND INFORMATION

The project at 9-11 Aldersey Street falls under the auspices of the prior zoning code. This property was the subject of a nearly 20-year legal case involving the previous property owner and the City of Somerville's ZBA and Historic Preservation Commission (HPC). As the City did not prevail in either the historic preservation court case nor the zoning court case, each board was ordered by the Superior and Land Court respectively to approve the proposed project.

The HPC rendered its conditional Certificate of Appropriateness (CA) for the project in the fall of 2020 and the ZBA issued its conditional approval of a Special Permit with Site Plan Review (SPSR) on January 20, 2021.

Three buildings were approved for this site. These buildings are known as Building A, Building B, and Building C. Building B is an existing historic structure on the property, and is not the subject of this proposed plan revision.

Building A and Building C will be new construction and will be erected to the left and right of Building B, respectively. Building A and Building C are the subjects of this proposed plan revision.

SUMMARY OF PROPOSAL

9-11 Aldersey Street, LLC is proposing modifications to the plans for Buildings A and C that were approved by the ZBA on January 20, 2021 (ZBA 2003-25). The proposed modifications, though aesthetic in nature, have nonetheless been determined to be beyond *de minimis* and therefore require review by the ZBA.

Slight modifications to the dormer dimensions on Buildings A and C were determined by the Director of Planning on July 13, 2022, to be *de minimis* in nature, have already been approved by her and are, therefore, not within the purview of the ZBA.

9-11 Aldersey Street, LLC proposes to modify the detailing of the exterior trim work and window casings of Buildings A and C. Windows will be repositioned on both buildings and some “blind” windows incorporated¹. The changes to the trim work, window casings, and window locations are intended to be more consistent with the historic detailing of Building B. The Applicant team worked with Senior Planning Staff to modify these details as-presented. From a historic preservation perspective, these changes have already been approved at Staff Planner level as allowed by the HPC.

ADDITIONAL REVIEW NECESSARY

This property is located in what was previously the RA zoning district. The ZBA is the decision-making authority for all discretionary permitting in the RA zoning district. This Ward 3 neighborhood is represented by Councilor Ben Ewen-Campen who is aware of the revisions proposed to this project.

ANALYSIS

The Special Permit with Site Plan Review (SPSR) for 9-11 Aldersey Street was approved under the prior zoning code. Therefore, any necessary analysis will be provided under the auspices of that code.

The proposed changes to architectural details, windows, and window locations do not impact any dimensional requirements of the RA zoning district. The massing, scale, and location of Buildings A and C will not change as a result of the alterations to the architectural details and windows. The drawings submitted by the Applicant show the previously-approved architectural details and window orientation in elevation alongside the proposed changes. Each elevation is marked accordingly as “previously approved” and “currently proposed”.

¹ “Blind windows” are also known as “false windows”. This architectural feature has been used for hundreds of years. Blind windows are treated like regular windows in that trim casing, sills, and lintels are installed, but, in the space where the sashes would normally be, building cladding (such as wood clapboarding or shingling, or masonry) is used.

Staff is supportive of the proposed changes.

CONSIDERATIONS & FINDINGS

As this is a revision to a Special Permit with Site Plan Review (SPSR) granted under the previous zoning ordinance, and as the proposed changes were determined not to be *de minimis* in nature, the findings required by the previous zoning ordinance apply. SZO §5.3.8 reads, in part:

Revisions that are not de minimis shall be subject to the full notice and hearing provisions of §5.3.2 of this Ordinance, but shall not be subject to review by additional boards, departments, city agencies or commissions except as requested by the SPGA or upon the recommendation of the Planning Director. Applicable findings shall be made in accordance with the type of permit(s) being revised.

The only applicable finding for the proposed revision is the following:

5.2.5.(d) Site and area compatibility. Is designed in a manner that is compatible with the existing natural features of the site and is compatible with the characteristics of the surrounding area, and that the scale, massing and detailing of buildings are compatible with those prevalent in the surrounding area;

PERMIT CONDITIONS

Should the Board approve the revisions to the previously approved plans which required a Special Permit with Site Plan Review (SPSR), Planning, Preservation, & Zoning (PPZ) Staff recommends the following conditions:

Validity

- Construction documents must be substantially equivalent to the approved plans and other materials submitted for development review.
- This Decision must be recorded with the Middlesex County Registry of Deeds.
- All other conditions added to the January 20, 2021, approval of ZBA 2003-25 remain in effect.

Public Record

- Physical copies of all submittal materials as permitted by the ZBA must be submitted for the public record in accordance with the document format standards of the ISD/PB/ZBA Submittal Requirements.
- A copy of the Recorded Decision stamped by the Middlesex South Registry of Deeds must be submitted to the Inspectional Services Department (ISD) for the public record.