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CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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PLANNING DIVISION

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Case #: ZBA 2018-85-R1-06/2019
Site: 54 Dane St
Date of Decision: March 25, 2020
Decision: Petition Approved with Conditions
Date Filed with City Clerk: April 6, 2020

ZBA DECISION

Applicant / Owner Name: Ronald and Emily Axelrod
Applicant / Owner Address: 26 B Shepard Street, Cambridge, MA 02138
City Councilor: J.T Scott

Legal Notice: Applicant and Owners, Ronald and Emily Axelrod, under §5.3.8 of the SZO, seek revisions to a previously-granted special permit. RB. Ward 2.

| | |
|-----------------------------------|------------------|
| <u>Zoning District/Ward:</u> | RB Zone. Ward 2. |
| <u>Zoning Approval Sought:</u> | §5.3.8 |
| <u>Date of Application:</u> | March 12, 2020 |
| <u>Date(s) of Public Hearing:</u> | March 25, 2020 |
| <u>Date of Decision:</u> | March 25, 2020 |
| <u>Vote:</u> | 6-0 |

Appeal #ZBA 2018-85-R1-06/2019 was opened before the Zoning Board of Appeals virtually through the GoToWebinar platform. 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. On March 25, 2020, the Zoning Board of Appeals took a vote.

Pursuant to Governor Baker's March 12, 2020 Order suspending certain provisions of the Open Meeting Law, G.L.C. 30A, s. 18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, as well as Mayor Curtatone's Declaration of Emergency,



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dated March 15, 2020, the March 25, 2020 meeting of the Zoning Board of Appeals was conducted via remote participation.

I. DESCRIPTION:

The original proposal included altering the existing structure by demolishing a small addition on the right side of the house, altering dormers on both sides of the roof, constructing a rear addition, and reconfiguring the entire interior layout. As a result of the proposed work, the structure would remain a two-family dwelling with the two units being arranged behind one another. The front unit would contain three-bedrooms and the rear unit would have two-bedrooms.

The request currently before the Zoning Board is to remove Condition #11 of the original decision so that the Applicant may leave the electric meter on the front façade of the structure where it was previously placed.

II. FINDINGS FOR REVISION TO SPECIAL PERMIT (SZO §5.3.8):

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 findings made under the previous Special Permit approved by the ZBA in September of 2018 (ZBA 2018-85) are not applicable to this proposal. Removing condition #11 of the original decision (shown below) will not alter or increase any preexisting nonconformities.

| # | Condition | Timeframe for Compliance | Verified (initial) | Notes |
|----|---|--------------------------|--------------------|-------|
| 11 | Gas and electric meters shall not be on the front of the structure. Gas and electric meters may be located on the side of the structure but shall be screened from the street by a hardy, staff approved evergreen planting. Utilities shall not be located adjacent to windows and shall not impact any parking, landscaping, or egress. The provisions of this condition may be waived by staff if the applicant submits a letter from the utility, signed by a utility representative, on utility letterhead, indicating that there is no feasible alternative to placing meters in violation of this condition. | CO | ISD | |

III. DECISION:

Present and sitting were Members Orsola Susan Fontano, Danielle Evans, Elaine Severino, Anne Brockelman, Josh Safdie, and Drew Kane. Upon making the above findings, Danielle Evans made a motion to approve the request for a revision to a previously granted Special Permit. Elaine Severino seconded the motion. The Zoning Board of Appeals voted **6-0** to **APPROVE** the request. In addition, the following conditions were attached:



| # | Condition | Timeframe for Compliance | Verified (initial) | Notes |
|---|--|--------------------------------|-----------------------|-------|
| 1 | Condition #11 of the ZBA 2018-85 approval is replaced with the following condition: The applicant shall submit a landscape plan to be reviewed and approved by staff. The intent is to visually screen the electrical meters on the front façade. | Final sign off | ISD/Plng. | |
| 2 | All other conditions from ZBA 2018-85 remain in effect. | | | |

Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chairman*
Danielle Evans, *Clerk*
Anne Brockelman
Elaine Severino
Josh Safdie
Drew Kane (*Alt.*)



Attest, by Planning Director:

Sarah Lewis

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 _____

