



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2018-19-R1-4/19
Site: 50-54 Murdock Street
Date of Decision: September 4, 2019
Decision: Approved with Conditions
Date Filed with City Clerk: September 10, 2019

ZBA DECISION

Site: 50-54 Murdock Street

Applicant Name: Roberto Grieco
Applicant Address: 16 Kenwood Avenue, Wilmington, MA 01887
Owner Name: Alida Elena Grieco, Trustee of the Fifty Murdock Investment Trust
Owner Address: 95 Circuit Road, Medford, MA 02155
Agent Name: Adam Dash, Esq.
Agent Address: 48 Grove Street, Suite 304, Somerville, MA 02144
City Councilor: Mark Niedergang

Legal Notice: Applicant, Roberto Grieco, and Owner, Alida Elena Grieco, Trustee of the Fifty Murdock Investment Trust, seek a revision to a previously approved special permit (ZBA 2018-19) under SZO §5.3.8 to make changes to the right side of the building. RB Zone. Ward 5.

<u>Zoning District/Ward:</u>	RB Zone. Ward 5.
<u>Zoning Approval Sought:</u>	SZO §5.3.8
<u>Date of Application:</u>	April 11, 2019
<u>Date(s) of Public Hearing:</u>	6/5, 6/19, 7/17, 8/7, 8/21, 9/4
<u>Date of Decision:</u>	September 4, 2019
<u>Vote:</u>	5-0

Case number ZBA 2018-19-R1-4/19 was opened before the Zoning Board of Appeals in the 3rd floor Community Room of the Visiting Nurse Association at 259 Lowell Street. 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 September 4, 2019, the Zoning Board of Appeals took a vote.



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I. PROJECT DESCRIPTION

The proposal is to make changes to the right side of the building that will slightly decrease the size of the building. The Applicant had another survey done of the property that discovered discrepancies in the previous survey. It was discovered the right property line is actually closer to the proposed building than originally thought. As a result, the building had to be slightly pulled in from the right property line at the point where the right property line turns toward the railroad tracks. The proposed changes ensure that the building remains compliant with dimensional requirements.

Other changes include:

- Future driveway easement added for the abutting 56 Murdock St. property.
- 6' fence added along 56 Murdock St. property.
- 3 story bay at façade facing the 56 Murdock St. was eliminated.
- The depth of 2 story bay at the front/right corner was reduced per abutter's request. One extra window added on that same bay and few adjacent windows removed on the right elevation.
- Unit layouts changed slightly to accommodate the façade changes.
- The rear left side balcony was reduced and the bay adjacent to that balcony was slightly increased.

The proposal still complies with all zoning requirements as per proposed plans in the past. The requirements for lot coverage, landscaped area, and FAR were slightly reduced. The percentage of pervious area was reduced by 5% due to MBTA requested changes for accessible compliant surfaces (the driveway apron was changed to concrete base to become an even surface with emergency path from future green line stop.)

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

Section 5.3: Procedures for Special Permits and Special Permits with Site Plan Review

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 with Site Plan Review approved by the ZBA in December of 2018 (ZBA 2018-19) are not applicable to this proposal.

III. DECISION

Present and sitting were, Susan Fontano, Danielle Evans, Josh Safdie, Anne Brockelman, and Elaine Severino. Upon making the above findings, Danielle Evans made a motion to approve the request to make revisions to the previously approved special permit. Elaine Severino seconded the motion. The Zoning Board of Appeals voted **5-0** to **APPROVE** the request **WITH CONDITIONS**. The following conditions were attached:



#	Condition	Timeframe for Compliance	Verified (initial)	Notes												
1	Approval is to revise the previously approved right side elevation. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/Plng.													
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>April 11, 2019</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>July 24, 2019</td><td>Civil site plan</td></tr><tr><td>June 6, 2019</td><td>Site Plan Comparison</td></tr><tr><td>July 8, 2019</td><td>AV 7 - 13</td></tr><tr><td>July 10, 2019</td><td>Landscape Plans</td></tr></table>				Date (Stamp Date)	Submission	April 11, 2019	Initial application submitted to the City Clerk's Office	July 24, 2019	Civil site plan	June 6, 2019	Site Plan Comparison	July 8, 2019	AV 7 - 13	July 10, 2019	Landscape Plans
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	July 10, 2019				Landscape Plans											
Any changes to the approved site plan or elevations/use that are not <i>de minimis</i> must receive SPGA approval.																
2	All conditions of approval from ZBA 2018-19 remain in effect.															
Final Sign-Off																
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:

Susan Fontano, *Chair*
Danielle Evans, *Clerk*
Anne Brockelman
Elaine Severino
Josh Safdie

Attest, by Planner:

Alexander MelloCopies 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 _____

