



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

GEORGE J. PROAKIS
EXECUTIVE DIRECTOR

PLANNING DIVISION

ZONING BOARD OF APPEALS MEMBERS

ORSOLA SUSAN FONTANO, *CHAIR*
DANIELLE EVANS, *CLERK*
ELAINE SEVERINO
JOSH SAFDIE
ANNE BROCKELMAN
DREW KANE, (*ALT.*)

Case #: ZBA 2018-107-R1-5/19
Site: 7 Summer Street
Date of Decision: June 19, 2019
Decision: Approved with Conditions
Date Filed with City Clerk: June 28, 2019

ZBA DECISION

Site: 7 Summer Street

Applicant / Owner Name: 35atSummer, LLC
Applicant / Owner Address: 1 Summer Street, Unit 7, Somerville, MA 02143
Agent Name: Adam Dash, Esq.
Agent Address: 48 Grove Street, Suite 304, Somerville, MA 02144
City Councilor: Ben Ewen-Campen

Legal Notice: Applicant / Owner, 35atSummer, LLC, seeks a revision to a previously approved special permit (ZBA 2018-107) under SZO §5.3.8 to make changes to the building including raising the height by 2.8 feet, adding rear entry stairs, an accessible ramp, stone retaining wall, and added/removed windows. NB Zone. Ward 3.

<u>Zoning District/Ward:</u>	NB Zone. Ward 3.
<u>Zoning Approval Sought:</u>	SZO §5.3.8
<u>Date of Application:</u>	May 2, 2019
<u>Date(s) of Public Hearing:</u>	June 5, 2019 and June 19, 2019.
<u>Date of Decision:</u>	June 19, 2019
<u>Vote:</u>	5-0

Case number # ZBA **2018-107-R1-5/19** was opened before the Zoning Board of Appeals at the Visiting Nurse Association 3rd Floor Community Room, 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 June 19, 2019, 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

I.PROJECT DESCRIPTION

Since the ZBA granted their approvals the Applicant has discovered that the site has a high water table. Pursuant to condition #4 of the 2018 ZBA approval, the proposed basement level shall not be less than 1 foot above the seasonal high ground water elevation. In order to meet that condition, the proposal is to raise the height of the new structure by three feet. The increased height necessitates the need for a short retaining wall along Vinyl Avenue, a handicapped accessibility ramp along Summer Street, and revised entry configurations on the rear of the site.

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, Elaine Severino, and Drew Kane. Upon making the above findings, Danielle Evans made a motion to approve the request for a 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 increase the height, add a ramp and retaining wall, and modify the rear entries of the previously approved proposal. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/Pln g.							
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>May 2, 2019</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>May 1, 2019</td><td>Plans submitted to OSPCD (T1, Z2a-Z3b, A1-A9)</td></tr></table>				Date (Stamp Date)	Submission	May 2, 2019	Initial application submitted to the City Clerk’s Office	May 1, 2019	Plans submitted to OSPCD (T1, Z2a-Z3b, A1-A9)
	Date (Stamp Date)				Submission					
	May 2, 2019				Initial application submitted to the City Clerk’s Office					
	May 1, 2019				Plans submitted to OSPCD (T1, Z2a-Z3b, A1-A9)					
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 2018-107 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, *Chairman*
Danielle Evans, *Clerk*
Josh Safdie
Elaine Severino
Anne Brockelman
Drew Kane (Alt.)Attest, by Administrative Assistant: _____
Monique BaldwinCopies 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 _____

