



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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DANIELLE EVANS
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JOSH SAFDIE (ALT.)

Case #: ZBA # 2007-03-R5-4/2012
Site: 16 Butler Drive/100 Temple Street
Date of Decision: June 20, 2012
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: July 2, 2012

ZBA DECISION

Applicant Name:	Courtney Koslow, Somerville Community Corp.
Applicant Address:	337 Somerville Avenue, Somerville, MA 02143
Property Owner Name:	The St. Polycarp Redevelopment, LLC c/o Somerville Community Corp.
Property Owner Address:	337 Somerville Avenue, Somerville, MA 02143
Agent Name:	N/A
<u>Legal Notice:</u>	Applicant, Somerville Community Corporation & Owner, St. Polycarp Redevelopment, LLC, seek a revision to Special Permit ZBA 2007-03 (SZO§5.3.8). The revision is to modify the site plan and building design (elevations) for Phase 3 of the development project consisting of 31 residential units.
<u>Zoning District/Ward:</u>	NB zone/Ward 4
<u>Zoning Approval Sought:</u>	§5.3.8
<u>Date of Application:</u>	April 4, 2012
<u>Date(s) of Public Hearing:</u>	5/16, 6/6 & 6/20/12
<u>Date of Decision:</u>	June 20, 2012
<u>Vote:</u>	5-0

Appeal #ZBA 2007-03-R5-4/2012 was opened before the Zoning Board of Appeals at Somerville City Hall on May 16, 2012. 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 two hearings of deliberation, the Zoning Board of Appeals took a vote.



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DESCRIPTION:

In general, proposed revisions to the previously approved plans include modifications to the elevations that result in a more balanced design, a more energy efficient building, with more universally accessible entrances. Some windows were removed to either meet building code requirements or provide more flexible interior layouts for bedrooms and, in both cases, increase the energy efficiency of the building by removing locations for the potential leakage of heated or cooled air. The following contains a description of the design changes proposed for Phase III and reflects recommendations provided by the Design Review Committee:

1. On the Memorial Road elevation (A200-1), parapets were adjusted to help alleviate the apparent mass of the building and imply multiple individual sections of vertical massing attached at the side instead of a single horizontal massing. Additionally, the parapets cause the front elevation to read as three towers (left, central, and right) connected by two wings in between.
2. On the Memorial Road elevation (A200-1), a penthouse covering an Energy Recovery Ventilator was added on the roof.
3. Related to the Mystic Avenue elevation (A201-1), the Site Plan of the courtyard was revised to reflect grade re-design that permitted at-grade handicap access to all units, resulting in the removal of an unneeded retaining wall, stairs, and hand rails.
4. On the Mystic Avenue elevation (A201-1), the garage level windows were adjusted to align with the design of siding on the elevation and decreased in size from 12'5" to 11'0".
5. On the Mystic Avenue elevation (A201-1), the area of the common rear/corner entrance to the building (the rear of the central tower and common main entrance to the front of the building) was redesigned to include more siding and less aluminum paneling.
6. On the Mystic Avenue elevation (A201-1), a rear entrance to the management office was removed.
7. On the SHA elevation (A201-2), parapets were adjusted to help alleviate the apparent mass of the building and imply multiple individual sections of vertical massing attached at the side instead of a single horizontal massing.

FINDINGS FOR REVISION TO SPECIAL PERMIT #2007-03 (SZO §5.3.8):

There are no specific required findings for a Revision to a Special Permit. Rather, Staff review the original findings for the specific zoning relief requested and identify any findings that have changed as a result of the proposed revision.

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."

The proposal complies with the standards for issuing revisions. The Certificate of Occupancy has not yet been issued, the proposal otherwise is in accordance with the originally approved plans and conditions, and notice has been given for the public hearing.

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 original finding of consistency with the purpose of the NB - Neighborhood Business District, "to establish and preserve areas for small-scale retail stores, services and offices which are located in



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close proximity to residential areas,” has not changed. The Site Plan for St Polycarp Village incorporates ground floor commercial space into Phase I of the project, which is already built and occupied by Just-AStart, Central Convenience, and Avalon Dental.

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 original finding that the proposal is compatible with the surrounding neighborhood in terms of the proposed uses and that the building is also compatible in terms of height, scale, massing and detailing with surrounding buildings has not changed due to the proposed revisions to the plans.

DECISION:

Present and sitting were Orsola Susan Fontano, Richard Rossetti, Danielle Evans, Scott Darling and Elaine Severino with Herbert Foster recused. 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
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1	Approval is for the phasing plan and revised master plan. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP and CO for Phase I, II, & III	Plng.																											
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Any changes to the approved site plan, elevations or use that are not <i>de minimis</i> must receive ZBA approval.																														



2	A written certification of the creation of affordable housing units, any fractional payment required, or alternative methods of compliance, must be obtained from the Housing Department.	CO for Phase I, II, & III	Housing	
3	The granting of this permit shall be subject to the building being completed in accordance with plans filed, in accordance with the requirements of the Fire Prevention Bureau and fire safety code, and as evidenced by a Certificate of Compliance being granted prior to the issuance of an Occupancy Permit.	CO for Phase I, II, & III	Fire Prevention	
4	The Applicant shall provide colored material samples of the fiber cement panels, trim, and lap siding for Buildings D, E, and F to the Planning Director for review and approval prior to issuance of building permit.	Building Permit for Phase II	Plng.	Complete
5	The Applicant shall install audible warning devices at all signalized intersections (Temple at Mystic, Temple at Jacques, Temple at Broadway, and Broadway at School) and replace older audible devices with newer, updated versions.	CO for Phase II	T&P	
6	The Applicant shall reapply with thermoplastic, all pavement markings (including, but not limited to the following: double yellow center lines, stop lines, edge lines, arrows, etc.) along the Temple Street corridor from Mystic Avenue to Broadway at School Street.	CO for Phase II	T&P	
7	The Applicant shall replace all City installed warning, regular, and guide signs (approximately 15 'street cleaning', 12 street name blades, 11 'no parking anytime', 3 'no turn on red', 2 'loading zone', 1 'pedestrian crossing', 1 'no u turn') with similar signs with high intensity prismatic sheeting.	Where applicable for CO for Phase I, II, & III	T&P	
8	The Applicant shall provide three pedestrian impact recovery systems along or adjacent to the Temple Street corridor to be installed by Traffic and Parking at the discretion of the Ward Alderman.	CO for Phase II	T&P	
9	That the Applicant, its successors and/or assigns, shall be responsible for maintenance of both the building and all on-site amenities, including landscaping, fencing, lighting, parking areas and storm water systems, ensuring they are clean, well kept and in good and safe working order.	Perpetual	ISD	
10	That 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 of concrete.	CO for Phase I, II, & III	ISD	



11	To the extent possible, all exterior lighting must be confined to the subject property and must not intrude, interfere or spill onto neighboring properties.	CO for Phase I, II, & III	ISD	
12	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.	Construction of Phase I, II & III	ISD / T&P	
13	Interim plan for Butler drive shall be developed, subject to Plng and T&P staff approval and implemented as outlined below.	BP for Phase II	Plng / T&P	Complete
14	The following site improvements shall be completed before final COs are issued for Phase 1; a. parking, landscaping within boundaries of phase 1 as shown on phasing plan dated 3.28.09 and stamped into the OSPCD on May 15, 2009	Final COs for Phase 1	Plng / T&P	
15	The following site improvements shall be completed before Certificate of Occupancy is issued for Phase 2; a. interim Butler Drive Plan	CO for Phase II	T&P	
16	The following site improvements shall be completed before final COs are issued for Phase 2; a. parking, landscaping within boundaries of phase 2 as shown on plan dated 3.28.09 and stamped into the OSPCD on May 15, 2009 b. improvements to the intersection of Temple Street and Memorial Road as outlined in original permit c. completion of all Butler Drive work as shown on the Master Plan site plan dated 4.28.09 d. completion of access way onto Memorial Road	CO for Phase II	Plng / T&P	
17	The following site improvements shall be completed before final COs are issued for Phase 3; a. parking, landscaping within boundaries of phase 3 as shown on phasing plan dated 3.28.09 and stamped into the OSPCD on May 15, 2009	CO for Phase III	Plng / T&P	
18	Applicant will screen the dumpster with fencing that blocks view of the dumpster itself.	CO	Plng.	
19	Applicant shall reevaluate the price and maintenance costs of the asphalt shingle walkway roofs and is encouraged to replace these with metal standing seam roofs. The Applicant may change these to metal standing seam roofs with approval from the Planning Director.	BP for Phase II	Plng.	
20	Applicant shall evaluate whether Buildings E and F can be modified so that the walkways presently planned for the courtyard can instead face the parking lot and is encouraged to make this modification, if feasible. The Applicant may revise these facades accordingly with approval from the Planning Director.	BP for Phase II	Plng.	



21	The Applicant shall contact Planning Staff at least five working days in advance of a request for a final sign-off on the building permit 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.	
22	The Applicant shall present building material and color samples as well as a planting schedule to Planning Staff and the Design Review Committee for review and comment prior to construction.	BP for Phase III	Plng.	
23	The Applicant shall present the pavement materials/markings for the cul-de-sac and surrounding walkway to Planning Staff for review and comment prior to construction.	BP for Phase III	Plng.	
24	The Applicants shall make best efforts to work with the Church to make the improvements to the plaza in front of the church as shown on the site plan.	CO for Phase III	Plng.	
25	If the Applicant deems inclusion of the penthouse covering the Energy Recovery Ventilator on the roof is cost prohibitive, the Applicant may revise plans accordingly with approval from the Planning Director.	BP for Phase III	Plng.	



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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.)

Attest, by the Administrative Assistant:

Dawn M. Pereira

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 _____



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