



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2014-18
Site: 399 Highland Avenue
Date of Decision: May 7, 2014
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: May 12, 2014

ZBA DECISION

Applicant Name:	Rockland Trust
Applicant Address:	288 Union Street, Rockland, MA 02370
Property Owner Name:	Rockland Trust
Property Owner Address:	288 Union Street, Rockland, MA 02370
Agent Name:	Richard G. DiGirolamo, Esq.
Agent Address:	424 Broadway, Somerville, MA 02145

Legal Notice: Applicant and Owner, Rockland Trust, seek a Special Permit under SZO §4.4.1 to alter the commercial façade of a nonconforming two-story structure, which includes modifications to windows, doors, and storefront materials as well as relocated existing signage. CBD zone. Ward 6.

<u>Zoning District/Ward:</u>	CBD zone/Ward 6
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	March 6, 2014
<u>Date(s) of Public Hearing:</u>	4/16 & 5/7/14
<u>Date of Decision:</u>	May 7, 2014
<u>Vote:</u>	5-0

Appeal #ZBA 2014-18 was opened before the Zoning Board of Appeals at Somerville City Hall on May 7, 2014. Notice of the Public Hearing was given to persons affected and was published and posted, all as required by M.G.L.



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c. 40A, sec. 11 and the Somerville Zoning Ordinance. After two hearing of deliberation, the Zoning Board of Appeals took a vote.

DESCRIPTION:

The Applicant proposes to alter the front and right side façades by introducing large aluminum-framed storefront windows with blue awnings. The glass arched entryway will not be altered other than the top portion of the glass arch will be frosted due to the location of a dropped ceiling to house mechanicals directly on the other side of the glass. Large windows will be located to the left of the new entry door and at the corner. As the structure is composed of unreinforced masonry, the portion to the right of the entryway is necessary to retain intact for structural purposes. Four windows will be located along the Grove Street façade with a brick veneer between. Sconces will be located on either side of the entry door as well as intermittently within the new portions of the façade. This signage will stay in the two existing locations and is no longer proposed to change; however, the awnings are considered part of the signage due to the color of blue that is being proposed.

FINDINGS FOR SPECIAL PERMIT (SZO §):

In order to grant a special permit, the SPGA must make certain findings and determinations as outlined in §5.1.4 of the SZO. This section of the report goes through §5.1.4 in detail.

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 existing structure is nonconforming in accordance with maximum ground coverage at 86%, which exceeds the allowed 80%; landscape area at 0%, which requires a minimum of 10%; and floor area ratio at 2.25, which exceeds the allowed 2.0. Therefore, a Special Permit is required under SZO §4.4.1 to alter the façade of a nonconforming structure.

The existing frontage is a total of 142 feet in length, which includes 66 feet along Highland Avenue and 76 feet along Grove Street. Existing signage is approximately 60 square feet, which includes the blade sign on Highland and two channel lit signs. The addition of 6 brand color awnings increases the signage to approximately 164 square feet, while more than 200 square feet would be allowed due to the corner location and frontage.

In considering a special permit under §4.4.1 of the SZO, the Board finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The alterations proposed will substantially modify the primary and right side façades, which will serve to activate this corner of the street, create a more pedestrian friendly environment, and increase the safety of this corner due to the windows and lighting.

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 proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to "promoting the health, safety, and welfare of the inhabitants of the City of Somerville; to provide for and maintain the uniquely integrated structure of uses in the City; to provide adequate light and air; and to encourage the most appropriate use of land throughout the City."



The proposal is consistent with the purpose of the Central Business District, §6.1.5, which is, “To preserve and enhance central business areas for retail, business services, housing, and office uses and to promote a strong pedestrian character and scale in those areas. A primary goal for the districts is to provide environments that are safe for and conducive to a high volume of pedestrian traffic, with a strong connection to retail and pedestrian accessible street level uses.”

The proposed project engages the street through the installation of large storefront windows and lighting. These changes will activate the street and increase the safety of this corner, becoming a more pedestrian friendly streetscape and urban environment.

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 building is located in Davis Square, within the Central Business District. The surrounding neighborhood is a mix of office, large and small retail, parking lots and residential dwellings.

The proposed project engages the street through the installation of large storefront windows and lighting. These changes will activate the street and increase the safety of this corner, becoming a more pedestrian friendly streetscape and urban environment.



DECISION:

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Danielle Evans and Elaine Severino. Upon making the above findings, Susan Fontano made a motion to approve the request for a Special Permit. Richard Rossetti 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														
1	Approval is for a Special Permit to alter the commercial façade of a nonconforming two-story structure, which includes modifications to windows, doors, and storefront materials as well as relocated existing signage. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/PIng.															
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>(March 6, 2014)</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>July 11, 2012 (April 9, 2014)</td> <td>Plot plan submitted to OSPCD</td> </tr> <tr> <td>January 28, 2014 (April 9, 2014)</td> <td>Existing plan submitted to OSPCD (EX4)</td> </tr> <tr> <td>April 1, 2014 (April 9, 2014)</td> <td>Proposed plan submitted to OSPCD (A1)</td> </tr> <tr> <td>April 25, 2014 (April 28, 2014)</td> <td>Proposed plan submitted to OSPCD (A2)</td> </tr> <tr> <td>(April 28, 2014)</td> <td>Rendering</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	(March 6, 2014)	Initial application submitted to the City Clerk’s Office	July 11, 2012 (April 9, 2014)	Plot plan submitted to OSPCD	January 28, 2014 (April 9, 2014)	Existing plan submitted to OSPCD (EX4)	April 1, 2014 (April 9, 2014)	Proposed plan submitted to OSPCD (A1)	April 25, 2014 (April 28, 2014)	Proposed plan submitted to OSPCD (A2)	(April 28, 2014)	Rendering
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Any changes to the approved elevations that are not <i>de minimis</i> must receive SPGA approval.																		
Construction Impacts																		
2	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 to DPW standard.	CO	DPW															
Design																		
3	The Applicant shall make best efforts to match in color and size the new brick veneer/mortar with the existing brick veneer/mortar.	CO	PIng.															



Public Safety				
4	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
5	To the extent possible, all exterior lighting must be confined to the subject property, cast light downward and must not intrude, interfere or spill onto neighboring properties.	CO	Plng.	
Signage				
6	Signage will be limited in size and location to that shown in the elevation diagrams.	CO/Cont.	Plng.	
Final Sign-Off				
7	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:

Herbert Foster, *Chairman*
Orsola Susan Fontano, *Clerk*
Richard Rossetti
Danielle Evans
Elaine Severino

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 _____

