



**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  
ELAINE SEVERINO (ALT.)  
JOSH SAFDIE (ALT.)

**Case #: ZBA # 2011-46**  
**Site: 167-169 Holland Street**  
**Date of Decision: June 22, 2011**  
**Decision: *Petition Approved with Conditions***  
**Date Filed with City Clerk: June 23, 2011**

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**ZBA DECISION**

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|                                |   |
|--------------------------------|---|
| <b>Applicant Name:</b>         | Tufts University  |
| <b>Applicant Address:</b>      | 47 Winthrop Street, Medford, MA 02155                       |
| <b>Property Owner Name:</b>    | Tufts University  |
| <b>Property Owner Address:</b> | 47 Winthrop Street, Medford, MA 02155                       |
| <b>Agent Name:</b>             | Martin A. Oppenheimer                                       |
| <b>Agent Address:</b>          | Tufts University, Ballou Hall, the Green, Medford, MA 02155 |

Legal Notice: Applicant/Owner Tufts University seek a special permit under SZO §4.4.1 to alter a nonconforming structure to install two entry canopies at the service and day care entrances.

|                                   |                   |
|-----------------------------------|-------------------|
| <u>Zoning District/Ward:</u>      | RA/RC zone/Ward 7 |
| <u>Zoning Approval Sought:</u>    | §4.4.1            |
| <u>Date of Application:</u>       | May 20, 2011      |
| <u>Date(s) of Public Hearing:</u> | June 22, 2011     |
| <u>Date of Decision:</u>          | June 22, 2011     |
| <u>Vote:</u>                      |                   |

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Appeal #ZBA 2011-46 was opened before the Zoning Board of Appeals at the Visiting Nurses Association on June 22, 2011. 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 one hearing of deliberation, the Zoning Board of Appeals took a vote.



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**DESCRIPTION:**

The southeastern portion of the TAB building is currently being restored including re-pointing the bricks and adding entrance canopies to protect the following doors from weather. One of the doors is the service entrance for deliveries and the canopy would be 3 feet by 4 feet. The other door is the daycare entrance and the canopy would be 9 feet by 9 feet. Both of these entrances are located on the southeastern side of the building. The new canopies will be similar in design, material and color to the existing canopies at the main entrance and northwestern entrance. The frame of the canopies will be steel and the top will be a flat corrugated metal piece. There will be light fixtures projecting light down from the canopies. The canopy at the main entrance will be reduced in length slightly because the overhang interferes with trucks going by. The canopy is currently damaged because it was hit by a truck.

**FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1):**

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."

In considering a special permit under §4.4 of the SZO, the Board finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The canopies will be over existing entrances and will not be within the required setback for the district.

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 conserving the value of land and buildings and the purpose of the residential districts in making an upgrade to this institutional building that is convenient to the residents.

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 canopies will compliment the existing structures as they will have a consistent design with the existing canopies at other entrances of the building. The front entrance canopy will be cut back slightly to allow for trucks to pass more easily; however, the design of the canopy will not change.



**DECISION:**

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Danielle Evans and Scott Darling. Upon making the above findings, Susan Fontano 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        |  |                             |   |       |       |  |
|-----------------------------|--|--------------------------|--------------------|--------------|--|-----------------------------|---|-------|-------|--|
| 1                           | <p>Approval is for the addition of 2 entry canopy structures on the southeastern side of the building and for alteration to the canopy structure on the southwestern side of the building. This approval is based upon the following application materials and the plans submitted by the Applicant:</p> <table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>May 20, 2011</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>Feb 15, 2011 (Jun 16, 2011)</td> <td>Plans submitted to OSPCD (site plan and details SD1.1; floor plans A1.1-2; elevations - south A2.2, - east A2.3; plans, elevations and sections of canopies A4.1-2)</td> </tr> </tbody> </table> <p>Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.</p> | Date (Stamp Date)        | Submission         | May 20, 2011 | Initial application submitted to the City Clerk's Office | Feb 15, 2011 (Jun 16, 2011) | Plans submitted to OSPCD (site plan and details SD1.1; floor plans A1.1-2; elevations - south A2.2, - east A2.3; plans, elevations and sections of canopies A4.1-2) | BP/CO | Plng. |  |
| Date (Stamp Date)           | Submission   |                          |                    |              |  |                             |   |       |       |  |
| May 20, 2011                | Initial application submitted to the City Clerk's Office   |                          |                    |              |  |                             |   |       |       |  |
| Feb 15, 2011 (Jun 16, 2011) | Plans submitted to OSPCD (site plan and details SD1.1; floor plans A1.1-2; elevations - south A2.2, - east A2.3; plans, elevations and sections of canopies A4.1-2)  |                          |                    |              |  |                             |   |       |       |  |
| 2                           | 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  
T.F. Scott Darling, III, Esq.  
Danielle Evans

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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