



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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PLANNING DIVISION

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Case #: ZBA # 2013-50
Site: 11 North Street
Date of Decision: August 7, 2013
Decision: Petition Approved with Conditions
Date Filed with City Clerk: August 13, 2013

ZBA DECISION

Applicant Name:	Nunsin Bosse
Applicant Address:	9 High Lander Terrace, Winchester, MA 01890
Property Owner Name:	Somerville Congregation of Jehovah's Witnesses, Inc.
Property Owner Address:	11 North Street, Somerville, MA 02144
Agent Name:	Alan C. Nelson, PLS
Agent Address:	P.O. Box 130, Burlington, MA 01803

Legal Notice: Applicant, Nunsin Bosse, and Owner, Somerville Congregation of Jehovah's Witnesses, Inc., seek a Special Permit under SZO §4.4.1 to alter windows and doors of the front and rear façades, and to modify the roof of a nonconforming structure. RB zone. Ward 7.

<u>Zoning District/Ward:</u>	RB zone/Ward 7
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	July 9, 2013
<u>Date(s) of Public Hearing:</u>	8/7
<u>Date of Decision:</u>	August 7, 2013
<u>Vote:</u>	5-0

Appeal #ZBA 2013-50 was opened before the Zoning Board of Appeals at Somerville City Hall on August 7, 2013. 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 (1) hearing of deliberation, the Zoning Board of Appeals took a vote.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
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DESCRIPTION:

Applicant, Nunsin Bosse, and Owner, Somerville Congregation of Jehovah's Witnesses, Inc., propose to alter windows and doors on the front and rear façades, and to modify the roof.

The primary façade currently has five narrow windows on the first floor and four sets of paired windows on the raised basement. The left side has an entry porch with paired doors. The proposal would enlarge the five first floor windows, add shutters, and remove one basement window from the far left side. The entry porch would be reconstructed to be slightly larger with columns on both corners and a pitched roof overhang.

The rear façade currently has five narrow windows on the first floor and a ramp with access to a door near the south end of the structure. Four windows would be enlarged to be consistent with those on the front façade. A new ADA ramp would be relocated toward the north end of the structure and a new door would be installed on the south end of the structure, where the existing fifth window would be removed. The existing ramp would be removed and the door would become accessible by stairs.

The roof will also be reconfigured as part of this project. Currently, the building height is 21.6 feet with a flat roof and overhanging eaves. The proposal requests to modify the roof to create a hip roof that is 24.4 feet in height. The new roof will be sheathed in CertainTeed shingles in a color called Slate Blende. The rear façade of the roof will have a center balcony for mechanical equipment, which will not be accessible from the interior.

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 or of the SZO, the Board finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The new ADA accessible entrance and ramp will be compliant with current building codes regarding handicap accessibility. Modifications to windows, doors and the roof will provide more energy efficiency as well as natural light and ventilation and, overall, will enhance the structure.

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 protect health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to conserve the value of land and buildings; to encourage the most appropriate use of land throughout the City; and to preserve and increase the amenities of the municipality."

The proposal is consistent with the purpose of the Residence B district, §6.1.2, which is, "To establish and preserve medium density neighborhoods of one-, two- and three-family homes, free from other uses except those which are both compatible with and convenient to the residents of such districts."



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 proposal to alter windows, doors, the roof, and to install an ADA compliant ramp is compatible with the site and the surrounding neighborhood. Overall, the proposed modifications will enhance the building and streetscape. In a further attempt to enhance this portion of the streetscape, Staff has conditioned that the portion of chain link fence located directly in front of the building be removed.

5. Adverse environmental impacts: The proposed use, structure or activity will not constitute an adverse impact on the surrounding area resulting from: 1) excessive noise, level of illumination, glare, dust, smoke, or vibration which are higher than levels now experienced from uses permitted in the surrounding area; 2) emission of noxious or hazardous materials or substances; 3) pollution of water ways or ground water; or 4) transmission of signals that interfere with radio or television reception.

6. Vehicular and pedestrian circulation: The circulation patterns for motor vehicles and pedestrians which would result from the use or structure will not result in conditions that create traffic congestion or the potential for traffic accidents on the site or in the surrounding area.

The circulation patterns for motor vehicles and pedestrians would not change as a result of this proposal.



DECISION:

Present and sitting were Members Herbert Foster, Richard Rossetti, Danielle Evans, Elaine Severino, and Josh Safdie. Upon making the above findings, Richard Rossetti made a motion to approve the request for a Special Permit. Elaine Severino 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 windows and doors of the front and rear façades, and to modify the roof of a nonconforming structure. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/Plng.											
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>(July 9, 2013)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>July 5, 2013 (July 30, 2013)</td> <td>Plot/site plan submitted to OSPCD</td> </tr> <tr> <td>July 15, 2013 (July 30, 2013)</td> <td>Elevations & floor plans submitted to OSPCD (West, East, North & South elevations; Main Level & Basement plans; RCP Main Level & Basement plans; Fire Alarm Main Level & Basement plans; Details 1 & 2; and Roof Trusses)</td> </tr> <tr> <td>(July 30, 2013)</td> <td>Renderings submitted to OSPCD (Front & Rear)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	(July 9, 2013)	Initial application submitted to the City Clerk's Office	July 5, 2013 (July 30, 2013)	Plot/site plan submitted to OSPCD	July 15, 2013 (July 30, 2013)	Elevations & floor plans submitted to OSPCD (West, East, North & South elevations; Main Level & Basement plans; RCP Main Level & Basement plans; Fire Alarm Main Level & Basement plans; Details 1 & 2; and Roof Trusses)	(July 30, 2013)	Renderings submitted to OSPCD (Front & Rear)
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Any changes to the approved elevations that are not <i>de minimis</i> must receive SPGA approval.														
Public Safety														
2	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP											
3	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.											
Design														
4	The portion of chain link fence directly in front of the building shall be removed.	CO	Plng.											
Final Sign-Off														
5	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*
Richard Rossetti
Danielle Evans
Elaine Severino
Josh Safdie (Alt.)

Attest, by the Senior Planner:

Lori Massa

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 _____

