



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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MICHAEL F. GLAVIN  
EXECUTIVE DIRECTOR

PLANNING DIVISION

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JOSH SAFDIE (ALT.)  
BRANDY BROOKS (ALT.)

**Case #: ZBA 2012-34-R1-5/2014**  
**Site: 92-100 Properzi Way**  
**Date of Decision: June 18, 2014**  
**Decision: Petition Approved with Conditions**  
**Date Filed with City Clerk: June 25, 2014**

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**ZBA DECISION**

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|--------------------------------|--|
| <b>Applicant Name:</b>         | Safdie Architects                      |
| <b>Applicant Address:</b>      | 100 Properzi Way, Somerville, MA 02143 |
| <b>Property Owner Name:</b>    | Moshe Safdie & Michal Ronnen Safdie    |
| <b>Property Owner Address:</b> | 100 Properzi Way, Somerville, MA 02143 |
| <b>Agent Name:</b>             | N/A                                    |

Legal Notice: Applicant, Safdie Architects, and Owners, Moshe Safdie and Michal Ronnen Safdie, seek a revision to the Special Permit ZBA 2012-34 to substantially demolish the existing two-family historic structure and to reconstruct this structure in-kind. The original Special Permit was under SZO §4.4.1, to retain a portion of the existing structure and construct a two-story rear addition to add a third dwelling unit. 92 Properzi Way is located in the Residential B zone; 100 Properzi Way is located in the Neighborhood Business zone. Ward 2.

|                                   |  |
|-----------------------------------|--|
| <u>Zoning District/Ward:</u>      | 92 Properzi Way is located in the Residential B zone; 100 Properzi Way is located in the Neighborhood Business zone. Ward 2. |
| <u>Zoning Approval Sought:</u>    | Revision to Special Permit #ZBA 2012-34  |
| <u>Date of Application:</u>       | May 29, 2014   |
| <u>Date(s) of Public Hearing:</u> | June 18, 2014  |
| <u>Date of Decision:</u>          | June 18, 2014  |
| <u>Vote:</u>                      | 5-0  |



Appeal #ZBA 2012-34-R1-5/2014 was opened before the Zoning Board of Appeals at the Argenziano School Cafeteria on June 18, 2014. 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.

### **DESCRIPTION:**

The previous proposal sought to repair and restore the existing gable-end two-family dwelling at 92 Properzi Way as part of larger alterations to the building. These alterations include removing the one-story rear addition, and the construction of a new two-story rear addition. Due to framing deficiencies, a collapsed foundation wall, and deteriorated materials, the Applicant has decided to pursue a reconstruction of the existing building. There is minimal original material that would remain and what could be salvaged would not be visible upon completion.

A full basement is still proposed below the proposed historic reconstruction and new portion of the structure to provide storage space for the adjacent Safdie Architects building. The use of the proposed project will remain as a residential use, housing a 397 square foot studio apartment in the historic reconstruction and two 1,200 square foot, one-bedroom residences on each of the two floors in the rear addition.

Building materials for the historic reconstruction are proposed and conditioned as follows:

- Rift cut smooth cedar clapboards for exterior sheathing (4 3/4" exposure horizontal , vertical to be determined)
- CertainTeed Landmark asphalt shingles (or equal to)
- Double-hung wood windows to be 6 over 6 (may be aluminum clad) with simulated true divided light grilles
- Wood doors (may be aluminum clad)
- Wood trim will be reconstructed in the existing dimensions (windows & doors - 4.5")
- Corner boards to be 8" in width
- Wood sill to be 9.5" in height

### **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."*

The existing historic structure is currently nonconforming with respect to the left side yard setback as the building is one foot from the left side property line. Alterations to nonconforming single- and two-family dwellings that affect the nonconforming aspect of the structure require a Special Permit under Somerville Zoning Ordinance (SZO) §4.4.1 before the alterations can occur. Three-family structures in a residential district requires a Special Permit for any exterior alteration that is not considered cosmetic.

In considering a Special Permit under §4.4.1 of the SZO, the Board finds that the modifications to the existing structure would not be substantially more detrimental to the neighborhood than the existing structure. Due to the framing deficiencies, collapsed foundation wall and deteriorated materials, retaining any of this structure make



reconstruction necessary. Therefore, while it is unfortunate to lose a historic structure, the historic reconstruction is able to maintain the streetscape.

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 provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to conserve the value of land and buildings; to preserve the historical and architectural resources of the City; 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 RB district (6.1.2. RB - Residence Districts), 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."

The proposal is also consistent with the purpose of the NB district (6.1.4. NB - Neighborhood Business Districts), which is, "To establish and preserve areas for small-scale retail stores, services and offices which are located in close proximity to residential areas and which do not have undesirable impacts on the surrounding neighborhoods."

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 project site spans two zoning districts with 92 Properzi Way being located in an RB zone and 100 Properzi Way located in an NB zone. The surrounding neighborhood is predominantly residential consisting of a mixture of single, two-, three-, and multi-family dwellings. For the most part, all of the structures in the area are between 2½ and 3 stories in height, but there are two larger multi-family structures at the intersection of Properzi Way and Beacon Street that are four and five stories in height. Across Beacon Street from Properzi Way is the City of Cambridge boundary.

While it is unfortunate to reconstruct this historic structure, due to framing deficiencies, a collapsed foundation wall, and deteriorated materials, a reconstruction would not be substantially different from what would be feasible with the existing materials. At this point, there is minimal original material that would remain and what could be salvaged would not be visible upon completion. The reconstructed building would also fit into the context of the neighborhood and not adversely affect the streetscape.

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.*

No adverse environmental impacts are anticipated from this project. No new noise, glare, smoke, vibration, nor emissions of noxious materials nor pollution of water ways or ground water nor transmission of signals that interfere with radio or television reception are anticipated as part of the proposal.

6. Housing Impact: *Will not create adverse impacts on the stock of existing affordable housing.*

The proposal will not adversely impact the existing affordable housing.



7. SomerVision Plan: *Complies with the applicable goals, policies and actions of the SomerVision plan, including the following, as appropriate: Preserve and enhance the character of Somerville’s neighborhoods, Transform key opportunity areas, Preserve and expand an integrated, balanced mix of safe, affordable and environmentally sound rental and homeownership units for households of all sizes and types from diverse social and economic groups; and, make Somerville a regional employment center with a mix of diverse and high-quality jobs.* The proposal preserves and enhances the character of Somerville’s neighborhood as the historic reconstruction does not alter the intent of the original project, but maintains the streetscape and emulates what was original to the site.

**DECISION:**

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Elaine Severino and Josh Safdie with Danielle Evans and Brandy Brooks absent. 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  | <p>Approval is to seek a revision to the Special Permit ZBA 2012-34 to substantially demolish the existing two-family historic structure and to reconstruct this structure in-kind. The original Special Permit was under SZO §4.4.1, to retain a portion of the existing structure and construct a two-story rear addition to add a third dwelling unit. 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 29, 2014)</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>May 31, 2014<br/>(June 10, 2014)</td> <td>Proposed Site Plan</td> </tr> <tr> <td><u>July 12, 2012</u><br/>(<u>July 18, 2012</u>)</td> <td>Approved Plan Set – ZBA 2012-34 (Floor Plans, Elevations, Sections, &amp; Street Views)</td> </tr> </tbody> </table> <p>Any changes to the approved plans or elevations that are not <i>de minimis</i> must receive SPGA approval.</p> | Date (Stamp Date)        | Submission         | (May 29, 2014) | Initial application submitted to the City Clerk’s Office | May 31, 2014<br>(June 10, 2014) | Proposed Site Plan | <u>July 12, 2012</u><br>( <u>July 18, 2012</u> ) | Approved Plan Set – ZBA 2012-34 (Floor Plans, Elevations, Sections, & Street Views) | BP/CO | ISD/PIng. |  |
| Date (Stamp Date)                                | Submission   |                          |                    |                |  |                                 |                    |  |   |       |           |  |
| (May 29, 2014)                                   | Initial application submitted to the City Clerk’s Office   |                          |                    |                |  |                                 |                    |  |   |       |           |  |
| May 31, 2014<br>(June 10, 2014)                  | Proposed Site Plan   |                          |                    |                |  |                                 |                    |  |   |       |           |  |
| <u>July 12, 2012</u><br>( <u>July 18, 2012</u> ) | Approved Plan Set – ZBA 2012-34 (Floor Plans, Elevations, Sections, & Street Views)  |                          |                    |                |  |                                 |                    |  |   |       |           |  |
| 2  | <p>The Applicant shall develop a demolition plan in consultation with the City of Somerville Inspectional Services Division. Full compliance with proper demolition procedures shall be required, including timely advance notification to abutters of demolition date and timing, good rodent control measures (i.e. rodent baiting), minimization of dust, noise, odor, and debris outfall, and sensitivity to existing landscaping on adjacent sites.</p>   | Demolition Permitting    | ISD                |                |  |                                 |                    |  |   |       |           |  |



|    |  |                           |                  |  |
|----|--|---------------------------|------------------|--|
| 3  | 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.   | During Construction       | T&P              |  |
| 4  | The Applicant will be required to demonstrate that the project meets the current City of Somerville stormwater policy. Utility, grading, and drainage plans must be submitted to the Engineering Department for review and approval.   | BP                        | Eng.             |  |
| 5  | The electric, telephone, cable TV and other such lines and equipment shall be placed underground from the source or connection. The utilities plan shall be supplied to the Wiring Inspector before installation.  | Installation of Utilities | Wiring Inspector |  |
| 6  | The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.   | CO                        | FP               |  |
| 7  | 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              |  |
| 8  | The Applicant shall purchase and deliver to the City four (4) Pedestrian Impact Recovery Systems.  | CO                        | T&P              |  |
| 9  | Any transformers should be located as not to impact the landscaped area and shall be fully screened.   | CO                        | Plng.            |  |
| 10 | The Owner shall remove the subterranean link at the basement level if the properties are ever sold to different owners.  | Perpetual                 | ISD              |  |
| 11 | 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              |  |
| 12 | Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards.   | Perpetual                 | Plng. / ISD      |  |
| 13 | If dumpsters, trash, or recycling bins are kept outside they shall be screened by fencing or vegetation that blocks any view of them.  | Perpetual                 | Plng.            |  |
| 14 | 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.  | Perpetual                 | ISD              |  |
| 15 | No vehicles shall be permitted to park on the sidewalk in front of the buildings at both 92 and 100 Properzi Way.  | Perpetual                 | T&P              |  |



|    |   |                |       |  |
|----|---|----------------|-------|--|
| 16 | 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. |  |
| 17 | The Applicant or Owner shall install translucent glass in lieu of transparent glass at the north facing Level 1 and Level 2 bathrooms adjacent to the stairway at 92 Properzi Way.  | CO             | Plng. |  |
| 18 | If the chain link fence between 88 and 92 Properzi Way proves to be an obstruction to the planting of the proposed closely space evergreens that will form a buffer between the two properties, the Applicant or Owner will remove the fence along the property line.   | CO             | Plng. |  |
| 19 | The Applicant and Owner shall work with the neighbors to determine the species of the evergreen plantings along the property line discussed in Condition 18.  | CO             | Plng. |  |
| 20 | The Applicant or Owner shall engage an acoustician to develop design strategies to minimize the noise generated by the proposed roof top mechanical unit(s).  | CO             | Plng. |  |
| 21 | <p>Building materials for the historic reconstruction are conditioned as follows:</p> <ul style="list-style-type: none"> <li>• Rift cut smooth cedar clapboards for exterior sheathing (4 3/4" exposure horizontal , vertical to be determined)</li> <li>• CertainTeed Landmark asphalt shingles (or equal to)</li> <li>• Double-hung wood windows to be 6 over 6 (may be aluminum clad) with simulated true divided light grilles</li> <li>• Wood doors (may be aluminum clad)</li> <li>• Wood trim will be reconstructed in the existing dimensions (windows &amp; doors - 4.5")</li> <li>• Corner boards to be 8" in width</li> <li>• Wood sill to be 9.5" in height</li> </ul> <p>Any changes to the materials are subject to Staff approval.</p> | Final Sign Off | Plng. |  |



Attest, by the Zoning Board of Appeals:

Herbert Foster, *Chairman*  
Orsola Susan Fontano, *Clerk*  
Richard Rossetti  
Elaine Severino  
Josh Safdie

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 \_\_\_\_\_

