

Narrative for Special Permit # ZBA.2019-96 Amendment

Introduction

The Special Permit # ZBA.2019-96 for the home renovation project at 59 & 59R Linden Ave was approved in December 2019. However, during the construction process, we encountered several unforeseen challenges, including the site's physical constraints and substantial errors by the previous general contractor, which ultimately led to corrective measures that necessitated minor modifications to the approved plans.

The as-built changes are not more detrimental to the neighbors than the approved plan based on the 2019 Somerville zoning code.

Summary of Minor Modifications

1. **Reduction in Basement, First Floor, and Second Floor Size**
 - Due to errors in the concrete foundation pour by the previous general contractor, the **lower floors were constructed much smaller than initially approved.**
 - The overall height of the structure and compliance with zoning setbacks remain unchanged.
2. **Expansion of Third-Floor Attic at the Rear Unit**
 - To compensate for the reduction in interior space on the lower floors, we **expanded the attic room.**
 - This adjustment remains within the **allowable building envelope** and does not introduce any new zoning violations.
 - The sunroom expansion does not increase shadowing, does not create privacy concerns, nor impact abutters in any material way.
3. **Landscaping Modifications**
 - During construction, we identified a need for **additional site stability** and safety measures, leading to modifications in the landscaping plan.
 - The updated plan includes **more retaining walls**, reducing the green landscaped area.
 - **Despite this reduction, the property still exceeds the minimum required landscaped area as per zoning regulations.**

Hardship Causing Plan Revisions

We suffered from a hardship caused by egregious mistakes made by our previous general contractor, Best Boston Construction, and their subcontractors in the fall of 2020. The job site was found in dangerous condition with multiple safety violations by Somerville Inspectional Services in a Stop-Work-Order (File #: 20-015562). The CSL license of the general contractor was suspended for a year due to his work at our property (Board of Building Regulations and Standards Docket No. C21-00023).

1. Causes for Attic Expansion at the Rear Unit:

Best Boston Construction and their subcontractors made mistakes in pouring the back unit foundation walls. Despite staking by a licensed land surveyor, the northern foundation walls were poured 2' further south and the east foundation wall 1' further west from the permit plan location. The resulting as-built foundation was 4 feet narrower than design on the NS direction, with incorrect dimension of 19' 7" L x 17' 7" D vs. that in the architectural plan of 19' 5" L x 21' 6" D. Please see **Appendix 1** for a comparison of the as-built foundation vs. the foundation design plan.

Subsequently, we had to make painful corrections of the rear unit foundation wall deviation and change the upper floor layout. The eventual northern foundation wall of the rear unit is 2ft thicker than by design. Due to structural considerations, the living areas on FL1 and FL2 are 3 feet shorter than the approved permit plan, 33' 10" as built vs. 36' 6" by design. See **Appendix 2** for a comparison of the as-built living space on FL1 and FL2 vs. that by approved design.

We lost substantial living area at the lower three floors. Massing of the building is 3ft smaller on the EW dimension, which is beneficial to the neighbors.

The attic was built larger to partially offset the lost living space by the same size in the lower floors and make the rear unit functional for a family. This expansion of the attic is the least impactful to the neighbors because its shed roof sloping down towards the northern wall and away from the northern neighbor's house. Please see **Appendix 3** for photos of the attic interior and exterior views. Although the attic room is 10ft longer, up to 28ft up from 17ft in the approved plan, the area above 7ft in height is only 3ft wide. Due to the COVID pandemic, small space like the attic is necessary and very valuable for remote work. Multiple inspectors from the City of Somerville went to the building for various inspections over the past years and never raised any objections about the size of the sun room expansion.

2. Causes for Changes in Landscaping:

The original design included a terraced patio and trees /vegetation along the driveway. Due to unforeseen site conditions and accidents during construction caused by Best Boston Construction and its subcontractors, some of these elements could not be installed as planned:

- **Stability of the Backyard Terraced Patio:**

The backyard is behind a steep hill slope descending 40' in height within a 10' narrow band. After removing the previous shed leaning by the hill, our mason expressed safety concerns about building a single 10ft tall retaining wall along the eastern border in the design plan and deemed the terraced patio impractical for permanent soil retention. Please see **Appendix 4** for the steep hill above our eastern property border.

Especially after the Stop Work Order for the previous general contractor, we were aiming to be overly cautious, to avoid further complications. The eastern neighbors' 20' high concrete retaining wall has developed several large cracks, manifesting the technical challenge of such tall structures there. Similar cracks could develop if we were to construct a 10ft single retaining wall on our side.

The area was flattened and built out with a simpler structure with two parallel lines of 6' tall retaining walls and bi-level flower beds on top of each line and a landscaped garden at the ground level. Please see **Appendix 5** for photos of the as-built retaining walls along the eastern property border. Because we had to have two levels of retaining walls, the terrace and landscape had to be reduced in size to give space to lay the retaining walls stones.

- **Trees/Vegetation:** The significant trees along the driveway were removed in accordance with an approved tree removal permit, necessitated by critical root damages from Best Boston Construction's excavation accidents.

The backyard, together with front yard and side yard, are professionally landscaped with many flowering perennial plants popular in the region, such as bleeding heart, hydrangeas, forsythia, hibiscus, peonies, iris, tulips, rosemary, throughout the yard and the ground is covered with mulch. The plants are only a couple years old now but will grow to cover the landscaped area in the coming years. We can already observe many squirrels and other wild animals making the backyard their home. Please see **Appendix 6** for photos of the landscaping.

- **Parking Expansion:**
The parking area was expanded modestly beyond the dimensions outlined in the original permit to better accommodate practical movement of vehicles in and out the parking lots to the driveway on this long and narrow lot. Please see the as-built land survey for a diagram of the parking area.

Justification for Plan Revision Approval

- **No New Zoning Non-Conformities:** The revised plans remain in compliance with the applicable zoning requirements, including height, setbacks, and floor area ratio.
- **Minimal Neighborhood Impact:** The modifications do not introduce significant visual, structural, or environmental changes that would negatively affect neighboring properties or the public interest.
- **Preservation of Project Intent:** The functional and aesthetic intent of the originally approved project remains intact. The modifications serve only to **accommodate site conditions and correct prior construction errors**.
- **No Increase in Density or Intensity of Use:** The changes do not increase the number of dwelling units, occupancy levels, or site usage beyond what was previously approved.
- **Enhanced Site Stability & Safety:** The adjusted landscaping ensures **better structural integrity and drainage**, which benefits both the property and surrounding area.

Compliance with the 2019 Zoning Requirements

Despite these deviations, the total living area of the rear unit remains 1569SF, which stays within the Net Floor Area limit of the zoning code.

The as-built landscape area now encompasses 1,297 square feet, or 25.2% of the total lot area, which remains above the minimum requirement of 25% landscaped area stipulated by the 2019 Somerville zoning regulations.

Conclusion

Given that the modifications are **minor** and **necessary, cause no detrimental impact on the neighbors, and do not alter the fundamental nature of the approved project,** we respectfully request that the Zoning Board of Appeals grants approval of these plan revisions under the applicable zoning regulations.

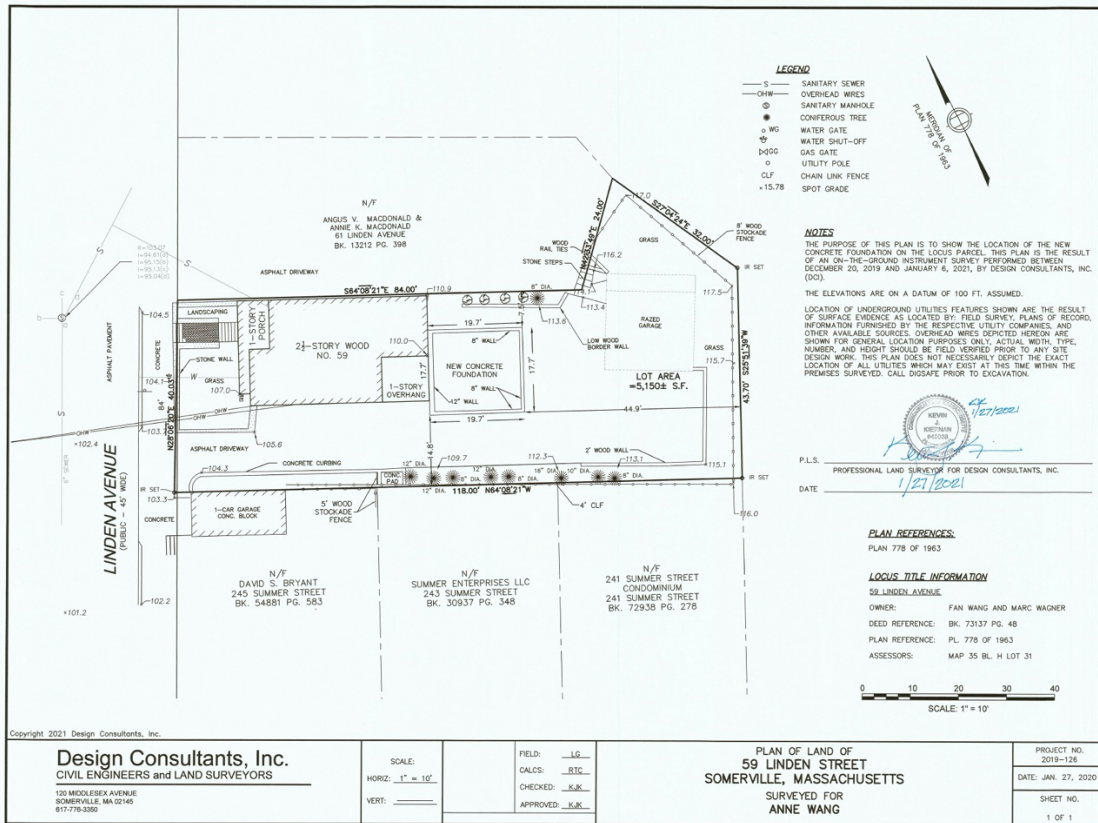
We appreciate the Board's time and consideration of this request and are happy to provide any further documentation or answer any questions that may arise. Thank you for your continued support in this matter.

Documentation:

As-built land survey with landscaped area calculation is submitted together with this document.

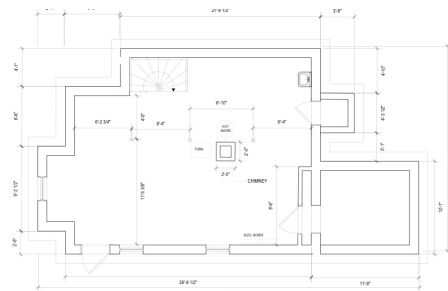
Appendix 1:

As-Built Foundation 19' 7" L x 17' 7" D vs. Architectural Plan Foundation 19' 5" L x 21' 6" D



1 Existing Basement

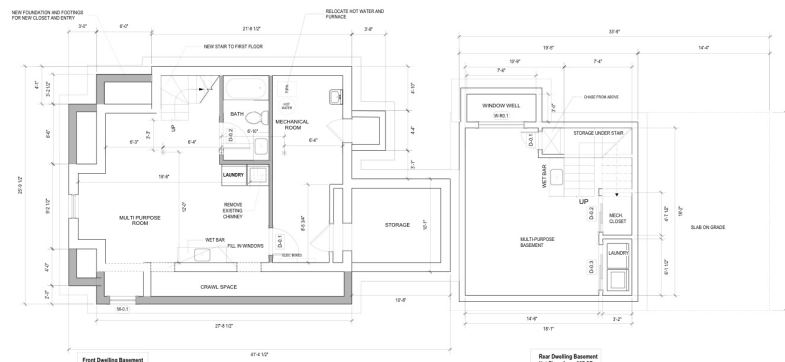
SCALE: 1/4" = 1'-0"
Net Floor Area: 0 SF out of 1377 SF



FRONT DWELLING KEY:
EXISTING FOUNDATION
PROPOSED FOUNDATION

2 Proposed Basements

SCALE: 1/4" = 1'-0"
Net Floor Area: 368 SF out of 3847 SF



Site Location:
59 Linden Avenue,
Somerville, MA 02143

Client:
Anne Wang
&
Marc Wagner

Contact:
Alex Van Praagh

Date:
October 28, 2019

Scale:
1/4" = 1'-0"

N

BUILDING PERMIT SET



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Appendix 2:

Comparison of the As-Built Living Space on FL1 and FL2 vs. that in Approved Design Plan

PLAN NO. 611 OF 204
SHEET 3 OF 5



RESERVED FOR SUFFOLK DEEDS REGISTRY USE

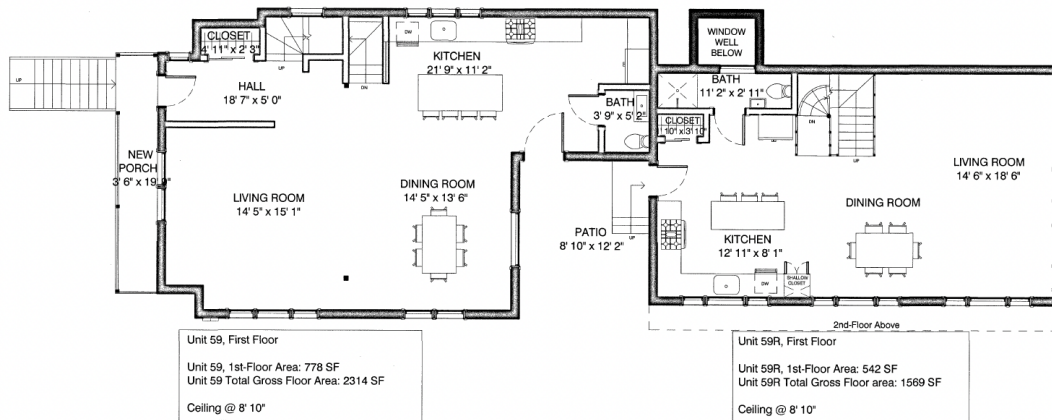
I HEREBY CERTIFY THAT THE WITHIN PLAN IS IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTRY OF DEEDS.

I HEREBY CERTIFY THAT THE WITHIN PLAN FULLY AND ACCURATELY DEPICTS THE UNIT DESIGNATION, UNIT LAYOUT, AND ITS LOCATION, DIMENSIONS, APPROXIMATE AREA, LOCATION OF ENTRANCES, ADJACENT COMMON AREAS, AS BUILT AND AS IN EXISTENCE.

I HEREBY CERTIFY THAT THE BUILDING HAS NO NAME.

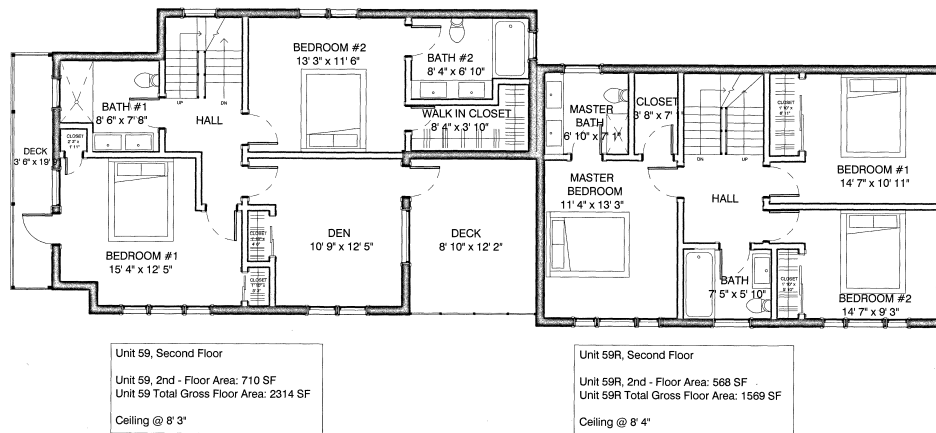
Alex Van Praagh
Alex Van Praagh
MA Registered Architect #50197

12.17.24



59 Linden Street First Floor: Unit 59 and Unit 59R

Scale: 3/16" = 1'-0"
(Approximate areas)
0 2.7 5.3 10.7
3/16" = 1'-0"



59 Linden Street Second Floor: Unit 59 and Unit 59R

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(Approximate areas)
0 2.7 5.3 10.7
3/16" = 1'-0"

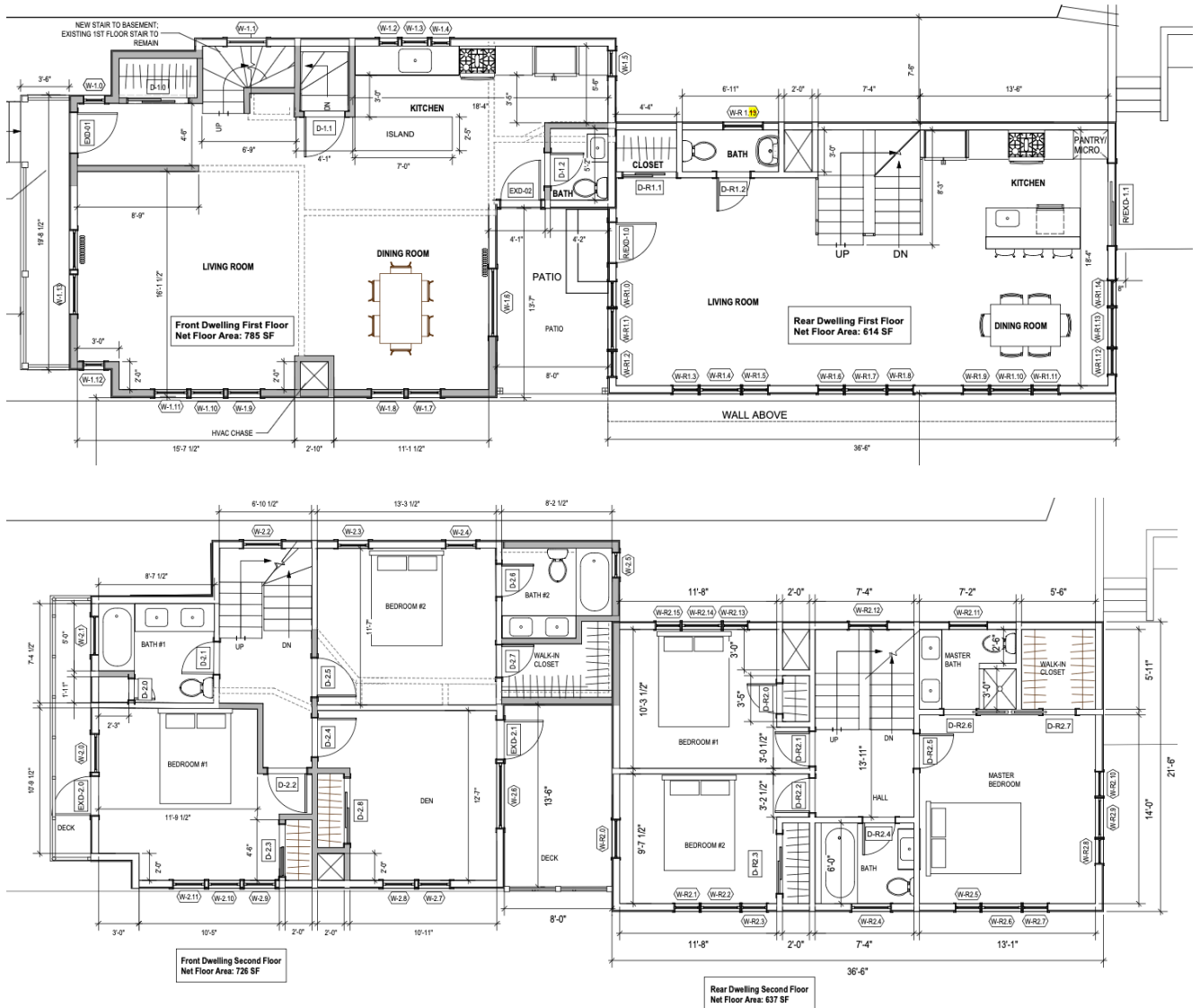
BUILDING PERMIT SET



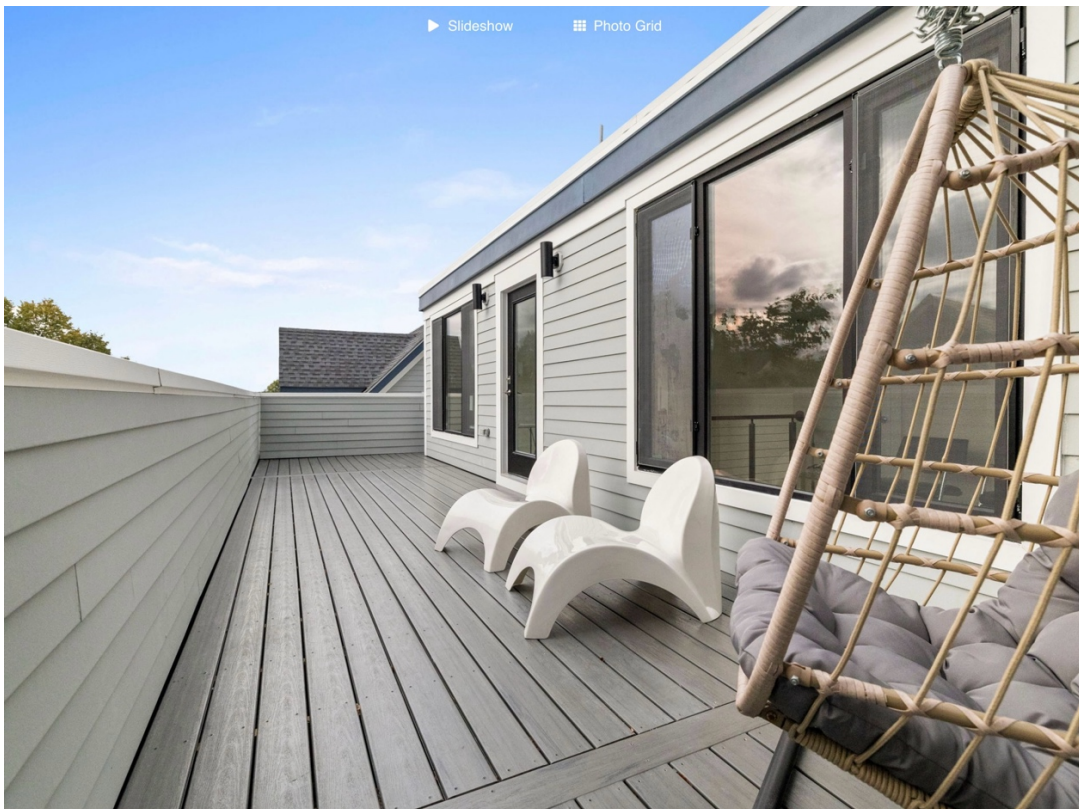
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Appendix 3:
Interior and Exterior Views of the Rear Unit Attic



Appendix 4:
Steep Hill above the Eastern Property Border





Appendix 5:
As-Built Retaining Walls along the Eastern Property Border



Appendix 6:
Photos of Landscaping

