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Case #: ZBA 2017-06
Site: 419 Broadway
Date of Decision: February 1, 2017
Decision: Petition Approved with Conditions
Date Filed with City Clerk: February 14, 2017

ZBA DECISION

Applicant Name:	Thomas Sullivan & Maria Del Carmen Sullivan
Applicant Address:	419 Broadway, Somerville, MA 02145
Property Owner Name:	Thomas Sullivan & Maria Del Carmen Sullivan
Property Owner Address:	419 Broadway, Somerville, MA 02145
Agent Name:	Richard G. DiGirolamo, Esq.
Agent Address:	424 Broadway, Somerville, MA 02145

Legal Notice: Applicants and Owners, Thomas Sullivan & Maria del Carmen Sullivan, seek special permits under §4.4.1* of the SZO to extend existing non-conformities, §7.11 to increase the number of units on the property, and parking relief under §9.13.

<u>Zoning District/Ward:</u>	RC zone/Ward 5
<u>Zoning Approval Sought:</u>	§4.4.1, §7.11 & §9.13
<u>Date of Application:</u>	December 29, 2016
<u>Date(s) of Public Hearing:</u>	February 1, 2017
<u>Date of Decision:</u>	February 1, 2017
<u>Vote:</u>	5-0

Appeal #ZBA 2017-06 was opened before the Zoning Board of Appeals at Somerville City Hall on February 1, 2017. 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 proposal is multi-faceted. The Applicant proposed to convert the historic structure at 419 Broadway into a single-family residence. An existing annex attached to the rear of this structure will be removed. A second principal structure containing four (4) units is proposed for the rear of the property. This new structure will be sighted lower than the existing structure due, in part to the downward slope of the property as it nears the back of the lot. The design goal for the structure is for it to echo the look of historic barns, the likes of which used to reside on this property. The existing structure will be refreshed, new landscaping added throughout the property, a fence installed along the right side yard lot line to help shield the parking and the new structure from the public way, the goal of which is to have the historic residence remain the primary focus of the property.

The unit and bedroom counts for this **proposal** area as follows:

Historic house (to be converted from a two-family to a single family): 3 bdr.

New, multi-unit structure:

Unit 1:	2 bdr.
Unit 2:	2 bdr.
Unit 3:	2 bdr.
Unit 4:	3 bdr.

FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1 & §9.13):

In order to grant a special permit, the SPGA must make certain findings and determinations as outlined in §5.1 of the SZO. This section of the report goes through the special permit findings in detail.

1. Information Supplied:**Regarding SZO §7.11.1.c**

The Board finds that the information provided by the Applicant conforms to the requirements of §5.1 and §7.11.1.c of the SZO and allows for a comprehensive analysis of the project with respect to the required Special Permits.

Regarding SZO §9.13

The Board finds that the information provided by the Applicant conforms to the requirements of §5.1 and SZO §9.13 and allows for 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."***Regarding SZO §7.11.1.c SZO §9.13**

As noted earlier in this report, the Applicant proposes to increase the number of units on the property from two (2) to five (5). To achieve this, the Applicant proposes to convert the current 2-family into a single-family dwelling unit. A second principal structure of four (4) units is proposed for the rear of the lot. There is no dimensional relief needed for this structure, either, due to how it will be situated on the lot.



Though multiple units are allowed in the RC zone, in order to increase the number of units currently on the property, a Special Permit is needed. The Board finds that the proposal complies with the principles set forth in Article 1, §1.2 of the SZO.

Regarding SZO §9.13

Due to the change in bedroom count this project requires the Applicant to request a special permit for parking relief. The parking formula and the associated variables for this project, are as follows:

$$(new\ parking\ requirement - old\ parking\ requirement) \times .5 = new\ spaces\ required^*$$

Existing Conditions

Unit 1: 3 bdr. = 2.0 spaces
Unit 2: 3 bdr. = 2.0 spaces

Proposed Conditions

single-family 3 bdr. = 2.0 spaces
Multi-unit
Unit 1: 2 bdr. = 1.5 spaces
Unit 2: 2 bdr. = 1.5 spaces
Unit 3: 2 bdr. = 1.5 spaces
Unit 4: 3 bdr. = 2.0 spaces

Total existing req'd pking: 4.0 spaces

Total new req'd pking: = 6.5 spaces

Plugging the above numbers into the formula results as follows:

$$(6.5 - 4.0) = 2.5$$

$$2.5 \times .5 = 1.25\ new\ spaces\ required$$

**when the resulting number is < 1 or a negative number, no additional parking is required*

The Applicant proposes providing six (6) total spaces, two of which are standard spaces and four (4) of which are compact. These two spaces fulfill the 1.25 new space requirement.

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 to construct a second principal structure and to increase the number of units on the property from two (2) to five (5) is consistent with the purposes of the RC district which is "...to establish and preserve a district for multi-family residential and other compatible uses which are of particular use and convenience to the residents of the district."

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."*

This property is located on the upper portion of Broadway. The surrounding neighborhood presents a variety of housing styles, massing and designs overlooking a busy thoroughfare. Two-, three-, and multi-family housing can be found among large, multi-floor apartment and condo buildings. Nearby styles include gambrel, gable-roofed, flat-roofed multi-unit, wood-framed and brick veneered structures from a variety of eras. The property in question is one of the older structures on this part of Broadway.

The proposed 4-unit structure will be minimally-visible from the public right-of-way as it will sit at the rear of the property in a location whose grade is much lower than that found at the front of the property. The proposed structure



has been designed to reflect one of many historic barn/carriage house styles that would have existed in the City. The Board finds that the proposed design, massing and style of the new structure are not inconsistent with the varied built environment in the surrounding neighborhood and will not be a detriment thereto.

The lot in question, at over 12,000 square feet, is exceptionally large for Somerville. The Board finds that the proposed plan utilizes the property in such a way that permits the Applicant to realize the benefit of owning a property in a zone that allows for multiple units/principal structures while simultaneously providing residents of the property with significant outdoor space and green/landscaped areas. Despite the inclusion of another structure on the property, Staff finds that there is sufficient opportunity for stormwater to percolate through the parcel given the amount of green/open space provided.

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

The proposal will not add to the existing stock of affordable housing.

6. SomerVision:

This property will contribute to SomerVision metrics by adding three (3) new residential units to the City's housing stock.



DECISION:

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Danielle Evans, Elaine Severino and Josh Safdie. Upon making the above findings, Danielle Evans 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 the construction of a 6-unit residential building and relief from providing four parking spaces.	BP/CO	ISD/PIng.	
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>December 29, 2016</td> <td>Initial application submitted to the City Clerk's Office</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. Whether or not a change is <i>de minimis</i> in nature must be determined by the Planning Office.</p>			
Date (Stamp Date)	Submission			
December 29, 2016	Initial application submitted to the City Clerk's Office			
Pre-Construction				
2	The Applicant shall be required to demonstrate that the updated project plans meet the current City of Somerville stormwater policy. Utility, grading, and drainage report and plans stamped by a registered PE in Massachusetts must be submitted to the Engineering Department for review and approval.	BP	Eng.	
3	The Applicant shall submit a proposed grading and drainage plan, stamped by a registered PE in Massachusetts that demonstrates compliance with the City's stormwater policy.	BP	Eng.	
4	The proposed basement finished floor elevation shall not be less than is 1 foot above the Seasonal High Ground Water elevation. The seasonal high ground water elevation shall be determined by a Massachusetts certified soil evaluator and stated on a signed soil test pit log.	BP	Eng.	
5	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.	Demolition Permitting	ISD	
6	New sanitary connection flows over 2,000 GPD require a 4:1 removal of infiltration and/or inflow by the Applicant. This will be achieved by submitting a mitigation payment to the City based on the cost per gallon of I/I to be removed from the sewer system. The Applicant shall work with Engineering to meet this condition before a certificate of occupancy is issued.	CO	Eng.	



7	Applicant shall provide final material samples for siding, trim, windows, and doors to Planning Staff for review and approval prior to construction.	BP	Plng	
8	The Applicant shall contact the Engineering Department to coordinate the timeline for cutting or opening the street and/or sidewalk for utility connections or other construction. There is a moratorium on opening streets from November 1st to April 1st and there is a list of streets that have additional opening restrictions.	BP	Eng	
9	The Applicant shall contact the Engineering Department to obtain new street addresses for all of the units on the property.	BP	Eng	
10	The Applicant shall submit a construction traffic management plan to the Traffic & Parking Division for their review and approval prior to the issuance of a building permit.	BP	T&P	
Construction Impacts				
11	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	
12	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	
13	Construction and related construction activities shall take place between 7:30am and 5:00pm Monday through Friday. There shall be no construction or construction-related work taking place on weekends.	During Construction	ISD	
Electrical				
14	All electrical plans must be submitted to the Electrical Inspector and approved by him prior to any electrical work being done on the site.	Final sign off	Electrical Inspector	
15	All power and other utilities, including telephone, cable, and other such lines, shall be placed underground.	Final sign off	Electrical Inspector	
16	Any above-ground located electrical equipment, including, but not limited to AC condensers, electrical and water meters, transformers, and the like, shall not be placed at the front of the property in any way. All such equipment shall be completely screened from the view of the street and abutting properties.	Final sign off	Electrical Inspector/Planning/ISD	
17	Any transformers shall be located so as not to impact the historic building or landscaped area, and shall be fully screened.	Electrical permits & CO	Electrical Inspector/Planning/ISD	
Site				



18	Landscaping shall be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD	
19	All materials to be used in landscaping shall be submitted to Planning Staff for their review and approval prior to the issuance of a building permit	BP	Plng/ISD	
20	Vegetative screening shall be installed along the abutment of the parking area with the patio area of the new principal structure. Design, flora options and location of plantings shall all be submitted to Planning Staff for their review and approval prior to the issuance of a building permit.	BP	Plng/ISD	
21	A 6-foot wood fence shall be installed along the property line at the right elevation of the property. All materials shall be submitted for review and approval by Planning Staff prior to installation The fence shall gradually scale from 4 feet to 6 feet starting at the abutment of the Applicant's property with the City sidewalk.	CO	Plng/ISD	
22	There shall be a minimum of two trees as required under SZO §10.3.	CO	Plng.	
23	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.	Cont.	ISD	
Public Safety				
24	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
25	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.	
26	All smoke detectors shall be hard-wired.	CO	Fire Prevention / ISD	
27	The building shall be sprinkled.	CO	Fire Prevention/ ISD	
Miscellaneous				
28	Because this property is a Local Historic District (LHD), all requirements of the Somerville Historic Preservation Commission (HPC) shall apply and all work shall be required to be done to the Secretary of the Interior's Standards.	CO	Plng/ISD	
Final Sign-Off				
29	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:

Orsola Susan Fontano, *Chairman*
Richard Rossetti, *Clerk*
Danielle Evans
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 _____

