



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2017-98
Site: 20 Carlton Street
Date of Decision: October 18, 2017
Decision: Petition Approved with Conditions
Date Filed with City Clerk: November 1, 2017

ZBA DECISION

Applicant Name: Elan Sassoon
Applicant Address: P.O. Box 610312, Newton, MA 02461
Property Owner Name: 20 Carlton St., LLC
Property Owner Address: P.O. Box 610312, Newton, MA 02461
Agent Name: N/A

Legal Notice: Applicant, Elan Sassoon, and Owner, 20 Carlton, LLC, seek Special Permits under §4.4.1 of the SZO to increase the GFA and FAR by more than 25% and to extend the non-conforming nature of the side yard setbacks. Special permits for parking relief are also sought under Article 9* of the SZO.

**After further review, it has been determined that parking relief is not necessary.*

Zoning District/Ward: RC zone/Ward 2
Zoning Approval Sought: §4.4.1
Date of Application: August 23, 2017
Date(s) of Public Hearing: October 18, 2017
Date of Decision: October 18, 2017
Vote: 5-0

Appeal #ZBA 2017-98 was opened before the Zoning Board of Appeals at Somerville City Hall on October 18, 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 Applicant proposes adding a small addition at the rear of the structure that will extend the non-conforming side yard setbacks. The Applicant proposes increasing the GFA and FAR by more than 25% by adding the addition, but also by finishing the basement and re-novating the entire interior of the structure.

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 §4.4.1 of the SZO. This section of the report goes through §4.4.1 in detail.

1. Information Supplied:

The Board finds that the information provided by the Applicants conforms to the requirements of §4.4.1 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."**A. Under SZO §4.4.1**

Section 4.4.1 states that "[l]awfully existing non-conforming structures other than one- and two-family dwellings may be enlarged, extended, renovated or altered only by special permit authorized by the SPGA in accordance with the procedures of Article 5. The SPGA must find that such extension, enlargement, renovation or alteration is not substantially more detrimental to the neighborhood than the existing non-conforming building. In making the finding that the enlargement, extension, renovation or alteration will not be substantially more detrimental, the SPGA may consider, without limitation, impacts upon the following: traffic volumes, traffic congestion, adequacy of municipal water supply and sewer capacity, noise, odor, scale, on-street parking, shading, visual effects and neighborhood character."

The Board finds that the upward extension of the side yard non-conformities will not be substantially more detrimental to the site or surrounding neighborhood than the conditions currently extant on the property. Though the GFA and FAR are increasing, with the exception of the rear addition, the majority of these increases will occur within the current envelope of the building, largely through finishing the basement. The Board finds that these increases, given that they are largely internal in nature, will not present any substantial detriment to the site or neighborhood.

The property is currently a 3-unit residential structure with no on-site parking available. Though two additional bedrooms are being added to the building, this does not necessarily correlate to the increase in number of vehicles associated with the site. Therefore, the Board finds that the proposed changes to the property will not negatively impact traffic volumes, congestion, on-street parking or neighborhood character. As this property is an existing three-family, that it is remailing a 3-family should not create undue burdens on the municipal water supply or sewer capacity, nor should there be any substantial uptick in odor, noise, or shading of abutting properties. The Board finds that the addition is in keeping with the scale of structures in the immediate neighborhood.

3. Purpose of District: The Applicant has to ensure that the project "is consistent with the intent of the specific zoning district as specified in Article 6".

The Board finds that the proposed project at 20 Carlton Street complies with the purpose of the RC district which is to "...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. Housing Impact: *Will not create adverse impacts on the stock of existing affordable housing.*

The proposal will not add to the existing stock of of the City's affordable housing units.

5. 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 Board finds that this project will improve the visual appearance of this property from the public way.

DECISION:

Present and sitting were Members Orsola Susan Fontano, Pooja Phaltankar, Elaine Severino, Danielle Evans, Josh Safdie, and Anne Brockelman with Richard Rossetti absent. 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 small, rear addition and an increase in the FAR and GFA by more than 25%.	BP/CO	ISD/Plng.							
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>August 23, 2017</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>October 16, 2017</td><td>Updated plan set submitted to OSPCD</td></tr></table>				Date (Stamp Date)	Submission	August 23, 2017	Initial application submitted to the City Clerk's Office	October 16, 2017	Updated plan set submitted to OSPCD
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	August 23, 2017				Initial application submitted to the City Clerk's Office					
	October 16, 2017				Updated plan set submitted to OSPCD					
<u>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.</u>										
Pre-Construction										
2	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							
Design										
3	Applicant shall provide final material samples for siding, trim, steps, decking, windows and doors and the liketo Planning Staff for review and approval prior to construction. The property shall be re-sided. <u>No vinyl siding shall be used on this property.</u>	BP	Plng.							
Construction Impacts										
4	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							
5	The Applicant shall post the name and phone number of the general contractor at the site entrance where it is visible to people passing by.	During Construction	Plng.							

6	Approval is subject to the Applicant's and/or successor's right, title and interest in the property.	Cont.	Plng.	Deed submitted & application form signed
7	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	
8	<u>Construction shall occur from 7:30am – 5:00pm Monday-Friday ONLY. There shall be no construction or construction-related work allowed on the weekends or holidays.</u>	During Construction	ISD	
9	The Applicant shall ensure that all food waste associated with construction personnel be removed from the premises at the end of each work day.	During Construction	ISD	
Site				
10	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	
11	The Applicant shall present a landscaping proposal for the front yard to Planning Staff for their review and approval. All landscaping materials screening materials and materials used for parking/driveway area shall first be reviewed and approved by Planning Staff prior to their installation and again prior to final sign-off.	BP/CO	Plng/ISD	
Public Safety				
12	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
13	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.	
14	Per Somerville fire safety regulations, grills, barbecues, chimineas and the like are NOT permitted on decks or porches.	Perpetual	Perpetual	
Final Sign-Off				
15	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*
Elaine Severino
Josh Safdie
Danielle Evans
Pooja Phaltankar

Attest, by the case City Planner: _____

Alexander C. Mello

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 _____

