



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

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**Case #: ZBA 2017-29**  
**Site: 14 Cedar Avenue**  
**Date of Decision: May 17, 2017**  
**Decision: Petition Approved with Conditions**  
**Date Filed with City Clerk: May 31, 2017**

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**ZBA DECISION**

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<b>Applicant Name:</b>	Peter Riordan & Cynthia Singer-Riordan
<b>Applicant Address:</b>	14 Cedar Avenue, Somerville, MA 02143
<b>Property Owner Name:</b>	Peter Riordan & Cynthia Singer-Riordan
<b>Property Owner Address:</b>	14 Cedar Avenue, Somerville, MA 02143
<b>Agent Name:</b>	N/A

<u>Legal Notice:</u>	Applicants and Owners, Peter Riordan & Cynthia Singer-Riordan, seek a Special Permit under SZO §4.4.1 to increase the FAR and to extend an existing, non-conforming right side yard setback.
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<u>Zoning District/Ward:</u>	RA zone/Ward 5
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	March 30, 2017
<u>Date(s) of Public Hearing:</u>	5/3 & 5/17/17
<u>Date of Decision:</u>	May 17, 2017
<u>Vote:</u>	5-0

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Appeal #ZBA 2017-29 was opened before the Zoning Board of Appeals at Somerville City Hall on May 3, 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.



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

The proposal includes closing in existing porches in order to enlarge interior spaces, resulting in a new closet, mud room and downstairs bath. By closing in these spaces, the FAR is increased from .49 to .53. The Applicants also propose to extend the non-conforming right yard setback, which is a 2.7 feet from the property line, by constructing a rear deck whose right elevation will run along with 2.7-foot setback deeper into the rear yard.

**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 Applicant 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."***

- The structure is currently non-conforming in multiple respects. The triggers for the special permit, however, are the increase in FAR and the extension of the right side yard setback. The RA zoning district requires a minimum side yard setback of eight (8) feet. The property presents a right side yard setback of two feet, seven inches (2' 7"). The Applicant proposes extending this non-conforming side yard setback seven feet further into the rear yard through the addition of a rear deck, thus intensifying the existing non-conforming.
- This intensification of the existing non-conformity requires the Applicant to obtain a Special Permit under §4.4.1 of the Somerville Zoning Ordinance (SZO).

*Section 4.4.1 states that Lawfully existing nonconforming 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 nonconforming 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.*

- In considering a special permit under §4.4 of the SZO, the Board finds that the alterations proposed to this single-family residence would not be substantially more detrimental to the neighborhood than those present on the existing structure.

The Board finds that extending the right side yard setback in order to accommodate a rear deck is a reasonable accommodation to make in order to allow the Applicants to achieve some private, outdoor space.

The abutting property to the right of 14 Cedar Avenue (20 Cedar Avenue) is a larger lot with approximately 2,614 square feet of open space separating the residence at 14 Cedar Avenue and



the residential building at 20 Cedar. This puts significant distance between the location of the new proposed deck at 14 Cedar and any inhabited space within the abutting property. While the land between these neighboring buildings may not always remain open, any additions to the neighboring building will have to conform to required setbacks. The Board finds that under current conditions, the extension of the right side yard setback will have minimal to no impact on abutting properties. Staff also finds that the proposed extension of this non-conforming side yard would be minimally impactful on the abutting property at 20 Cedar Avenue should that property be expanded at a future time.

- The Board finds that enclosing existing outdoor space is a reasonable accommodation to make in order for the Applicants to gain an additional 78 square feet of serviceable interior space. The additional massing that will be created by the enclosure of the front entryway in particular is consistent with other properties found on the street. The newly-gained living space results in an uptick in FAR from .49 to .53. This is well under the maximum FAR of .75 that is allowed in the RA zone.
- As part of their plans, the Applicants will also be removing the existing concrete front steps and re-orienting them such that they lead to the house from the driveway at the left of the property. By re-orienting the front steps, the Applicants are reducing the impact of this existing non-conformity. Currently the front steps end right at the public way. The new orientation of the steps will set them back several feet from the front property line. New steps will improve the visual appearance of the front of this property from the public way.
- As part of this project, the Applicants will be removing all of the asphalt that currently covers the rear yard and replacing it with grass. This change increases the landscaped area from 25% to 43.5%.

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 Board finds that 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 secure safety from fire, panic and other dangers; to encourage the most appropriate use of land throughout the City; and to encourage housing for persons of all income levels. The proposed changes, both to the structure and to the lot, will provide the Applicants with improved living space and access to outdoor green space on their own property.
- The Board finds that the proposal is consistent with the purposes of the RA district which, as articulated in §6.1.1 of the SZO, is "...to establish and preserve quiet neighborhoods of one- and two-family homes, free from other uses except those which are both compatible with and convenient to the residents of such districts. Staff finds that the modest proposal to add serviceable square footage to the interior space, the upgrades to the land on the parcel and the inclusion of private exterior space all are consistent with the purposes of the RA district in which this single-family structure is located.

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 Board finds that the surrounding neighborhood is dominated by similarly styled gable-fronted single-family homes, a preponderance of which have been altered with dormers, enclosed porches, bay windows and other additions. These homes on Cedar Avenue are also closely built to the public way with minimal frontage separating



the structures from the public sidewalk. Staff finds that the proposed alterations to 14 Cedar Avenue are consistent with other structures found in the neighborhood.

- The Board finds that there are few impacts from the proposal. The proposed changes are compatible with the use, form, and massing of other single-family homes on the street. Enclosing small outdoor spaces to gain useful interior space and the addition of a rear deck are all reasonable accommodations to make.

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 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 will contribute to SomerVision metrics by improving the condition of the structure on this property and by increasing the amount of pervious area on the parcel.



**DECISION:**

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Elaine Severino, Josh Safdie and Anne Brockelman with Danielle Evans absent. 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 to increase the FAR, move the front steps, enclose exterior spaces and build a deck at the rear of the property.	BP/CO	ISD/ Plng.						
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>March 30, 2017</td><td>Application filed with City Clerk</td></tr></table>				Date (Stamp Date)	Submission	March 30, 2017	Application filed with City Clerk	
	Date (Stamp Date)				Submission				
	March 30, 2017				Application filed with City Clerk				
Any changes to the approved plans must first be reviewed by the Planning Division to determine if they are de minimis in nature. All changes that are not de minimis in nature must be reviewed and approved by the Special Permit Granting Authority (SPGA).									
Construction Impacts									
2	The Applicants shall, at their 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						
3	All construction materials and equipment must be stored on site. 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	Construction times will be limited to Monday through Friday from 7:30am to 5:00pm. There shall be no project-related work performed at the site on weekends.	During Construction	ISD						
Design									
5	Any exterior lights on the site shall be downcast and shall not, at any time, cast light onto abutting properties.	Final sign off	Wiring Insp						



6	<p>Any re-siding of the house that occurs shall be performed as follows: <u>all materials</u> used for siding, trim, decking, doors, windows, stairs, railings and the like shall be presented to and reviewed by Planning Division Staff prior to their installation.</p> <p>Vinyl siding, trim, railings and the like shall not be installed. Siding materials shall be wood or a cementitious material.</p> <p>New steps shall be constructed of natural wood, composite material, brick, or stone. Cement steps shall not be installed.</p> <p>Railings, trim and decking shall be made of composite material or natural wood. No vinyl shall be used. Railings may also be made of metal.</p>	Final sign-off /CO	ISD/Plng	
<b>Miscellaneous</b>				
7	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	
8	<p>Should the driveway be re-done, the following conditions shall apply:</p> <ul style="list-style-type: none"> <li>- The driveway shall be constructed such that water is able to percolate through the property and not run onto abutting properties or into the city sewer system.</li> <li>- If a new driveway is installed, it shall be composed of pervious materials such as grasscrete, pervious pavers, crushed stone, brick, cobble or similar. Design and materials shall be presented to Planning Division Staff for their review and approval prior to installation.</li> </ul>	Final Sign-off/CO	ISD/Plng	
<b>Public Safety</b>				
9	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
10	The Applicant shall place the name and contact information for all entities working on the site in a location viewable by the public throughout the duration of the project.	During Construction	ISD	
11	As per Somerville ordinance, no grills or other cooking or heating devices shall be stored or used on decks or porches at any time.	Perpetual	ISD/FP	
<b>Final Sign-Off</b>				
12	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*  
Elaine Severino  
Josh Safdie  
Anne Brockelman (Alt.)

Attest, by the Administrative Assistant:

\_\_\_\_\_  
Dawn M. PereiraCopies 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 \_\_\_\_\_



