



**CITY OF SOMERVILLE, MASSACHUSETTS**  
***MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT***  
**JOSEPH A. CURTATONE**  
**MAYOR**

MICHAEL F. GLAVIN  
EXECUTIVE DIRECTOR

PLANNING DIVISION

***ZONING BOARD OF APPEALS MEMBERS***

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POOJA PHALTANKAR, (ALT.)

**Case #: ZBA 2017-36**  
**Site: 51 Central Street**  
**Date of Decision: June 7, 2017**  
**Decision: *Petition Approved with Conditions***  
**Date Filed with City Clerk: June 8, 2017**

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**ZBA DECISION**

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|                                |  |
|--------------------------------|--|
| <b>Applicant Name:</b>         | 51 Central Development, LLC              |
| <b>Applicant Address:</b>      | 17 Willowdale Road, Winchester, MA 01890 |
| <b>Property Owner Name:</b>    | 51 Central Development, LLC              |
| <b>Property Owner Address:</b> | 17 Willowdale Road, Winchester, MA 01890 |
| <b>Agent Name:</b>             | N/A                                      |

|                      |   |
|----------------------|---|
| <u>Legal Notice:</u> | Applicants/Owners, 51 Central Development LLC, seek a Special Permit under SZO §4.4.1 to perform renovations of a nonconforming structure to a three-family residence with parking relief under SZO §9.4. |
|----------------------|---|

|                                   |                |
|-----------------------------------|----------------|
| <u>Zoning District/Ward:</u>      | RA zone/Ward 3 |
| <u>Zoning Approval Sought:</u>    | §4.401 & §9.4  |
| <u>Date of Application:</u>       | April 13, 2017 |
| <u>Date(s) of Public Hearing:</u> | June 7, 2017   |
| <u>Date of Decision:</u>          | June 7, 2017   |
| <u>Vote:</u>                      | 5-0            |

Appeal #ZBA 2017-36 was opened before the Zoning Board of Appeals at the Somerville High School Auditorium on June 7, 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:**

This Special Permit request is to increase the existing finished space in the basement by 127sf resulting in a family room, bathroom, and laundry closet. The unfinished space will remain as mechanical space and storage area. Additionally, this request adds 751sf of finished space to the attic (3<sup>rd</sup> floor) of Unit 2, and an external stair as a second means of egress (also for Unit 2).

**FINDINGS FOR SPECIAL PERMIT (SZO §5.1):**

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."*

*Nature of Application:* Residence A

The structure is currently nonconforming with respect to the following dimensional requirements per Section 8.5 Table of Dimensional Requirements.

|                               | RA Required              | Current           | Proposed          | NOTES                 |
|-------------------------------|--------------------------|-------------------|-------------------|-----------------------|
| <u>Lot Size</u>               | <u>10,000 s.f. min.</u>  | <u>4,671 s.f.</u> | <u>4,671 s.f.</u> | <u>Non-conforming</u> |
| <u>Lot Area/Dwelling Unit</u> | <u>2,250 s.f. min.</u>   | <u>1,168 s.f.</u> | <u>1,557 s.f.</u> | <u>Non-conforming</u> |
| Ground Coverage               | 50% max.                 | 49%               | 49%               |                       |
| Landscaped Area               | 25% min.                 | 30%               | 30%               |                       |
| <u>Floor Area Ratio</u>       | <u>0.75</u>              | <u>1.0</u>        | <u>1.2</u>        | <u>Non-conforming</u> |
| Height                        | 2-1/2 stories max.       | 2-1/2             | 2-1/2             |                       |
| Height                        | 35 ft.                   | 25.5 ft.          | 25.5 ft.          |                       |
| <u>Front Yard (ft.)</u>       | <u>15 ft.</u>            | <u>6.5 ft.</u>    | <u>6.5 ft.</u>    | <u>Non-conforming</u> |
| <u>Right Side Yard (ft.)</u>  | <u>8 ft. (17' combo)</u> | <u>6.5 ft.</u>    | <u>6.5 ft.</u>    | <u>Non-conforming</u> |
| <u>Left Side Yard (ft.)</u>   | <u>8 ft. (17' combo)</u> | <u>4 ft.</u>      | <u>4 ft.</u>      | <u>Non-conforming</u> |
| <u>Rear Yard (ft.)</u>        | <u>20 ft.</u>            | <u>18 ft.</u>     | <u>18 ft.</u>     | <u>Non-conforming</u> |
| <u>Frontage (ft.)</u>         | <u>50 ft. min.</u>       | <u>52.02 ft.</u>  | <u>52.02 ft.</u>  | <u>Non-conforming</u> |
| Pervious Area (%)             | 35% min.                 | 30%               | 42%               | made conforming       |

Section 4.4.1 states that "[l]awfully 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 would not be substantially more detrimental to the neighborhood than the existing structure. The proposed alterations are interior to the structure, with the exception of an egress stair on the north side of the building, and a full renovation of the property will be a significant improvement to the neighborhood.

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 provide for and maintain the uniquely integrated structure of uses in the City; 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 protect and promote a housing stock that can accommodate the diverse household sizes and life stages of Somerville residents at all income levels, paying particular attention to providing housing affordable to individuals and families with low and moderate incomes.

The proposal is consistent with the purpose of the district, which 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."

In considering a special permit under §9.13 of the SZO the SPGA may grant such a special permit only when consistent with the purposes set forth in §9.1. This proposal is consistent with the purpose and standards of §9.1.

While there are only 2 parking spaces on-site, the actual parking requirement for the existing use of four two-bedroom units would have been 6 spaces. The proposed renovated units are 2 3-bedroom (each requiring 2 spaces), and 1 2-bedroom (requiring 1.5 spaces) for a total of 5.5 rounded up to 6 spaces. Per SZO §9.4, if the new use requires less or the same number of parking spaces than the existing (or previous) use, then no additional parking spaces shall be required. However, given the central location of this property within the city and the change in vehicle ownership and use, staff recommends that bicycle parking be provided and has added a condition as such.

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."*

*Surrounding Neighborhood:* The neighborhood is Central Hill and is comprised of one- to three-family residential structures and some three and four-story apartment buildings. The subject property is located on the corner of Central Street and Avon Street across Central Street from the Somerville Museum. It is less than 700 feet northward to the neighborhood commercial uses at Highland Avenue and a little over ¼-mile (5-minute walk) to Conway Park at Somerville Avenue.

*Impacts of Proposal (Design and Compatibility):* The existing shingled residence will remain mostly unchanged on the exterior. An exit stair will be added to the left side of the structure adjacent to the neighbor's driveway, which uses part of this property in the form of an easement. The distinctive alternating large and small lap of the siding will remain. The columns at the porches will be replaced with paired columns more appropriate to the style of the building – paired shorter columns on a raised stone base. The renovation and landscape design will be a great improvement to the neighborhood.

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.*



*Impacts of Proposal (Environmental):* There will be no adverse environmental impacts from the proposed renovation. By replacing the asphalt drive with pervious pavers, the amount of rainwater run-off entering the system will be reduced. There are also new trees to be planted on the property which will provide shade to the residents and reduce the heat island effect on the neighborhood.

6. Vehicular and pedestrian circulation: *The circulation patterns for motor vehicles and pedestrians which would result from the use or structure will not result in conditions that create traffic congestion or the potential for traffic accidents on the site or in the surrounding area.*

*Impacts of Proposal (Circulation):* The structure has been used as a four-family residence and the property has only two parking spaces on-site. This proposal creates a legitimate three-family structure, so logically the circulation will not be increased and the parking demand will likely decrease.

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

*Impacts of Proposal (Housing):* This three-family will have no impact on 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. The areas marked as conserve are not expected to greatly increase the figures in the table since these areas are not intended for large scale change.*

| <u>SomerVision Summary</u>             | <u>Existing</u> | <u>Proposed</u> |
|--|-----------------|-----------------|
| <i>Dwelling Units:</i>                 | 3               | 3               |
| <i>Affordable Units:</i>               | 0               | 0               |
| <i>Commercial Sq. Ft.:</i>             | 0               | 0               |
| <i>Estimated Employment:</i>           | 0               | 0               |
| <i>Parking Spaces:</i>                 | 2               | 2               |
| <i>Publicly Accessible Open Space:</i> | 0               | 0               |

8. Impact on Affordable Housing: *In conjunction with its decision to grant or deny a special permit for a structure of four or more units of housing, the SPGA shall make a finding and determination as to how implementation of the project would increase, decrease, or leave unchanged the number of units of rental and homeownership housing that are affordable to households with low or moderate incomes, as defined by HUD, for different sized households and units.*

This three-family will have no impact on affordable housing as defined by HUD.



**DECISION:**

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Danielle Evans, Elaine Severino, Josh Safdie with Pooja Phaltankar 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 for the renovation of the 3-family structure to include 2 3-bedroom units and 1 2-bedroom unit. This approval is based upon the following application materials and the plans submitted by the Applicant:  | BP/CO                    | ISD/<br>Planning   |       |   |            |                |  |              |   |
|   | <table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>April 13, 2017</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>May 15, 2017</td><td>Modified plans submitted to OSPCD (-Cs- Cover Sheet, A0.00 Landscape Plan, A0.01 Gross Area Plans, A0.02 Net Areas And FAR, A0.03 Area Of Work, A1.01 Existing Floor Plans, A1.02 Existing Floor Plans, A1.03 Existing Elevations, A1.04 Existing Elevations, A2.01 New Floor Plans, A2.02 New Floor Plans, A2.03 New Elevations, A2.04 New Elevations, and A2.05 Building Section)</td></tr></table> |                          |                    |       | Date (Stamp Date)   | Submission | April 13, 2017 | Initial application submitted to the City Clerk’s Office | May 15, 2017 | Modified plans submitted to OSPCD (-Cs- Cover Sheet, A0.00 Landscape Plan, A0.01 Gross Area Plans, A0.02 Net Areas And FAR, A0.03 Area Of Work, A1.01 Existing Floor Plans, A1.02 Existing Floor Plans, A1.03 Existing Elevations, A1.04 Existing Elevations, A2.01 New Floor Plans, A2.02 New Floor Plans, A2.03 New Elevations, A2.04 New Elevations, and A2.05 Building Section) |
|   | Date (Stamp Date)  |                          |                    |       | Submission  |            |                |  |              |   |
|   | April 13, 2017   |                          |                    |       | Initial application submitted to the City Clerk’s Office  |            |                |  |              |   |
|   | May 15, 2017   |                          |                    |       | Modified plans submitted to OSPCD (-Cs- Cover Sheet, A0.00 Landscape Plan, A0.01 Gross Area Plans, A0.02 Net Areas And FAR, A0.03 Area Of Work, A1.01 Existing Floor Plans, A1.02 Existing Floor Plans, A1.03 Existing Elevations, A1.04 Existing Elevations, A2.01 New Floor Plans, A2.02 New Floor Plans, A2.03 New Elevations, A2.04 New Elevations, and A2.05 Building Section) |            |                |  |              |   |
| Any changes to the approved plans and elevations that are not <i>de minimis</i> must receive SPGA approval. |  |                          |                    |       |   |            |                |  |              |   |
| <b>Pre-Construction</b>   |  |                          |                    |       |   |            |                |  |              |   |
| 2   | The Applicant must contact the Engineering Department to obtain a street address prior to a building permit being issued.  | BP                       | Engineering        |       |   |            |                |  |              |   |
| 3   | The Applicant shall complete the Site Plan Review Checklist and supply the information to the Engineering Office. The plans must comply with the City’s Stormwater Management Policy.  | BP                       | Engineering        |       |   |            |                |  |              |   |
| 4   | The Applicant must 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                       | Engineering        |       |   |            |                |  |              |   |



|                             |   |                           |                  |  |
|-----------------------------|---|---------------------------|------------------|--|
| 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              |  |
| <b>Construction Impacts</b> |   |                           |                  |  |
| 6                           | 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       | Planning         |  |
| 7                           | Approval is subject to the Applicant's and/or successor's right, title and interest in the property.  | Cont.                     | Planning         | Deed submitted & application form signed |
| 8                           | The Applicant 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              |  |
| 9                           | 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              |  |
| <b>Design</b>               |   |                           |                  |  |
| 10                          | The existing siding will remain. Any new or replacement materials, the Applicant shall provide final samples for siding, trim, windows, and doors to Planning Staff for review and approval prior to the issuance of a building permit.   | BP                        | Planning         |  |
| 11                          | An exterior light and electrical receptacle is required for the all levels of the porches.  | Final sign off            | Wiring Inspector |  |
| <b>Site</b>                 |   |                           |                  |  |
| 12                          | Landscaping shall be installed and maintained in compliance with the American Nurserymen's Association Standards with a minimum of one tree for each 1,000 sf of required landscaped area under SZO §10.3   | Perpetual                 | Planning / ISD   |  |
| 13                          | 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 |  |
| 14                          | Any new sidewalks will be installed by the Applicant in accordance with the specifications of the Highway Superintendent. Specifically, all driveway aprons shall be concrete;  | CO                        | Planning         |  |
| 15                          | Applicant will supply 4 bicycle parking spaces, which can be satisfied with an inverted U type bicycle racks.   | CO                        | Planning         |  |



| <b>Traffic &amp; Parking</b> |   |                         |                     |  |
|------------------------------|---|-------------------------|---------------------|--|
| 16                           | Parking areas will be constructed of pervious pavers and installed using details approved by the Department of Engineering  | BP                      | ISD/<br>Engineering |  |
| <b>Miscellaneous</b>         |   |                         |                     |  |
| 17                           | 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                 |  |
| <b>Public Safety</b>         |   |                         |                     |  |
| 18                           | The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.  | CO                      | FP                  |  |
| 19                           | Any transformers should be located as not to impact the building or landscaped area, and shall be fully screened to the extent permitted by code.   | Electrical permits & CO |                     |  |
| 20                           | 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.   | CO                      | Planning            |  |
| 21                           | The Applicant shall provide notice of intent to strictly comply with applicable State and Federal regulations regarding air quality including without limitation continuous dust control during demolition and construction.  | CO                      | Planning /OSE       |  |
| <b>Final Sign-Off</b>        |   |                         |                     |  |
| 22                           | 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          | Planning            |  |
| 23                           | Any exterior garbage or garbage storage shall be screened by a material reviewed and approved by staff.   | CO                      | Planning            |  |
| 24                           | Electrical conduits on the exterior facades of buildings shall be painted to match the wall material to which they are attached. Conduits are not allowed on the front of any structure.  | CO                      | Planning            |  |
| 25                           | Garbage and recycling locations shall be clearly indicated on site plans. Storage areas shall be inside of the structure or shall be fully screened from view from both the public way and abutters by an appropriate material reviewed and approved by staff. The location shall not impact any parking, landscaping, or egress. | CO                      | Planning            |  |



|    |   |    |          |  |
|----|---|----|----------|--|
| 26 | Gas and electric meters shall not be on the front of the structure. Gas and electric meters may be located on the side of the structure but shall be screened from the street by a hardy, staff approved evergreen planting. Utilities shall not be located adjacent to windows and shall not impact any parking, landscaping, or egress. The provisions of this condition may be waived by staff if the applicant submits a letter from the utility, signed by a utility representative, on utility letterhead, indicating that there is no feasible alternative to placing meters in violation of this condition. | BP | Planning |  |
|----|---|----|----------|--|



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 \_\_\_\_\_

