



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2018-68
Site: 12 Glen Street
Date of Decision: June 20, 2018
Decision: Petition Approved with Conditions
Date Filed with City Clerk: June 28, 2018

ZBA DECISION

Applicant Name: North America Development LLC
Applicant Address: 93 Broadway, Somerville, MA 02145
Owner Name: Dana Iacopucci
Owner Address: 12 Glen Street, Somerville, MA 02145
Alderman: Matthew McLaughlin

Legal Notice: Applicant, North America Development LLC, and Owner, Dana Iacopucci, seek a special permit under §4.4.1 to alter a nonconforming three-family residential structure through a renovation and rear addition. The proposal also includes adding roof decks to the second floor of the building. A special permit for parking relief is also requested under §9.13. RB Zone. Ward 1.

<u>Zoning District/Ward:</u>	RB Zone. Ward 1.
<u>Zoning Approval Sought:</u>	§4.4.1 and §9.13
<u>Date of Application:</u>	April 26, 2018
<u>Date(s) of Public Hearing:</u>	June 20, 2018
<u>Date of Decision:</u>	June 20, 2018
<u>Vote:</u>	5-0

Appeal #ZBA 2018-68 was opened before the Zoning Board of Appeals in the Visiting Nurses Association, 3rd floor Community Room, 259 Lowell Street, Somerville. 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 is a renovation of the existing structure and removal of the above-ground pool to allow a rear addition. The structure will remain a three-family residential use. The bedroom counts are increased to allow more family housing in a location that is walkable to East Somerville Community School. The units are proposed to be 2 3-bedroom units and 1 2-bedroom unit with 3 distinct parking spaces of crushed stone off the shared pervious pavers driveway.

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 §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: RB - Residence Districts.

The structure is currently nonconforming with respect to the following dimensional requirements:

	Required	Existing	Proposed	Notes
Min. Lot Size (sf)	7500	4489	4489	pre-existing non-conformity
Min. Lot Area per Dwelling (1-9 units)	1500	1496	1496	pre-existing non-conformity
Max. Ground Coverage	50%	31%	37%	
Min. Landscaped Area	25%	28%	30%	
Floor area ratio (F.A.R.)	1.0	0.54	0.88	
Max. Height (ft)	40'	31.70	32.00	
Max. Height (stories)	3.0	2.5	2.5	
Min. front yard (ft)	15'	7.00	7.00	pre-existing non-conformity
Min. side yards (ft): Left	8'	2.00	2.00	pre-existing non-conformity
Min. side yards (ft): Right	17'	11.70	11.70	pre-existing non-conformity
Min. rear yards (ft)	20'	43.50	20.10	
Min. frontage (ft)	50'	41.67	41.67	pre-existing non-conformity
Min. Pervious Area	35%	28%	42%	

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 find that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The height of the rear addition is not as tall as the existing house and will not be readily visible from the street. Even though the building footprint is increasing, so is the permeability of the site as the landscape materials have been selected to reduce the amount of impervious surface.

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 promote the health, safety, and welfare of the inhabitants of the City of Somerville; to provide for and maintain the uniquely integrated structure of uses in the City; to provide adequate light and air; to conserve the value of land and buildings; to preserve the historical and architectural resources of the City; 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; and to preserve and increase the amenities of the municipality.

The proposal is consistent with the purpose of the RB district, which is, “To establish and preserve medium density neighborhoods of one-, two- and three-family homes, free from other uses except those which are both compatible with and convenient to the residents of such districts.”

Parking relief was advertised for this proposal under §9.13 of the SZO, however this request is not required as the parking is effectively increasing from one space (shared driveway and tandem parking) to 3 - one space per unit.

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: East Somerville

Impacts of Proposal (Design and Compatibility): From the street, the structure will remain substantially similar to the existing structure – a 2-1/2 story gabled end with a 2-story bay. The proposed dormers will alter the front elevation but not in a significant way and will not be unlike other 3-family structures in the neighborhood. The rear addition, will not be readily visible from the street, is a lower volume than the existing building which will be visibly less imposing on the property from the surrounding residences.

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 this project but there will be improvements. As previously mentioned, the asphalt driveway and above-ground pool will be removed. The replacement driveway and parking areas will be pervious pavers and crushed stone to increase the permeability of the property. The landscape will also be improved and increase the tree canopy in the area.

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): Glen Street is a residential street but this property is immediately adjacent to commercial properties. By increasing the parking on-site, this proposal reduces the potential use of on-street parking spaces.

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

No affordable housing is being removed or added by this proposal but large units are being created that are suitable for families (2 3-bedroom units and 1 2-bedroom unit).

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 areas in the SomerVision map that are designated as enhance and transform should most significantly contribute towards the SomerVision goals that are outlined in the table below. 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>	1	3
<i>Publicly Accessible Open Space:</i>	0	0

7. 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 home ownership housing that are affordable to households with low or moderate incomes, as defined by HUD, for different sized households and units.*

No affordable housing is being removed or added by this proposal but large units are being created that are suitable for families (2 3-bedroom units and 1 2-bedroom unit).



DECISION:**Special Permit under §4.4.1**

Present and sitting were Members Orsola Susan Fontano, Elaine Severino, Danielle Evans, Josh Safdie, and Pooja Phaltankar. 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 renovation and addition of an existing 3-family structure. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/ Planning							
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>April 26, 2018</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>June 5, 2018</td><td>Modified plans submitted to OSPCD</td></tr></table>				Date (Stamp Date)	Submission	April 26, 2018	Initial application submitted to the City Clerk’s Office	June 5, 2018	Modified plans submitted to OSPCD
	Date (Stamp Date)				Submission					
	April 26, 2018				Initial application submitted to the City Clerk’s Office					
June 5, 2018	Modified plans submitted to OSPCD									
Any changes to the approved plans that are not <i>de minimis</i> must receive SPGA approval.										
Pre-Construction										
2	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							
3	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							
4	The applicant must comply with the: "Policy for new connections to and modifications to existing connections to the municipal sewer and drainage system stormwater management and infiltration/inflow mitigation." The Applicant shall work with Engineering to meet this condition and provide the required fees/mitigation.	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							
Construction Impacts										



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	ISD/ Planning	
7	Approval is subject to the Applicant's and/or successor's right, title and interest in the property.	Continuous	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	
10	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.	During Construction	ISD	
Design				
11	Applicant shall provide final material samples for siding, trim, windows, and doors to Planning Staff for review and approval prior to the issuance of a building permit.	BP	Planning	
12	An exterior light and electrical receptacle is required for all porches, stoops, and roof decks.	Final sign off	Wiring Inspector	
Site				
13	All plantings and landscaping shall be installed and maintained in compliance with the AmericanHort standards;	Perpetual	Planning / ISD	
14	There shall be a minimum of one tree for each 1,000 sf of required landscaped area under SZO §10.3, planted and maintained according to AmericanHort standards, and in accordance with SZO §10.2.2 and §10.6.2	Perpetual	Planning / ISD	
15	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	
16	All 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	
Miscellaneous				



17	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.	CO	ISD	
18	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.	BP	Planning	
19	Granting of the applied for use or alteration does not include the provision for short term rental uses, such as AirBnB, VRBO, or the like. Separate approvals are needed for the aforementioned uses.	Ongoing	ISD / Planning	
20	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.	Continuous	ISD	
Public Safety				
21	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
22	<u>Per Somerville fire safety regulations, grills, barbecues, chimineas and the like are NOT permitted on decks or porches.</u>	Perpetual	FP/ISD	
23	Any transformers should be located as not to impact the historic building or landscaped area, and shall be fully screened.	Electrical permits & CO	ISD	
24	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	
25	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	
Final Sign-Off				
26	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	



Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chairman*
Danielle Evans
Elaine Severino
Josh Safdie
Pooja Phaltankar (*Alt.*)

Attest, by City Planner: _____

Sarah Lewis

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 _____

