



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

GEORGE J. PROAKIS, AICP
EXECUTIVE DIRECTOR

PLANNING DIVISION

ZONING BOARD OF APPEALS MEMBERS

ORSOLA SUSAN FONTANO, *CHAIRMAN*
DANIELLE EVANS, *CLERK*
ANNE BROCKELMAN
ELAINE SEVERINO
JOSH SAFDIE
DREW KANE, *ALTERNATE*

Case #: ZBA 2019-86
Site: 18 Glendale Avenue
Date of Decision: November 20, 2019
Decision: Petition Approved with Conditions
Date Filed with City Clerk: November 26, 2019

ZBA DECISION

Applicant Name: Ji Shi and Yan Zhao
Applicant Address: 355 Walnut Street, Unit A, Newton, MA, 02460
Property Owner Name: Ji Shi
Property Owner Address: 355 Walnut Street, Unit A, Newton, MA, 02460

Legal Notice: Applicant, Ji Shi, and Owners, Ji Shi & Yan Zhao, seek special permits under §4.4.1 of the SZO to alter a non-conforming property including adding a dormette within the left side yard setback, extending the left elevation roofline to cover the third floor rear porch, and to construct a right elevation dormer within the right side yard setback. RB zone. Ward 7.

Zoning District/Ward: RB/Ward 7
Zoning Approval Sought: SP §4.4.1
Date of Application: July 19, 2019
Dates of Public Hearings: August 7, 2019; August 21, 2019; September 4, 2019; September 18, 2019; October 2, 2019; October 16, 2019; November 6, 2019; November 20, 2019
Date of Decision: November 20, 2019
Vote: 6-0

Appeal #ZBA 2019-86 was opened before the Zoning Board of Appeals at Somerville City Hall on August 7, 2019. 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. On November 20, 2019, the Zoning Board of Appeals took a vote.

DESCRIPTION: The locus presents a legally pre-existing two-family, 2 ½-story structure in the RB zoning district. The property is one of a series of similarly designed, 2 ½-story gable-fronted structures along Glendale Avenue. This structure resides on a 2,475 square-foot lot.

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.

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."*

Section 4.4.1 of the SZO

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."

The Board finds the proposal in compliance with standards set forth in the Somerville Zoning Ordinance.

Left side yard setback

The RB zone requires a left side yard setback of 8 feet. The existing left side yard setback is 4 feet. The applicant proposes a linear extension of the left elevation roofline back toward the rear of the lot such that it covers the existing rear 3rd floor deck (see last page of plan set which presents existing and proposed elevations.) This results in creating a small amount of additional interior space in the ½ story.

Right side yard setback

The RB zone requires a right side yard setback of 8 feet. The existing right side yard setback is 3 feet. The Applicant proposes constructing a pitched, shed-style dormer whose length is less than 50% of the length of the roof plane to which it will be attached.

Glendale Avenue is replete with similarly sized and designed 2 ½-story structures. Most of these structures present two-story front porches, with the first-story porch remaining open while the second-story porch is enclosed. Many of the houses along Glendale sport gable or shed dormers.

The extension of the left elevation roofline will be visible from the left-abutting property and adds a small amount of massing to the rear of the existing ½ story. The right elevation dormer will be visible from the right-abutting property, rear-abutting property, as well as from the public way.

Additional shading from the left elevation roofline extension and the right elevation dormer are anticipated to be minimal. Overall, the proposal is not inconsistent with the established character in the neighborhood.

There is not expected to be an impact to on-street parking as the total bedroom count on the property will remain the same. Abutters can expect typical noises and odors associated with the construction phase of a project.

Because this project will need to be reviewed by the Engineering Department prior to the granting of a building permit, they will determine if any measures need to be taken by the Applicant to address any impacts on the public sewer or water supply. Lastly, as the property is remaining a two-family, staff does not anticipate any change in traffic volume or congestion as a result of this project.

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 purposes of the RB zone which are “[t]o 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.”

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 has addressed the question of site and area compatibility in a previous section.

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

The Board finds that this proposal will not add to the existing stock of affordable housing.

6. SomerVision:

The Board finds that this proposal will allow for the improvement of an existing property and will allow the future inhabitants of the structure to enjoy a more efficient interior arrangement. The permeability of the property will be improved with the removal of all bituminous material and an upgraded landscaping scheme.

DECISION:

Present and sitting were Members Orsola Susan Fontano, Danielle Evans, Anne Brockelman, Elaine Severino, Josh Safdie, and Drew Kane. 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 **6-0** 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 left elevation ‘dormette’, the linear extension of the left elevation roofline, and the construction of a right elevation dormer. Impervious material to be retained.	BP/CO	ISD/Plng.									
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>July 19, 2019</td><td>Application submitted to City Clerk’s office.</td></tr><tr><td>September 10, 2019</td><td>Updated plan set submitted to OSPCD</td></tr><tr><td>November 5, 2019</td><td>Revised plan set submitted to OSPCD</td></tr></table>				Date (Stamp Date)	Submission	July 19, 2019	Application submitted to City Clerk’s office.	September 10, 2019	Updated plan set submitted to OSPCD	November 5, 2019	Revised plan set submitted to OSPCD
	Date (Stamp Date)				Submission							
	July 19, 2019				Application submitted to City Clerk’s office.							
	September 10, 2019				Updated plan set submitted to OSPCD							
November 5, 2019	Revised plan set submitted to OSPCD											
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.												
Engineering												
2	<p>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.”</p> <p>The Applicant shall work with Engineering to meet this condition and provide the required fees/mitigation.</p>	BP	Engineering/ISD									
3	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.									
Design												

4	All materials, including, but not limited to windows, exterior finishes, siding, and similar shall be submitted to, reviewed and approved by Planning Staff prior to the issuance of a building permit.	BP	ISD/Plng	
Construction Impacts				
5	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	
6	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/ISD	
7	The name(s) and contact information of the entities working on the site shall be posted in an area easily-visible from the public way for the passing public to read.	During Construction	ISD	
8	Construction shall be limited to M-F 7:30am – 5:00pm. No weekend construction or construction-related work shall occur.	During Construction	ISD	
9	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	ISD/DPW	
Public Safety				
10	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
11	All exterior lighting on the site shall be downcast and shall not cast light onto surrounding properties in any fashion.	CO	ISD	
12	In accordance with City of Somerville ordinances, no grills, barbeques, chimineas or the like shall be allowed on decks and porches.	CO/ Perpetual	ISD Plng/FP	
Site				
13	The Applicant shall submit an updated landscaping plan to Planning Staff through the Zoning Review Planner for review and approval prior to the issuance of a building permit	BP	Plng/ISD	
14	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD	
15	Trash and recycling shall be stored behind the house and shall be screened with a cedar enclosure. The enclosure shall present a cedar roof as well. Latched doors shall secure the enclosure.	CO	Plng. / ISD	
Miscellaneous				

16	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.	Perpetual	ISD/Plng.	
17	All exterior lighting shall be confined to the subject property, case light downward and must not intrude, interfere, or spill onto neighboring properties.	Perpetual	ISD	
18	Pre-and post- construction inspections of the foundations at 16 Glendale, 18 Glendale, and 20 Glendale shall be undertaken by a structural engineer and the resulting analyses shall be uploaded to CitizenServe No building permit shall be issued until the pre-construction structural analysis has been completed and report uploaded. No CO/sign-off shall be issued until the post-construction structural analysis has been completed and report uploaded.	BP/CO	ISD/ Zoning Review Planner	
Final Sign-Off				
19	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	ISD/ Plng.	
20	Applicant cannot store or park heavy equipment on the driveway during construction.	BP/CO	ISD	
21	The Applicant shall submit an updated land plan that will show the retention of the existing bituminous driveway and deletion of pervious paving.	BP/CO	Plng	

Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chairman*
Danielle Evans, *Clerk*
Anne Brockelman
Elaine Severino
Josh Safdie
Drew Kane, *Alternate*

Attest, by the Planner: _____

Melissa A. Woods

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 _____