



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2017-129
Site: 12 Linden Place
Date of Decision: January 31, 2018
Decision: Petition Approved with Conditions
Date Filed with City Clerk: February 14, 2018

ZBA DECISION

Applicant / Owner Name: Alexandra Brett Millard
Applicant / Owner Address: 12 Linden Place, Somerville, MA 02143
Alderman: Mark Niedergang

Legal Notice: Applicant and Owner, Alexandra Brett Millard, seek a Special Permit under §4.4.1 of the SZO to replace the attached rear garage of a single-family dwelling with a 2-story addition containing a workshop, dining room, closets, and a master bedroom with master bath. RB zone. Ward 5.

<u>Zoning District/Ward:</u>	RB Zone. Ward 5
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	December 1, 2017
<u>Date(s) of Public Hearing:</u>	January 31, 2018
<u>Date of Decision:</u>	January 31, 2018
<u>Vote:</u>	4-0

Appeal #ZBA 2017-129 was opened before the Zoning Board of Appeals in the Visiting Nurse Association Community Room, 259 Lowell Street. 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 proposed project is to remove the existing garage (used as storage rather than parking) and replace with a two-story addition of a smaller footprint. The addition will provide a dining room and workroom on the first floor, and a master bedroom with closet and bathroom on the second floor. There will be only minor renovations to the interior of the main structure of the house and the occupancy remains the same (single-family).

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 B

The subject property is nonconforming with respect to lot size, side yard setback, and rear yard setback. The required lot size is 7,500sf, and the lot is 2,602sf; the required side yard setback for a two-story house is eight feet, whereas less than one foot is provided in places of the existing-to-remain structure – however, the proposed addition has a 6'-3" setback. The required rear yard setback is 20 feet, whereas approximately five feet is provided. Thus the Applicant is required to obtain a special permit under §4.4.1 of the Somerville Zoning Ordinance (SZO), which states: "[l]awfully existing one- and two-family dwellings which are used only as residences, which are nonconforming with respect to dimensional requirements, may be enlarged, expanded, renovated or altered by special permit granted by the SPGA in accordance with the procedures of Article 5..."

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. While limited in visibility from the street or surrounding properties, the Board finds that the proposed addition would be an improvement.

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 protect health; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to conserve the value of land and buildings; to adequately protect the natural environment; 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 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."*

Surrounding Neighborhood:

The subject property is located within a RB district, on a street of other single-family homes of 1-½ to 2 stories. The site adjoins a multi-family apartment property to the rear (south), and adjoins several deep lots with single- and multi-family dwellings to the northwest. The structure nearest to the proposed additions is a shed to the northwest; the homes on that side are approximately 60 feet away from the subject property. The nearest home to the site is to the southeast, on which side the required setback is (and would still be) met. The subject structure does appear larger than other homes in the area but would remain within the allowable floor area ratio (FAR) and ground coverage range.

Impacts of Proposal (Design and Compatibility):

Replacing a dilapidated one-story former garage space attached to the rear of the house with a smaller footprint 2-story addition is anticipated to be a significant improvement to the property and, therefore, the neighborhood. The home will remain appropriate to the surrounding neighborhood in scale and the smaller footprint improves the permeability of the land. The reduced amount of asphalt on the property also provides an opportunity for increased plantings, including a new tree at the rear of the property to shade the proposed deck.

As the addition will have limited visibility from the abutting properties, and none from the street, Staff recommends that the Applicant be permitted to clad the new construction with vinyl siding to match the main body of the house. Condition language has been recommended that addresses the need to upgrade the exterior cladding material should any exterior alterations or renovations be made in the future to improve the quality of the architecture, details, and materials.

5. Housing Impact: *Will not create adverse impacts on the stock of existing affordable housing.*
6. SomerVision Plan: *Complies with the applicable goals, policies and actions of the SomerVision plan.*

<u>SomerVision Summary</u>	<u>Existing</u>	<u>Proposed</u>
<i>Dwelling Units:</i>	1	1
<i>Affordable Units:</i>	0	0
<i>Commercial Sq. Ft.:</i>	0	0
<i>Estimated Employment:</i>	0	0
<i>Parking Spaces:</i>	1	1
<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.*

This proposed case does not affect affordable housing.

DECISION:

Special Permit under §5.1

Present and sitting were Members Orsola Susan Fontano, Danielle Evans, Josh Safdie, and Anne Brockelman with Richard Rossetti, Elaine Severino, and Pooja Phaltankar absent. Upon making the above findings, Danielle Evans made a motion to approve the request for a **Special Permit**. Anne Brockelman seconded the motion. Wherefore the Zoning Board of Appeals voted **4-0** to **APPROVE** the request. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	Approval is for the replacement of the attached rear garage with a 2-story addition containing a workshop, dining room, closets, and a master bedroom with master bath. 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>December 1, 2017</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>January 16, 2017</td><td>Modified plans submitted to OSPCD (L-1, XC-1, XC-2, & XC-B)</td></tr></table>				Date (Stamp Date)	Submission	December 1, 2017	Initial application submitted to the City Clerk's Office	January 16, 2017	Modified plans submitted to OSPCD (L-1, XC-1, XC-2, & XC-B)
	Date (Stamp Date)				Submission					
	December 1, 2017				Initial application submitted to the City Clerk's Office					
	January 16, 2017				Modified plans submitted to OSPCD (L-1, XC-1, XC-2, & XC-B)					
Any changes to the approved drawings 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 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				
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	Planning	
6	Approval is subject to the Applicant's and/or successor's right, title and interest in the property.	Perpetual	Planning	Deed submitted & application form signed
7	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	
8	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	
Design				
9	Applicant shall provide final material and color samples for siding, trim, windows, doors, and decking to Planning Staff for review and approval prior to the issuance of a building permit.	BP	Planning	
10	The addition is permitted to be vinyl to match the existing main body of the house until such a time as the structure is further upgraded or renovated or has exterior alterations.	BP	Planning	
11	An exterior light and electrical receptacle is required for the deck.	BP & final sign off	Wiring Inspector	
Site				
12	There shall be a minimum of one tree for each 1,000 sf of required landscaped area under SZO §10.3. be installed and maintained in compliance with the American Nurserymen's Association Standards, and in accordance with SZO §10.2.2 and §10.6.2;	Perpetual	Planning / ISD	
13	The existing asphalt will be removed and replaced with permeable pavers in the parking area and landscape planting around the new deck as shown on sheet L-1 dated January 16, 2018.	BP	Planning / ISD	
14	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	



15	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	
Miscellaneous				
16	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	
17	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	
18	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 / Planning	
19	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.	Perpetual	ISD	
Public Safety				
20	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
21	Per Somerville fire safety regulations, grills, barbecues, chimineas and the like are NOT permitted on decks or porches.	Perpetual	FP/ISD	
22	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	
23	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				
24	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
Josh Safdie
Anne Brockelman (Alt.)

Attest, by 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 _____

