



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: **ZBA 2017-73**
Site: **88 Line Street, 90 Line Street, and 18 Cooney Street**
Date of Decision: **October 18, 2017**
Decision: Petition Approved with Conditions
Date Filed with City Clerk: **November 1, 2017**

ZBA DECISION

Applicant Name: Sanjeev M. Kale
Applicant Address: 88 Line Street, Somerville, MA 02143
Property Owner Name: Sanjeev M. Kale
Property Owner Address: 88 Line Street, Somerville, MA 02143
Agent Name: Adam Dash, Esq.

Legal Notice: Applicant and Owner, Sanjeev M. Kale, seeks a Special Permit under SZO §4.4.1 to increase the gross floor area (GFA) of the existing dwelling by more than 25% and a Special Permit under SZO §9.13 for parking relief to construct an addition that will create two additional dwelling units on the site.

Zoning District/Ward: RB zone/Ward 2
Zoning Approval Sought: §4.4.1 and §9.13
Date of Application: July 19, 2017
Date(s) of Public Hearing: October 18, 2017
Date of Decision: October 18, 2017
Vote: 5-0

Appeal #ZBA 2017-73 was opened before the Zoning Board of Appeals at Somerville City Hall on October 18, 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
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722
www.somervillema.gov

DESCRIPTION:

The proposal is to construct a large two-story addition onto the existing structure that will add two dwelling units to the site. In total, the site is proposed to have three dwelling units: the existing single family (four bedrooms) and two new two bedroom units. The applicant proposes to demolish the existing concrete block garage and fill in the curb cut on Line Street so that there is only one curb cut to access three surface parking spaces off of Cooney Street.

FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1 and §9.13):

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."*

Article 4: Nonconforming Uses and Structures.

Section 4.4.1 states that *"As provided in M.G.L. c.40A, § 6, as amended, the alteration, reconstruction, extension or structural change to a nonconforming single or two-family residential structure shall not be considered an increase in the nonconforming nature of the structure and shall be permitted as a matter of right upon a determination by the building inspector or the Zoning Administrator under the following circumstances (ii) Alteration, reconstruction, extension or structural change to a nonconforming one- or two-family structure not affecting the nonconforming aspect of the one- or two-family structure and where the alteration, reconstruction, extension, or structural change will comply with all current dimensional requirements of the zoning ordinance, and provided any such alteration, reconstruction, extension or structural change does not increase the Gross Floor Area of the dwelling by more than twenty-five percent (25%)"*

The structure is currently nonconforming with respect to the following dimensional requirements: lot area, front yard setback, and left side yard setback. The proposal will not impact any nonconforming dimensions. However, the total increase in gross floor area (GFA) will increase by more than 25%. Gross floor area is defined by SZO §2.2.57 as *"the sum area of all floors or accessible levels of a building as measured to the perimeter of the exterior faces of the walls with no deduction for corridors, stairs, closets, thickness of walls, columns or other features"*.

In considering a special permit under §4.4 of the SZO, the Board finds that the alterations/use proposed would not be substantially more detrimental to the neighborhood than the existing structure/use. The proposal will allow for two new dwelling units and allow for overall improvements to the property. The proposal has been designed with setbacks that minimally impact the neighbors and the requirements for number of dwelling units, lot area per dwelling unit, ground coverage, landscape area, pervious area, floor area ratio (FAR), building height, rear yard setback, right side yard setback, and street frontage will continue to be conforming to the requirements of the SZO.

Article 9: Off-Street Parking and Loading.

	<i>Existing</i>		<i>Proposed</i>	
Unit #1	4 BRs	2 spaces	4 BRs	2 spaces
Unit #2		n/a	2 BRs	1.5 spaces
Unit #3		n/a	2 BRs	1.5 spaces
Total		2 spaces		5 spaces



SZO §9.13 allows for sites with nonconforming parking to apply for a Special Permit to modify parking requirements if the total number of spaces is six or fewer. The locus will become nonconforming with respect to the number of required off-street parking spaces as five spaces are required and three will be provided. The proposal to add two two-bedroom units increases the parking requirement by three spaces to a total of five. The site currently has a four car garage that will be demolished and the proposal will provide three surface parking spaces in the rear; one space for each unit. The proposal is within walking distance to Harvard Square and there are also numerous bus routes nearby to make it possible for future residents of this site to live here without needing an automobile.

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 Section 9.1, and upon reaching the findings and determinations set forth in Section 5.1.4”. The Board finds that granting the requested Special Permit is consistent with the purposes of SZO §9.1 and will not cause detriment to increased traffic volumes, traffic congestion of queuing of vehicles, changes in the type of traffic, change in traffic patterns and access to the site, reduction in on-street parking, or unsafe conflicts of motor vehicles and pedestrian traffic.

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 protect health; to secure safety from fire, panic and other dangers; to conserve the value of land and buildings; to adequately protect the natural environment; to encourage the most appropriate use of land throughout the City; 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.”

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 surrounding neighborhood includes numerous multi-residential properties. Line Street includes many flat roofed triple deckers with a few 2.5 story gable roofed structures. The structures on Line Street are all setback a similar distance from the street to form a good street wall.

Impacts of Proposal (Design and Compatibility): There are two schools of thought when it comes to adding onto traditional dwelling structures. One is to replicate the traditional style and try to have it blend in with the existing structure. Another is to have an addition that clearly differentiates itself from the existing building so as to not take away from the traditional character and to showcase the differences between the old and new structures. The Board believes that it would be more preferable from a design perspective to break up the massing into two structures. However, the width of the side yard on this site is too narrow to accommodate a second dwelling structure on the site. Therefore, the Applicant has submitted the current proposal with a modern design that differentiates from the traditional 2.5 story gable roofed structure by proposing a two-story flat roofed addition.

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

6. SomerVision Plan: The proposal will allow for improvements to the property and add dwelling units to the market that are within walking distance to Harvard Square.

<i>SomerVision Summary</i>	<i>Existing</i>	<i>Proposed</i>
<i>Dwelling Units:</i>	1	3



DECISION:

Present and sitting were Members Orsola Susan Fontano, Pooja Phaltankar, Elaine Severino, Danielle Evans, Josh Safdie, and Anne Brockelman with Richard Rossetti absent. 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 proposed addition and to add two dwelling units to the site. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/Plng.			
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>July 19, 2017</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>July 20, 2017 (October 12, 2017)</td> <td>Modified plans submitted to OSPCD (Z1.1, Z1.2, L1.1, L1.2, D1.1, D2.1, D2.2, D2.3, A1.1, A1.2, A2.1, A2.2, A2.3, and A2.4)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission
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Any changes to the approved site plan or elevations/use that are not <i>de minimis</i> must receive SPGA approval.						
Pre-Construction						
2	The Applicant must contact the Engineering Department to confirm the street address of 88 Line Street, 90 Line Street, and 18 Cooney Street prior to a building permit being issued.	BP	Eng.			
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	Eng.			
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	Eng			
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	Plng.	
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 samples for siding, trim, windows, decks, fences, and doors to Planning Staff for review and approval prior to the issuance of a building permit.	BP	Plng.	
10	An exterior light and electrical receptacle is required for the first (or all) level of the porch and an electrical receptacle is required for the second level (if there is no access to the ground).	Final sign off	Wiring Inspector	
Site				
11	Landscaping shall be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD	
12	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	Plng.	
13	Applicant will screen the dumpster with fencing that blocks any view of the dumpster itself.	CO	Plng.	
14	Applicant will supply two bicycle parking spaces, which can be satisfied with U type bicycle racks in the rear of the building	CO	Plng.	
Miscellaneous				
15	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	

16	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	Plng.	
17	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	Plng.	
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.	Ongoing	ISD / Plng.	
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.	Cont.	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	Plng.	
Final Sign-Off				
23	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.	
Other				
24	The hours of construction shall be limited to 7:30 AM – 5:00 PM on Monday-Friday only. There shall be no construction work on Saturdays, Sundays, or holidays.	Ongoing	ISD	

Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chairman*
Elaine Severino
Josh Safdie
Danielle Evans
Pooja Phaltankar

Attest, by the case 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 _____

