



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2018-23
Site: 14 Pearl Street
Date of Decision: September 5, 2018
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: September 11, 2018

ZBA DECISION

Applicant / Owner Name: Adragna Dedic, LLC
Applicant / Owner Address: 100 Dartmouth Street, Somerville, MA 02155
Alderman: Matthew McLaughlin

Legal Notice: Applicant and Owner, Adragna Dedic, LLC, seeks Special Permits under §4.4.1 of the SZO to substantially alter a non-conforming structure through additions and raising the roofline. GFA will increase by more than 25%. Number of units will increase from one to three. Parking relief requested under §9.13 of the SZO. RB zone. Ward 1.

<u>Zoning District/Ward:</u>	RB Zone. Ward 1.
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	February 5, 2018
<u>Date(s) of Public Hearing:</u>	8/8/18, 8/22/18, 9/5/18
<u>Date of Decision:</u>	September 5, 2018
<u>Vote:</u>	5-0

Appeal #ZBA 2018-23 was opened before the Zoning Board of Appeals in the Aldermanic Chambers, Somerville City Hall, 93 Highland Ave, Somerville, MA. 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 September 5, 2018, the Zoning Board of Appeals took a vote.



I. DESCRIPTION:

The Applicant proposes significant overhauling the property including expanding the existing structure, raising the roofline and re-landscaping. The footprint of the existing building will remain while the two additional units will be added to the front of the property. The two new front units meet all setbacks. The number of units will increase from one to three. The locus has the lot area per dwelling unit (lot area per d.u.) ratio to support three residential units. Three parking spaces will remain in the existing garage. This equates to one parking space per unit. Also proposed are six (6) bicycle spaces.

The components of the project requiring zoning relief under special permit are as follows:

Gross Floor Area (GFA)

Under §4.4.1 of the SZO, an Applicant must request a Special Permit in order to increase the GFA by more than 25%. The proposed addition of two more residential units on this parcel will increase the GFA by 45%.

Parking

The proposal requires parking relief for 1.0 space.

II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1 & §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." Section 4.4.1 states that "[l]awfully existing one-and two-family dwellings which are only used as residences, which are nonconforming with respect to dimensional requirements, may be enlarged, extended, renovated or altered by special permit granted by the SPGA in accordance with the procedures of Article 5."*

Section 4.4.1 of the SZO allows for legally-existing, non-conforming one- and two-family residences to be enlarged by Special Permit as long as the proposed changes do not create a situation that is more detrimental to the site or surrounding neighborhood than current conditions.

The need for the Special Permit arises in the case of 14 Pearl Street due to the proposed increase in GFA. As noted earlier in this report, GFA may be increased by more than 25% only under special permit. The proposal for 14 Pearl Street would increase the GFA by 45%. As proposed, the Applicant is able to increase the number of units on the property through the construction of a large addition that will comply with all setbacks and other zoning dimensions.



Section 9.13 of the SZO allows for applicants to request relief from full compliance with parking requirements. In the case of 14 Pearl Street, parking relief for one (1.0) parking space is requested. Under the current zoning ordinance, the amount of on-site parking required is tied to the number of bedrooms per unit. The calculation for 14 Pearl Street appears immediately below along with the Board’s findings regarding parking relief:

Existing			Proposed		
Unit	BDR	PKG	Unit	BDR	PKG
#1	2	1.5	#1	3	2.0
#2	n/a	n/a	#2	3	2.0
#3	n/a	n/a	#3	3	1.5
Total: 1.5			Total: 5.5		

Formula: *new parking requirement – old parking requirement = # of spaces needed*

$$5.5 - 1.5 = 4.0 \text{ new spaces needed}$$

However, three (3) parking spaces will be provided on-site. This further reduces the number of parking spaces needed to 1.0 space. The Board is supportive of this project only providing 3 on-site parking spaces (one per unit). This is consistent with the ZBA’s approach to not over-parking a site and providing more quality green space for the benefit of future residents in lieu of on-site vehicular parking.

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 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 lessen congestion in the streets; to protect health; to secure safety from fire, panic and other dangers; 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; to encourage the most appropriate use of land throughout the City; and to preserve and increase the amenities of the municipality.

The Board also finds that the proposal is consistent with the purpose of the RB district, which is, “[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."*



Surrounding Neighborhood: This portion of Pearl Street, along with the immediate surrounding streets, presents larger residential structures all set forward on their lots, close to the public way. The majority of the residential structures on this street contain two or more units.

Impacts of Proposal (Design and Compatibility): The proposed project will bring result in a larger structure on the site that is clearly newer in styling than many of the other residences on the street, but respectful of the gabled design seen in other extant buildings in the area. The proposal removes a significant amount of green space from the property, decreasing the amount of landscaped area from 49% to 31%, though this amount is still over the minimum required landscaping of 25% in the RB zone. The proposed addition to the existing structure will position the front façade of the building closer to the public way, which is consistent with the other residential structures on the street.

- 5. **Housing Impact:** Will not add to the City’s stock of affordable housing.

- 6. **SomerVision:** The proposal will add two (2) more residential units to the stock of available housing in the City.

III. DECISION:

Special Permit under §4.4.1

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Elaine Severino, Danielle Evans, Anne Brockelman, and Josh Safdie. Upon making the above findings, Richard Rossetti made a motion to approve the request for a Special Permit. Elaine Severino seconded the motion. 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 to increase the GFA by more than 25% through the construction of a large addition that will create two new residential units toward the front of the property and one space of parking relief.	BP/CO	ISD/Plng.									
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>February 5, 2018</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>January 22, 2018</td> <td>Revised plan set submitted to OSPCD</td> </tr> <tr> <td>May 24, 2018</td> <td>Revised plan set submitted to OSPCD</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	February 5, 2018	Initial application submitted to the City Clerk’s Office	January 22, 2018	Revised plan set submitted to OSPCD	May 24, 2018	Revised plan set submitted to OSPCD
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Any changes to the approved elevations that are not <i>de minimis</i> must receive SPGA approval.												
Construction Impacts												



2	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	
3	All construction materials, construction equipment and construction-related shall 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. Permits must be obtained for all dumpsters.	During Construction	T&P/ISD	
4	Construction shall occur from 7:30am – 5:00pm Monday-Friday <u>ONLY</u> . There shall be no construction or construction-related work allowed on the weekends or holidays.	During Construction	ISD	
5	The applicant shall 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/ISD	
6	Complete engineering plans shall be submitted to Engineering for their review and approval prior to the issuance of a building permit.	BP	Engineering/ISD	
Design				
7	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. Vinyl siding, decking, and railings shall not be permitted	BP	Plng./ISD	
Site				
8	A landscaping plan shall be submitted to Planning Staff for their review and approval prior to the issuance of a building permit.	BP	Plng./ISD	
9	Planning Staff shall approve all plantings, including number and location, fencing, hardscape.	Prior to ordering/installation/CO	Plng./ISD	
10	All bituminous material/cement shall be removed from the property. Pervious material shall be used for all driving, walking, and parking areas (unless those parking areas are within a garage).	CO	Plng./ISD	
11	Planning Staff shall approve all pervious material to be used on the property along with its location	BP	Plng./ISD	
12	All trash and recycling areas shall be screened from public view and from abutting properties.	CO	Plng./ISD	
13	Location of trash/recycling areas and screening materials shall be submitted to and approved by Planning Staff prior to installation.	CO	Plng./ISD	
Miscellaneous				
14	Granting of the applied for use or alteration does <u>not</u> 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.	
Public Safety				



15	The Fire Prevention Bureau's requirements shall be met.	CO	FP	
16	Per Somerville fire safety regulations, grills, barbecues, chimineas and the like are NOT permitted on decks or porches.	Perpetual	FP/ISD	
Final Sign-Off				
17	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.	



Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chairman*
Richard Rossetti, *Clerk*
Elaine Severino
Josh Safdie
Danielle Evans

Attest, by City Planner: _____
Sarah White

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 _____

