



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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PLANNING DIVISION

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Case #: ZBA 2016-90
Site: 17 Porter Street
Date of Decision: July 12, 2017
Decision: Petition Approved with Conditions
Date Filed with City Clerk: July 26, 2017

ZBA DECISION

Applicant Name:	Daniel & Amanda Casparriello
Applicant Address:	88 Bay State Avenue, Somerville, MA 02144
Property Owner Name:	Daniel & Amanda Casparriello
Property Owner Address:	88 Bay State Avenue, Somerville, MA 02144
Agent Name:	Richard G. DiGirolamo, Esq.
Agent Address:	424 Broadway, Somerville, MA 02145

Legal Notice: Applicants and Owners, Daniel & Amanda Casparriello, seek a Special Permit with Site Plan Review under Section 7.2 of the SZO to have more than one principal structure on a lot, increase the number of units from two to three, Special Permits under Section 4.4.1 of the SZO to alter a non-conforming structure and parking relief under Article 9* of the SZO.

* It has since been determined that no parking relief is needed.

<u>Zoning District/Ward:</u>	RB zone/Ward 3
<u>Zoning Approval Sought:</u>	§7.2 §4.4.1 & Article 9
<u>Date of Application:</u>	July 25, 2017
<u>Date(s) of Public Hearing:</u>	July 12, 2017
<u>Date of Decision:</u>	July 12, 2017
<u>Vote:</u>	5-0

Appeal #ZBA 2016-90 was opened before the Zoning Board of Appeals at the Somerville High School Auditorium on July 12, 2017. Notice of the Public Hearing was given to persons affected and was published and posted, all as



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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.

DESCRIPTION:

The Applicant proposes to demolish the existing structure and attached garage and construct two principal structures on the same lot. The proposed building fronting on Porter Street is a single-family while the proposed building fronting on Gould Avenue would be a two-family residence. The project will increase the total number of dwelling units on the lot by one.

FINDINGS FOR SPECIAL PERMIT WITH SITE PLAN REVIEW (SZO §7.2 & §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."*

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."

The existing structure is currently non-conforming with respect to right side, left side and front yard setbacks. Under the current proposal, the front yard, left and right side yard setbacks will be made conforming.

Section 7.2 of the SZO states that "...in residence A and Residence B districts, no more than one principal structure per lot shall be permitted except in the following cases:

- a. By special permit with site plan review as authorized by the SPGA in Section 5.2; or*
- b. For a Historic Bed and Breakfast within an existing Historic Carriage House, by special permit as provided in Section 5.1; or*
- c. For a Historic Carriage House Occupation within an existing Historic Carriage House, by special permit as provided in Section 5.2.*

As noted above, in the RB zoning district a Special Permit with Site Plan Review (SPSR) is required in order to build more than one principal structure on the same lot. In the case of 17 Porter Street, the Board finds that the proposal meets the criterion listed under item "a" of Section 7.2 of the SZO.

In considering a special permit under Sections 4.4.1 and 7.2 of the SZO, Staff finds that the proposal for 17 Porter Street would not be substantially more detrimental to the neighborhood than the existing structure.



While the Board prefers that existing structures be renovated rather than demolished, the proposed replacement structure for the existing building does remove some of the non-conformities currently extant on this property, specifically the right and left side yard setbacks. The right yard setback will be increased from one foot to eight feet and the left yard setback will be increased from one foot, eight inches to nine feet (a minimum 8-foot side setback is required for each side yard).

Though the new structure will be taller than the existing building, the increase in height is only one foot eight inches (from 30' to 31' 8").

3. Consistency with Purposes: *The Applicant has to ensure that the project "...is consistent with: 1) the purposes of this Ordinance, particularly those set forth in Article 1 and Article 5; and 2) the purposes, provisions, and specific objectives applicable to the requested special permit with site plan review which may be set forth elsewhere in this Ordinance, such as, but not limited to, those at the beginning of the various sections."*

The proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to promoting 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 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 existing natural features of the site and is compatible with the characteristics of the surrounding area, and that the scale, massing and detailing of the buildings are compatible with those prevalent in the surrounding area".*

The property is located in the RB zone on a corner lot in a residential neighborhood. One of the principal structures will face Porter Street. The second principal structure will front on Gould Avenue which is a private way.

5. Functional Design: *The project must meet "accepted standards and criteria for the functional design of facilities, structures, and site construction."*

Not applicable to this residential project.

6. Impact on Public Systems: *The project will "not create adverse impacts on the public services and facilities serving the development, such as the sanitary sewer system, the storm drainage system, the public water supply, the recreational system, the street system for vehicular traffic, and the sidewalks and footpaths for pedestrian traffic."*

The Board finds that the addition of one residential unit will not result in an adverse impact to the public services, vehicular or pedestrian traffic.

7. 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."*



This residential project is not expected to result in any undue environmental impacts. The Board has conditioned this project such that the issues outlined in the evaluation criteria for this section of the report are addressed.

9. Preservation of Landform and Open Space: *The Applicant has to ensure that “the existing land form is preserved in its natural state, insofar as practicable, by minimizing grading and the erosion or stripping of steep slopes, and by maintaining man-made features that enhance the land form, such as stone walls, with minimal alteration or disruption. In addition, all open spaces should be designed and planted to enhance the attractiveness of the neighborhood. Whenever possible, the development parcel should be laid out so that some of the landscaped areas are visible to the neighborhood.”*

The Board finds that the project, as-proposed, will not result in significant disruption to the landforms currently extant on this site. The project has also been designed to include 46% landscape area (25% is required) and all hardscaped area is proposed at or conditioned to be pervious in nature.

10. Relation of Buildings to Environment: *The Applicant must ensure that “buildings are: 1) located harmoniously with the land form, vegetation and other natural features of the site; 2) compatible in scale, design and use with those buildings and designs which are visually related to the development site; 3) effectively located for solar and wind orientation for energy conservation; and 4) advantageously located for views from the building while minimizing the intrusion on views from other buildings.”*

The Board finds that the project, as proposed, is well-centered on the lot in order to allow for zoning dimensions to be met with regard to setbacks landscaped and pervious space on the lot. Staff further finds that outside spaces such as decks and porches have largely been positioned away from closely abutting properties, with two of the decks/porches facing a private way. Nothing in the siting of the principal structures should inhibit residents of the dwelling units from taking advantage of future energy conservation/solar/wind technologies.

11. Stormwater Drainage: *The Applicant must demonstrate that “special attention has been given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Storm water shall be removed from all roofs, canopies, and paved area, and routed through a well-engineered system designed with appropriate storm water management techniques. Skimming devices, oil, and grease traps, and similar facilities at the collection or discharge points for paved surface runoff should be used, to retain oils, greases, and particles. Surface water on all paved areas shall be collected and/or routed so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create puddles in the paved area. In larger developments, where practical, the routing of runoff through sheet flow, swales or other means increasing filtration and percolation is strongly encouraged, as is use of retention or detention ponds. In instances of below grade parking (such as garages) or low lying areas prone to flooding, installation of pumps or other devices to prevent backflow through drains or catch basins may be required.”*

The Applicant is required to provide full engineering plans to the Engineering Department for their review and sign-off prior to the issuance of a building permit. The Engineering Department will ensure that all stormwater requirements are met and related concerns addressed.

12. Historic or Architectural Significance: *The project must be designed “with respect to Somerville’s heritage, any action detrimental to historic structures and their architectural elements shall be discouraged insofar as is practicable, whether those structures exist on the development parcel or on adjacent properties. If there is any removal, substantial alteration or other action detrimental to buildings of historic or architectural significance, these should be minimized and new uses or the erection of new buildings should be compatible with the buildings or places of historic or architectural significance on the development parcel or on adjacent properties.”*

As noted in the “Comments” section at the beginning of this report, this property was reviewed by the HPC in 2016 under the City’s demolition review ordinance. A 9-month demolition delay was imposed on this



property. Those 9 months have since expired and the Applicant is free to demolish the building in accordance with City regulations overseen by the Inspectional Services Department (ISD). Rather than attempt to imitate the design and style of the building currently extant on the lot, with regard to this project in particular, Staff prefers that new construction not attempt to mimic historic design trends but, instead conform to the general form and massing of individual structures within the neighborhood.

13. Enhancement of Appearance: *The Applicant must demonstrate that “the natural character and appearance of the City is enhanced. Awareness of the existence of a development, particularly a non- residential development or a higher density residential development, should be minimized by screening views of the development from nearby streets, residential neighborhoods of City property by the effective use of existing land forms, or alteration thereto, such as berms, and by existing vegetation or supplemental planting.”*

While the Board finds that the majority of the criteria here do not particularly apply to this residential project, Staff finds that the proposal will provide some enhancement to the immediate neighborhood.

14. Lighting: *With respect to lighting, the Applicant must ensure that “all exterior spaces and interior public and semi-public spaces shall be adequately lit and designed as much as possible to allow for surveillance by neighbors and passersby.”*

Lighting is conditioned at the end of the Staff report.

15. Emergency Access: *The Applicant must ensure that “there is easy access to buildings, and the grounds adjoining them, for operations by fire, police, medical and other emergency personnel and equipment.”*

The Applicant is required to obtain (a) formal address(es) for the second principal structure and the two dwelling units contained therein from the Engineering Department.

16. Location of Access: *The Applicant must ensure that “the location of intersections of access drives with the City arterial or collector streets minimizes traffic congestion.”*

The Board finds that, since the vehicular entry and exit points for all of the units on this property will be from the private way of Gould Avenue, there will be little-to-no additional traffic congestion created by this proposal.

17. Utility Service: *The Applicant must ensure that “electric, telephone, cable TV and other such lines and equipment are placed underground from the source or connection, or are effectively screened from public view.”*

The Board has conditioned that ALL utilities are required to be buried and mechanicals/meters and the like be screened per Planning Staff approval.

18. Prevention of Adverse Impacts: *The Applicant must demonstrate that “provisions have been made to prevent or minimize any detrimental effect on adjoining premises, and the general neighborhood, including, (1) minimizing any adverse impact from new hard surface ground cover, or machinery which emits heat, vapor, light or fumes; and (2) preventing adverse impacts to light, air and noise, wind and temperature levels in the immediate vicinity of the proposed development.”*

As noted earlier in this staff report, the proposal eliminates several dimensional non-conformities, provides pervious hardscaped areas and increases the amount of landscaping on the property. The Board has also conditioned this project such that solid fencing and vegetative screening are installed to buffer views between the new buildings and the closest abutting structures.

19. Signage: *The Applicant must ensure that “the size, location, design, color, texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall reflect the scale and character of the proposed buildings.”*

Not applicable.

20. Screening of Service Facilities: *The Applicant must ensure that “exposed transformers and other machinery, storage, service and truck loading areas, dumpsters, utility buildings, and similar structures shall be effectively screened by plantings or other screening methods so that they are not directly visible from either the proposed development or the surrounding properties.”*

The Board has conditioned this project such that all meters and mechanicals are screened, with staff reviewing the screening mechanisms prior to the issuance of a building permit.

21. Screening of Parking:

Parking for this project will largely be located in garages underneath the two principal structures; four inside parking spaces have been proposed. The Board has conditioned this proposal to include additional vegetative screening between the proposed driveway and public way.

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

The proposal will not impact the existing stock of affordable housing.

23. 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.*

The project will contribute to SomerVision metrics by adding one residential unit to Somerville’s housing stock.



DECISION:

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Danielle Evans, Josh Safdie and Anne Brockelman with Elaine Severino and Pooja Phaltankar absent. Upon making the above findings, Richard Rossetti made a motion to approve the request for a Special Permit with Site Plan Review. Josh Safdie 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 to construct two principal structures on the same lot.	BP/CO	ISD/PIng.											
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>July 25, 2016</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>February 21, 2017</td><td>Updated plans submitted to OSPCD</td></tr><tr><td>May 17, 2017</td><td>Updated plans submitted to OSPCD</td></tr><tr><td>June 14, 2017</td><td>Final plans submitted to OSPCD</td></tr></table>				Date (Stamp Date)	Submission	July 25, 2016	Initial application submitted to the City Clerk’s Office	February 21, 2017	Updated plans submitted to OSPCD	May 17, 2017	Updated plans submitted to OSPCD	June 14, 2017	Final plans submitted to OSPCD
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	June 14, 2017				Final plans submitted to OSPCD									
<u>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.</u>														
Pre-Construction														
2	The Applicant shall be required to demonstrate that the project plans meet the current City of Somerville stormwater policy. Utility, grading, and drainage report and plans stamped by a registered PE in Massachusetts must be submitted to the Engineering Department for review and approval.	BP	Eng.											
3	The Applicant shall contact the Engineering Department to obtain street addresses for the second principal structure on the site and its associated dwelling units.	BP	Eng											
4	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 Storm Water Management Policy.	BP	Eng.											
5	The Applicant shall submit a proposed drainage plan, stamped by a registered PE in Massachusetts that demonstrates compliance with the City’s storm water policy.	BP	Eng.											



6	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	
7	New sanitary connection flows over 2,000 GPD require a 4:1 removal of infiltration and/or inflow by the Applicant. This will be achieved by submitting a mitigation payment to the City based on the cost per gallon of I/I to be removed from the sewer system. The Applicant shall work with Engineering to meet this condition before a certificate of occupancy is issued.	CO	Eng.	
Design				
8	Applicant shall provide final material samples for siding, trim, windows, and doors to Planning Staff for review and approval prior to construction. No vinyl shall be used on this property.	BP	Plng./ISD	
9	The Applicant shall work with Staff on the type and articulation of exterior materials on the building envelope. Planning Staff shall have the final sign-off on all exterior materials used on this property including windows and doors.	BP	Plng/ISD	
Construction Impacts				
10	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	
11	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.	
12	Approval is subject to the Applicant's and/or successor's right, title and interest in the property.	Cont.	Plng.	Deed submitted & application form signed
13	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	
14	<u>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.</u>	During Construction	ISD	



15	The Applicant shall ensure that all food waste associated with construction personnel be removed from the premises at the end of each work day.	During Construction	ISD	
Site				
16	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	
17	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	
18	All landscaping materials, screening materials and materials used for parking/driveway areas shall first be reviewed and approved by Planning Staff prior to their installation and again prior to final sign-off.	BP/CO	Plng/ISD	
19	A 6-foot, solid wood privacy fence shall be erected on the property line between 17 Porter Street and 15 Porter Street.	CO	ISD/Plng	
20	The Applicant shall ensure that residents and visitors to 13 Alpine Street (and construction crews) do not park in the parking spot immediately to the right of the 13 Alpine Street property line.	During construction /perpetual	ISD	
21	The Applicant shall provide Planning Staff with a final list of plantings and their locations for Staff's review and approval prior to the issuance of a Building Permit.	BP	Plng/ISD	
22	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/ISD	
23	Additional landscaping shall be required to screen the driveway located off of Gould Avenue from being viewed from Porter Street. Plans, including design, location and plant types shall be submitted to Planning Staff for their review and approval.	BP	Plng/ISD	
24	Asphalt and cement shall not be used for any driveways, turnabouts, sidewalks or the like. Pervious pavers, brick or pea stone shall be used. Planning Staff shall review and approve all such materials prior to the issuance of a building permit and prior to their installation.	BP	Plng/ISD	
25	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	Wiring-Electrical/ISD	



26	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	Wiring-Electrical/ISD	
Public Safety				
27	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
28	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.	
29	All smoke detectors shall be hard-wired.	CO	Fire Prevention / ISD	
30	Grills, barbecues, chimineas and the like are NOT permitted on decks. This shall be written into any condo documents or rental agreements.			
Final Sign-Off				
31	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*
Danielle Evans
Josh Safdie
Anne Brockelman (Alt.)

Attest, by the Administrative Assistant:

Dawn M. Pereira

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 _____

