



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

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Case #: ZBA 2017-54
Site: 30 Putnam Street
Date of Decision: July 12, 2017
Decision: Petition Approved with Conditions
Date Filed with City Clerk: July 26, 2017

ZBA DECISION

Applicant Name:	Hudson Santana
Applicant Address:	409 Norfolk Street, Cambridge, MA 02139
Property Owner Name:	Doris Garvey
Property Owner Address:	30 Putnam Street, Somerville, MA 02143
Agent Name:	Richard G. DiGirolamo, Esq.
Agent Address:	424 Broadway, Somerville, MA 02145

Legal Notice: Applicant, Hudson Santana, and Owner, Doris Garvey, seek a Special Permit under Section 4.4.1 of the Somerville Zoning Ordinance (SZO) to alter a nonconforming 3-family structure to a 2-family residential building with a rear addition and new dormers.

<u>Zoning District/Ward:</u>	RA zone/Ward 3
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	May 11, 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 2017-54 was opened before the Zoning Board of Appeals 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 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:

This request is to convert the structure to a two-family – the basement level as a two-bedroom unit and the upper floors for a four bedroom unit. Along with the complete renovation of the existing wood-frame building, the request proposes a rear addition to accommodate a three-car garage, roof decks, and some additional living space.

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 §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: RA - Residence A

The structure is currently nonconforming with respect to the following dimensional requirements:

	Required	Existing	Proposed	Notes
Min. Lot Size (sf)	10000	5650	5650	pre-existing non-conformity
Min. Lot Area per Dwelling	2250	1883	2825	pre-existing non-conformity
Max. Ground Coverage	50%	25%	36%	
Min. Landscaped Area	25%	61%	36%	
Floor area ratio (F.A.R.)	0.75	0.57	0.75	
Max. Height (ft)	35'	32'	32'	
Max. Height (stories)	2.5	2.5	2.5	
Min. front yard (ft)	15'	12.2'	7'-1"	pre-existing non-conformity
Min. side yards (ft): Left	8'	6'-1"	6'-1"	pre-existing non-conformity
Min. side yards (ft): Right	17'	10'-6"	10'-6"	pre-existing non-conformity
Min. rear yards (ft)	20'	54.1'	20'	
Min. frontage (ft)	50'	50'	50'	
Min. Pervious Area	35%	61%	36%	

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 proposed alterations to a nonconforming structure requires the Applicant to obtain special permits under §4.4.1 of the Somerville Zoning Ordinance (SZO) due to existing non-conforming dimensions.

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 less than six. 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”. As the number of units decrease, the parking for this property will be reduced – 5 spaces were previously required (for 1 2-bedroom and 2 1-bedroom units) with only 1 space provided in the driveway. The proposed 2-bedroom and 4-bedroom units require only 4 spaces and therefore does not require parking relief. However, the applicant is proposing a three-car garage as part of the rear addition which will improve the on-street parking situation.

As the existing non-conformities are either maintained or improved, in considering a special permit under §4.4 or 4.5 of the SZO, Staff find that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure.

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 I, 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 conserve the value of land and buildings; to preserve the historical and architectural resources of the City; to encourage the most appropriate use of land throughout the City; 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 also consistent with the purpose of the district, which is, “to establish and preserve quiet neighborhoods of one- and two-family homes, free from other uses except those which are both compatible with and convenient to the residents of such districts”.

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. This proposal meets those purposes and does not increase the amount of required parking on the property.

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: Prospect Hill neighborhood consists of mostly 2-1/2 story two-family residences - very similar to the subject property.

Impacts of Proposal (Design and Compatibility):

The proposal will have only marginal impact on the adjacent properties and the neighborhood as the renovation is mostly interior and the addition is to the rear of the existing structure. The lot is long enough to accommodate the proposed structure and still meet the rear setback requirements so only the existing non-conforming side setbacks will be extended. The right side of the existing structure is on the property line so no operable windows have been proposed however, the 3rd floor dormer (providing head height for the stairs) should be detailed as a double window to match the dormer for the bathroom on the left side of the roof.

5. Adverse 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.*

Impacts of Proposal (Environmental):



While the overall percentages of landscape area and pervious surface decrease, the quality of the plantings and paving materials increase. The proposal will likely have positive impacts environmentally as the larger than usual lot allows for existing trees to remain. Replacing part of the asphalt driveway with permeable concrete pavers will create more opportunities for stormwater run-off to be absorbed prior to entering the city’s combined drainage system.

6. Vehicular and pedestrian circulation: *The circulation patterns for motor vehicles and pedestrians which would result from the use or structure will not result in conditions that create traffic congestion or the potential for traffic accidents on the site or in the surrounding area.*

Impacts of Proposal (Circulation):

The access for this property will continue to be the shared driveway. The circulation patterns through the neighborhood are unlikely to change based on this proposal but the local parking situation could improve due to more off-street spaces being provided.

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

Impacts of Proposal (Housing):

This proposal will have no change to the stock of affordable housing. While there is a reduction in the unit count, the upper unit will be owner-occupied by a family requiring a larger home (4-bedrooms).

7. SomerVision Plan: *Complies with the applicable goals, policies and actions of the SomerVision plan, including the following: Preserve and enhance the character of Somerville’s neighborhoods, and 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. 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.*

<u>SomerVision Summary</u>	<u>Existing</u>	<u>Proposed</u>
<i>Dwelling Units:</i>	3	2
<i>Affordable Units:</i>	0	0
<i>Commercial Sq. Ft.:</i>	0	0
<i>Estimated Employment:</i>	0	0
<i>Parking Spaces:</i>	1	3
<i>Publicly Accessible Open Space:</i>	0	0



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. 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 for the renovation of an existing structure from 3-family to 2-family and a rear addition incorporating a 3-car garage with roof deck and additional living spaces. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/ Planning							
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>May 18th, 2017</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>June 16th, 2017</td> <td>Modified plans submitted to OSPCD (T1, Z1.1-1.3, L1, A0.1, A1.1-1.4, A2.1-2.4, and 4 sheets of existing conditions)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	May 18 th , 2017	Initial application submitted to the City Clerk's Office	June 16 th , 2017	Modified plans submitted to OSPCD (T1, Z1.1-1.3, L1, A0.1, A1.1-1.4, A2.1-2.4, and 4 sheets of existing conditions)
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Any changes to the approved plans or elevations that are not <i>de minimis</i> must receive SPGA approval.										
Pre-Construction										
2	The Applicant must contact the Engineering Department to obtain a street address prior to a building permit being issued.	BP	Engineering							
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	Engineering							
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	Engineering							
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	Planning	
7	Approval is subject to the Applicant's and/or successor's right, title and interest in the property.	Cont.	Planning	Deed submitted & application form signed
8	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	
9	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				
10	Applicant shall provide final material samples and colors for siding, trim, windows, and doors to Planning Staff for review and approval prior to the issuance of a building permit.	BP	Planning	
11	Revised elevations will be submitted for Planning Dept review and approval prior to Building Permit to show the 3 rd floor dormer (providing head height for the stairs) should be detailed as a double window to match the dormer for the bathroom on the left side of the roof.	BP	Planning	
12	An exterior light and electrical receptacle is required for all levels of the porch and decks.).	Final sign off	Wiring Inspector	
Site				
13	Landscaping shall 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	
14	There shall be a minimum of one new tree for each 1,000 sf of required landscaped area under SZO §10.3.	Perpetual	Planning /ISD	
15	Existing trees over 8" diameter breast height must be reviewed with the City Arborist prior to the commencement of any demolition or construction on the site. Should the City Arborist determine that these trees can be protected and maintained during construction, a revised landscape plan must be submitted for review and approval by Planning.	BP	Planning /ISD	
16	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	
17	All new sidewalks will be installed by the Applicant in accordance with the specifications of the Highway Superintendent. All driveway aprons shall be concrete.	CO	Planning	



Miscellaneous				
18	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.	BP	Planning /ISD	
19	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	Planning /ISD	
20	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.	Cont.	ISD	
21	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				
22	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
23	Any transformers should be located as not to impact the historic building or landscaped area, and shall be fully screened.	Electrical permits & CO	ISD	
24	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	
25	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				
26	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*
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 _____

