



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2017-25-R1-9/2017
Site: 81 Sacramento Street
Date of Decision: November 29, 2017
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: November 30, 2017

ZBA DECISION

Applicant Name: Sophia and Frank Maniaci
Applicant Address: 81 Sacramento Street, Somerville, MA 02143
Property Owner Name: Sophia and Frank Maniaci
Property Owner Address: 81 Sacramento Street, Somerville, MA 02143
Agent Name: None

Legal Notice: Applicants and Owners, Sophia and Frank Maniaci, seek a revision to a previously approved special permit (ZBA 2017-25 approved in May 2017) under §5.3.8 of the Somerville Zoning Ordinance to increase the height of a portion of the nonconforming structure to add another level of living area. RC zone. Ward 2.

Zoning District/Ward: RC Zone. Ward 2
Zoning Approval Sought: §4.4.1
Date of Application: September 14, 2017
Date(s) of Public Hearing: 10/18/17 and 11/29/17
Date of Decision: 11/29/17
Vote: 5-0

Appeal #ZBA 2017-25-R1-9/2017 was opened before the Zoning Board of Appeals in the Aldermanic Chambers located on the second floor of Somerville City Hall, 93 Highland Avenue. 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 two hearings of deliberation, the Zoning Board of Appeals took a vote.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
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DESCRIPTION:

The previous proposal was to construct a second story addition in the rear of the structure above the existing first story. The building footprint of the existing structure will not change. The new proposal is to add an additional level within the same building footprint to create a home office and a bathroom.

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."*

The structure is currently nonconforming with respect to the following dimensional requirements: lot area, front, rear, left and right yard setbacks, street frontage, and the number of off-street parking spaces.

The proposal will impact the nonconforming dimensions of the required rear yard and the left and right side yard setbacks. The current dimensions for the rear yard and left side yard are 19.1 feet and 2.8 feet respectively and the requirements in the RC zone are 20 feet and 10 feet respectively. The current dimension for the right side yard is 2.3 feet where 10 feet is required. The proposal to increase the height from 23 feet to 32' – 2" is an extension within the required setbacks; however, the structure will not encroach any further into either of the required setbacks. The rear part of the house jogs in by approximately 0.625 feet on the left; therefore, the location of the structure where the proposed addition will occur is approximately 3.125 feet from the left property line. This alteration to a nonconforming structure requires the Applicant to obtain special permits under §4.4.1 of the Somerville Zoning Ordinance (SZO).

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."

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. The proposal will allow the applicants/owners to expand their living area without encroaching further into the required setback. The proposal has been designed with setbacks that minimally impact the neighbors and the requirements for lot area per dwelling unit, ground coverage, landscaped area, pervious area, floor area ratio, and building height will continue to be conforming to the requirements of the SZO.

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 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 preserve the historical and architectural resources of the City; 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 RC district, which is, “to establish and preserve a district for multi-family residential and other compatible uses which are of particular use and convenience to the residents of the district.”

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: Sacramento Street is located off of Beacon Street. This particular neighborhood is comprised of multi-family dwelling structures, mixed-use structures, a supermarket, and numerous small commercial establishments along Beacon Street. The building is one of the smallest buildings in the neighborhood and is between a seven unit apartment building to the east and an eleven unit apartment building to the west.

Impacts of Proposal (Design and Compatibility): The siding material is currently vinyl. The front and sides will remain as vinyl siding as it is covering asbestos. The entire back of the house, including the previously approved addition, will have the vinyl siding and asbestos shingles removed and replaced with clapboards which will be color matched to match the rest of the house. The new siding on the front will use the exact same vinyl to match the rest of the front. The new levels on the side and rear will use clapboards. The proposal is to use grey clapboards to match the rest of the house and also trim work to tie in with existing trim. The proposed height increase does add bulk to the top of the structure but the form is such that the appearance from the street will not change drastically. Given the surrounding area the proposed changes would not have much of an impact on the design and compatibility of the surrounding area.

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

The proposal 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, 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 Board finds that the proposal complies with the SomerVision Plan as the proposal respects the character and built form of the neighborhood.

DECISION:
Special Permit under §4.4.1

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Elaine Severino, Anne Brockelman, and Josh Safdie with Danielle Evans and Pooja Phaltankar absent. Upon making the above findings, Richard Rossetti 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 construction of a third story addition. 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>September 14, 2017</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>November 15, 2017</td> <td>Modified plans submitted to OSPCD</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	September 14, 2017	Initial application submitted to the City Clerk’s Office	November 15, 2017	Modified plans submitted to OSPCD
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Any changes to the approved elevations/use that are not <i>de minimis</i> must receive SPGA approval.										
Pre-Construction										
2	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							
Construction Impacts										
3	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.							
4	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							



5	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				
6	Applicant shall provide final material samples for siding, trim, windows, and doors to Planning Staff for review and approval prior to construction.	BP	Plng.	
Site				
7	Landscaping shall be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD	
Miscellaneous				
8	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				
9	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
10	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				
11	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
Anne Brockelman

Attest, by the 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 _____

