



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2018-111
Site: 107 School St
Date of Decision: September 17, 2018
Decision: Petition Approved with Conditions
Date Filed with City Clerk: September 26, 2018

ZBA DECISION

Applicant: Todd Denman
Applicant Address: 101 School Street, Somerville, MA 02143
Owner: Estate of Alfred A & Elizabeth M. La Valley
Owner Address: c/o Atty. David W. Carr, 4 Newman Way, Arlington, MA 02476
Alderman: Ben Ewen-Campen

Legal Notice: Applicant, Todd Denman, and Owner, the Estate of Alfred A. & Elizabeth M. La Valley, seek Special Permits under §4.4.1 of the SZO for the upward extension of the non-conforming left side yard setback, an increase in Gross Floor Area (GFA) by more than 25%*, and to construct a dormer within the left side yard setback. Parking relief under Article 9 of the SZO**. RA zone. Ward 3.

<u>Zoning District/Ward:</u>	RA Zone. Ward 3.
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	August 2, 2018
<u>Date(s) of Public Hearing:</u>	September 17, 2018
<u>Date of Decision:</u>	September 17, 2018
<u>Vote:</u>	4-0

Appeal #ZBA 2018-111 was opened before the Zoning Board of Appeals in the Aldermanic Chambers 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 one hearing of deliberation, the Zoning Board of Appeals took a vote.



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

The Applicant proposed increasing the number of units from one to two. This can be done by-right and does not need special permitting. The Applicant also proposes constructing a dormer within the non-conforming left side yard setback and upwardly increasing the non-conforming left side yard setback by adding another story. The Applicant proposes providing one parking space per unit. The property will be re-landscaped.

No parking relief is needed for this project. The reasoning for this appears immediately below:

Unit #	Existing BDR	Req. Parking	Unit #	Proposed BDR	Req. Parking
#1	4	2.0	#1	2	1.5
#2	n/a	n/a	#2	3	2.0
Total:		2.0	Total:		3.5

Parking calculation: *New parking requirement – Old parking requirement = # of new spaces needed**

107 School Street: $3.5 - 2.0 = 1.5$ new spaces

The Applicant proposes providing one new on-site parking space. This leaves for .5 additional spaces to be provided. Since this .5 is less than 1.0 (see * below), no parking relief is needed.

*When this number is less than 1.0 or a negative number, no parking relief is needed.

The following aspects of the proposal require zoning relief from the ZBA in the form of special permitting:

Left side yard setback

Additional story The left façade of the existing structure sits 4.6 feet from the property line. This left side yard setback is non-conforming as the minimum required side yard setback in the RA zone is 8 feet. The proposal to add another story to the building creates an upward extension of this non-conforming setback, thus triggering the need for a special permit.

Dormer In addition to the upward extension, the Applicant also proposes adding a dormer on the left elevation. In the RA zone, a dormer cannot be more than 50% of the roof plane to which it is attached. The proposed dormer is 18' 6 ½" in length while the roof plane to which it will be attached is 55' 6". The proposed dormer is well below the 50% roof plan length maximum allowed.

II. FINDINGS FOR SPECIAL PERMITS (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." 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.

As noted earlier in this report, the trigger for special permitting is the work being done within the non-conforming left side yard setback (see "Proposal" above).

Left side yard setback

Additional story As noted earlier in this report, the left façade of the existing structure sits 4.6 feet from the property line. This left side yard setback is non-conforming as the minimum required side yard setback in the RA zone is 8 feet. The proposal to add another story to the building creates an upward extension of this non-conforming setback, thus triggering the need for a special permit.

The portion of School Street on which this property is found descends gradually yet steeply away from Highland Avenue and toward Summer Street. The increase in building height to 2 ½ stories from 1 ¾ stories will be most noticeable from the right elevation when looking up at the property in the direction of Highland Avenue.

2 ½-story, one- and two-unit residential structures are common along the opposite side of School Street before and immediately after its intersection with Oxford Street as well as at the intersection of School and Summer Streets on the odd-numbered side. The proposal to increase the height of the existing building would align 107 School Street with similarly-situated one-and-two family gable-fronted structures on the street.

Dormer In addition to the upward extension, the Applicant also proposes adding a dormer on the left elevation. In the RA zone, a dormer cannot be more than 50% of the roof plane to which it is attached. The proposed dormer is 18' 6 ½" in length while the roof plane to which it will be attached is 55' 6". The proposed dormer is well below the 50% roof plan length maximum allowed. The dormer will provide the ½ story with additional head room in order to accommodate a stairwell and bathroom for this floor.

Other properties along the street present dormers of varying sizes and varying degrees of aesthetic success including 71, 73, 77, 114, and 118-120 School Street.

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 RA district, which is, "[t]o 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."

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."*

The Board has discussed these findings above in "Compliance with Standards" and reiterates them here.

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

6. SomerVision: The proposal conforms to the purposes of SomerVision in that proposal will add one unit to the City's available housing stock.

DECISION:

Special Permit under §4.4.1

Present and sitting were Members Orsola Susan Fontano, Elaine Severino, Anne Brockelman, and Josh Safdie. Upon making the above findings, Josh Safdie made a motion to approve the request for a Special Permit. Elaine Severino seconded the motion. The Zoning Board of Appeals voted **4-0** to **APPROVE** the request. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes
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1	Approval is for the upward extension of the non-conforming left side yard setback through the construction of an additional story, and the construction of a dormer within the left side yard setback.	BP/CO	ISD/Plng.					
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>August 2, 2018</td><td>Initial application submitted to the City Clerk’s Office</td></tr></table>				Date (Stamp Date)	Submission	August 2, 2018	Initial application submitted to the City Clerk’s Office
	Date (Stamp Date)				Submission			
August 2, 2018	Initial application submitted to the City Clerk’s Office							
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.								
Design								
2	All exterior materials, including, but not limited to windows, doors, siding, roofing, trim, and the like, shall be submitted to Planning Staff for their review and approval prior to the issuance of a building permit. Vinyl siding, railings, balusters and similar shall not be approved.	BP	Planning Staff / ISD					
Construction Impacts								
3	The Applicants 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					
4	The applicants 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/ISD					
5	All construction materials and equipment shall be stored onsite. If occupancy of the street layout is required, such occupancy shall 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					
6	The Applicants 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 to April and there is a list of streets that have additional opening restrictions.	BP (only if opening the street is needed)	Eng					
7	The Applicants shall ensure that all food waste is removed from the project site on a daily basis.	During construction	ISD					
8	Construction and construction-related work shall occur between <u>7:30am and 5:00pm Monday through Friday only</u> . No construction or construction-related work shall occur on the weekends or holidays.	During construction	ISD					
9	Rodent baiting/control shall be undertaken as-needed.	During construction	ISD					
Site								



10	All mechanical equipment shall be screened from the view of the street and from abutting properties.	CO & Perpetual	Plng. / ISD	
11	All venting shall be painted or wrapped to match the color of the portion of the house from which it protrudes.	CO & Perpetual	Plng. / ISD	
12	All garbage and recycling shall be screened from the view of the street and abutting properties.	CO & Perpetual	Plng. / ISD	
13	All bituminous material shall be removed from the side and pervious pavers or similar shall be used for all parking/driving areas. All hardscape materials shall first be reviewed and approved by Planning Staff prior to installation.	CO	Plng/ISD	
Public Safety				
14	The Applicants shall meet the Fire Prevention Bureau's requirements.	CO	FP	
15	As per City regulations, there shall be no grills or similar cooking/heating equipment allowed on any decks or porches at any time.	Perpetual	FP/ISD	
16	All smoke detectors shall be hard-wired.	CO	Fire Prevention / ISD	
17	All exterior lighting shall be downcast and shall not cast illumination toward or onto abutting properties in any way.	CO	ISD	
Final Sign-Off				
18	The Applicants 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*
Anne Brockelman
Elaine Severino
Josh Safdie

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 _____

