



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
JOSEPH A. CURTATONE
MAYOR

PLANNING DIVISION

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JOSH SAFDIE (ALT.)

Case #: ZBA #2012-53
Site: 278 Cedar Street
Date of Decision: July 11, 2012
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: July 23, 2012

ZBA DECISION

Applicant Name:	Marianne & Patrick Grenham
Applicant Address:	47 Summit Road, Medford, MA 02155
Property Owner Name:	Marianne & Patrick Grenham
Property Owner Address:	47 Summit Road, Medford, MA 02155
Agent Name:	Richard G. DiGirolamo, Esq.
Agent Address:	424 Broadway, Somerville, MA 02145

<u>Legal Notice:</u>	Applicants and Owners, Marianne and Patrick Grenham, seek a Special Permit to alter a nonconforming structure under SZO §4.4.1 to construct a two story addition at the rear of an existing three-family dwelling.
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<u>Zoning District/Ward:</u>	RB zone/Ward 5
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	May 23, 2012
<u>Date(s) of Public Hearing:</u>	July 11, 2012
<u>Date of Decision:</u>	July 11, 2012
<u>Vote:</u>	5-0

Appeal #ZBA 2012-53 was opened before the Zoning Board of Appeals at Somerville City Hall on July 11, 2012. 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.



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DESCRIPTION:

The subject property slopes downward from front to back as one moves towards the rear of the lot. While the Assessor's Database indicates that the structure is only 1½ stories, the rear of the dwelling acts more as a 2½ story building. There is a garden level unit, a first floor unit that is at grade with Cedar Street, and a second floor unit. The garden level contains a studio apartment and a community laundry area. The first floor contains a three bedroom dwelling unit with a kitchen, dining room, living room, a bathroom, and a study. The second floor is a one bedroom apartment with a living room, kitchen, a bathroom, and access to a private outdoor deck space. All of the units are accessed through a common front door off of Cedar Street. The Applicants are proposing a 575 net square foot rear addition that would increase living space for the garden level and first floor units.

The garden level unit would change from a studio apartment to a one bedroom unit and include a new study. Five new windows and a new doorway would be added to the left side of the structure and one new window would be added to the rear facade, allowing additional natural light to penetrate into the dwelling unit. On top of this proposed garden level unit addition, the first floor unit would add new private outdoor deck space (approximately 240 square feet) and enlarge and shift one of the bedrooms further back into the unit. The existing middle bedroom at the rear of the unit would then become common space and provide access to the new outdoor deck area. The newly created bedroom would have three windows on the left side and one on the rear, along with a door that would provide access directly out onto the private outdoor deck space. As part of these proposed alterations the Applicant has applied for and received permission from the Department of Public Works to install a new curb cut at the rear of the property with access to Wilson Avenue. This new curb cut allows for the addition of four new parking spaces at the rear of the property which will bring the lot into parking compliance as there is already one off-street parking space off of Cedar Street.

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 Permit.
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."

In considering a Special Permit under §4.4 of the SZO, the Board finds that the proposed alterations would not be substantially more detrimental to the neighborhood than the existing structure. The proposed addition will maintain the structure's existing side yard setback depths and only extend deeper into the lot towards Wilson Avenue. However, the addition will maintain all other dimensional requirements at the property. This includes landscaping and pervious surface at the property, which will be reduced but still be compliant even with the addition of four off-street parking spaces at the rear of the lot. In fact, these four new spaces will take a residential use that is nonconforming with regard to parking and make it conforming. The property will remain a 1½ story, three-family residential use which is consistent with the surrounding neighborhood.

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 providing for and maintaining "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



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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 encourage the most appropriate use of land throughout the City; and to encourage housing for persons of all income levels.”

The proposal is consistent with the purpose of the district (6.1.2. RB – Residence Districts), which is, “To establish and preserve medium density neighborhoods of one-, two- and three-family homes, free from other uses except those which are 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 proposed rear addition has been designed to be compatible with the characteristics of the built and unbuilt surrounding area. The alterations to the structure are occurring well back from the street edge at the rear of the lot and therefore the changes will not greatly impact the view along the Cedar Street streetscape. The proposed addition will maintain the structure’s existing side yard setback depths and only extend deeper into the lot towards Wilson Avenue. There are no character-defining features located at the rear of the building that will be affected by this proposal. The addition should also greatly increase the amount of natural light that will be able to penetrate into the garden level unit through the addition of six new windows. This should greatly improve the habitable space of this dwelling unit. Four additional off-street parking spaces will also be added at the rear of the lot which will take this residential use that is nonconforming with regard to parking and make it conforming. This should help to ease the on-street parking situation in the surrounding neighborhood. The property will remain a 1½ story, three-family residential use which is consistent with the surrounding neighborhood

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.

No adverse environmental impacts are anticipated as part of this proposal. No new noise, glare, smoke, vibration, nor emissions of noxious materials nor pollution of water ways or ground water nor transmission of signals that interfere with radio or television reception are anticipated as part of the project. The proposed addition will maintain the structure’s existing side yard setback depths and only extend deeper into the lot towards Wilson Avenue. However, the addition will maintain all other dimensional requirements at the property. This includes landscaping and pervious surface at the property, which will be reduced but still be compliant with the requirements for the RB district, even with the four additional off-street parking spaces that will be added at the rear of the lot. This reduction of landscaping and pervious area should only have a minimal impact, if any, on the stormwater runoff situation at the property.

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.

The resulting traffic and parking impacts on the abutters and the surrounding neighborhood should be minimal and may actually be beneficial. As part of the proposed rear addition, the Applicant has applied for and received permission from the Department of Public Works to install a new curb cut at the rear of the property. This new curb cut allows for the addition of four new parking spaces to be created at the rear of the property which will bring the subject property into parking compliance as there is already one off-street parking space off of Cedar Street. While the new curb cut which provides access to the four new parking spaces will bring additional traffic down Wilson Avenue, the new off-street spaces should help to ease the on-street parking situation in the surrounding neighborhood. The new curb cut will not be detrimental to the pedestrian circulation patterns on Wilson Avenue as Wilson is a dead end street and pedestrian traffic is quite limited on it. There are no curb cuts or parking changes proposed for the existing situation along Cedar Street.



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DECISION:

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Scott Darling, and Josh Safdie with Danielle Evans and Elaine Severino absent. Upon making the above findings, Susan Fontano made a motion to approve the request for a Special Permit. Scott Darling 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 alter a nonconforming structure under SZO §4.4.1 to construct a two story addition at the rear of an existing three-family dwelling. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/PIng.															
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>(May 23, 2012)</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>September 21, 2011 (June 25, 2012)</td><td>Plot Plan</td></tr><tr><td>June 1, 2012 (June 25, 2012)</td><td>Existing Floor Plans and Elevations (X1 – X7)</td></tr><tr><td>April 30, 2012 (June 25, 2012)</td><td>Proposed Floor Plans and Elevations (A1 – A7)</td></tr><tr><td>April 30, 2012 (June 25, 2012)</td><td>Building Sections (A8 and A9)</td></tr><tr><td>April 30, 2012 (June 25, 2012)</td><td>Electrical Plans (E1)</td></tr></table>				Date (Stamp Date)	Submission	(May 23, 2012)	Initial application submitted to the City Clerk’s Office	September 21, 2011 (June 25, 2012)	Plot Plan	June 1, 2012 (June 25, 2012)	Existing Floor Plans and Elevations (X1 – X7)	April 30, 2012 (June 25, 2012)	Proposed Floor Plans and Elevations (A1 – A7)	April 30, 2012 (June 25, 2012)	Building Sections (A8 and A9)	April 30, 2012 (June 25, 2012)	Electrical Plans (E1)
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Any changes to the approved site plan or elevations that are not de minimis must receive SPGA approval.																		
2	All construction materials and equipment, including dumpsters, 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															
3	The Applicant or Owner shall meet the Fire Prevention Bureau’s requirements.	CO	FP															
4	The Applicant or Owner shall install a code compliant fire alarm system.	CO	FP															



5	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	
6	New siding type and color, roofing, trim, and materials of the addition shall match or be complimentary to the rest of the existing structure.	CO	Plng.	
7	The Applicant or Owner shall install one (1) exterior light fixture and one (1) exterior electrical receptacle for the new outdoor deck space.	CO	Wiring Inspector	
8	The Applicant or Owner shall install the four (4) parking spaces at the rear of the property as shown on the Certified Plot Plan with an OSPCD stamp date of June 25, 2012.	CO	Plng.	
9	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:

Herbert Foster, *Chairman*
Orsola Susan Fontano, *Clerk*
Richard Rossetti
T.F. Scott Darling, III, Esq.
Josh Safdie (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 _____



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