



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

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**Case #: ZBA 2015-80**  
**Site: 70 Craigie Street**  
**Date of Decision: January 6, 2016**  
**Decision: Petition Approved with Conditions**  
**Date Filed with City Clerk: January 19, 2016**

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**ZBA DECISION**

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<b>Applicant Name:</b>	Somervista, LLC
<b>Applicant Address:</b>	100 Pacific Street, Unit #6, Cambridge, MA 02139
<b>Property Owner Name:</b>	Somervista, LLC
<b>Property Owner Address:</b>	100 Pacific Street, Unit #6, Cambridge, MA 02139
<b>Agent Name:</b>	Richard G. DiGirolamo, Esq.
<b>Agent Address:</b>	424 Broadway, Somerville, MA 02145

<u>Legal Notice:</u>	Applicant/Owner, Somervista, LLC, seeks a Special Permit to alter a nonconforming 3-family structure by adding an approx. 2,500 sf addition and a dormer on the existing house.
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<u>Zoning District/Ward:</u>	RB zone/Ward 3
<u>Date of Application:</u>	September 8, 2015
<u>Date(s) of Public Hearing:</u>	10/21/15 - 1/6/16
<u>Date of Decision:</u>	January 6, 2016
<u>Vote:</u>	5-0

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Appeal #ZBA 2015-80 was opened before the Zoning Board of Appeals at Somerville City Hall on October 21, 2015. 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 proposal is to add an addition to the back of the structure and finish the basement for a total additional area in the building of 4,964 square feet.

All three units will be accessible from the front door along Craigie Street. The front porch will be altered to create two additional sets of stairs and doors to access two of the units directly from the porch. All three units will be multilevel. Two units will have four bedrooms and one unit will contain three bedrooms.

The garage in the rear will be retained, which contains space for four cars. A garage is also proposed in the rear addition with two parking spaces. The result is that six parking spaces will be onsite.

The landscaping in the front yard, excluding the vegetation directly along the porch, will be retained. Two hydrangea bushes and 14 evergreen shrubs will be planted on the left side of the existing driveway. The right yard will contain an exterior stair to the basement, two window wells and a patio with a six foot fence along this portion of the yard. A 3 inch caliper dogwood will be installed in the front yard.

**FINDINGS FOR SPECIAL PERMIT:**

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: right side yard setback.

The proposal will impact the side yard setback. The current setback is 6.3 feet and the required for a 2 ½ story house is 8 feet. A window well, stairs to the basement and a patio will be within the existing 6.3 foot setback. The proposed addition will be setback approximately 10 feet. 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 nonconforming structures other than one- and two-family dwellings may be enlarged, extended, renovated or altered only by special permit authorized by the SPGA in accordance with the procedures of Article 5. The SPGA must find that such extension, enlargement, renovation or alteration is not substantially more detrimental to the neighborhood than the existing nonconforming building. In making the finding that the enlargement, extension, renovation or alteration will not be substantially more detrimental, the SPGA may consider, without limitation, impacts upon the following: traffic volumes, traffic congestion, adequacy of municipal water supply and sewer capacity, noise, odor, scale, on-street parking, shading, visual effects and neighborhood character."

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 Board is not supportive of buildings that place units behind other units because they relocate the front door activity away from the street and



into side or rear yards. Also, Fire Prevention is not supportive of front entrances that are not visible from the street. The current proposal was altered to address this concern. The front door for all of the units is located on the front porch.

The proposal was also altered to address Board concern regarding the massing and height of the addition. Rear additions are typically smaller in footprint and height than the main body of a house. This proposal is for a large rear addition. The height of the addition has been reduced so that it is lower than the main body of the house. The context of this site allows staff to be supportive of the massing. The site is located between two large apartment buildings and there are parking areas adjacent to the site on all three abutting properties.

The property will continue to be conforming to the floor area ratio dimension and the parking requirement for six spaces will be met.

Drywells are proposed to handle stormwater onsite. The Engineering Department has reviewed the stormwater management report and the civil plans and does not have objections to the proposal.

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.

The proposal to alter a three-family house is consistent with the purpose of the RB district, which is, "[t]o 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 characteristics of the built and unbuilt surrounding area, including land uses."*

The proposed massing of the rear addition in relation to the surrounding area is addressed in finding 2 above.

The proposal is sensitive to the design details of the existing structure. The detailing on the porch, window headers and fascia board will be retained. The rear addition will not touch the fascia board in the rear of the house. The window proposed on the front of the house will match in style to the existing windows. The front porch railing will be altered to allow for additional steps to two new doors. The steps and glass doors will make the front of the house more transparent and inviting.

The addition in the rear has been designed to be complementary but distinguishable from the original structure. The addition will have the same material, clapboard, and have a two-over-two window patterns to match the original structure. Other details will be modern such as the fascia boards and trim details. The amount of glazing in the rear also distinguishes the addition from the original structure.

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

The increase in living space of the house will make the units more expensive; however, the units are not restricted as affordable units. The additional living space will make the units more viable for families to live here, which is another housing type desired in the city.

7. 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 property is in an area that is to be conserved in the SomerVision map. A three-family house is a building type that fits in with the conservation goal. Also the proposal complies with the policy of allowing neighborhood properties to adapt and change to meet the needs of residents, while respecting the character of the neighborhood.

<u>SomerVision Summary</u>	<i>Existing</i>	<i>Proposed</i>
<i>Dwelling Units:</i>	3	3



**DECISION:**

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Danielle Evans, Elaine Severino and Josh Safdie. 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:

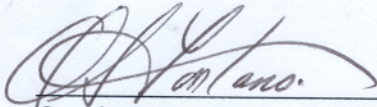
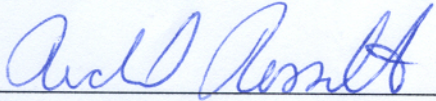
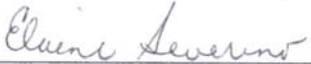
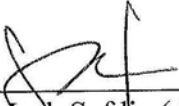
#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	Approval is for the alterations to a 3-family house and addition to create an approx. 8827 sf structure. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/PIng.							
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>Sept 8, 2015</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>Nov 30, 2015</td><td>Modified plans submitted to OSPCD (A000 Cover Page, A001 Zoning, AS101 Site Plan, A101-A104 Floor Plans, A201-A203 Elevations, C-101 Erosion Control &amp; Demo, C-201 Utility &amp; Drainage, C-301 Civil Details)</td></tr></table>				Date (Stamp Date)	Submission	Sept 8, 2015	Initial application submitted to the City Clerk’s Office	Nov 30, 2015	Modified plans submitted to OSPCD (A000 Cover Page, A001 Zoning, AS101 Site Plan, A101-A104 Floor Plans, A201-A203 Elevations, C-101 Erosion Control & Demo, C-201 Utility & Drainage, C-301 Civil Details)
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Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.										
Construction Impacts										
2	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							
3	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										
4	An exterior light and electrical receptacle is required for the first level of the porch and an electrical receptacle is required for the upper level decks that do not have access to the ground.	Final sign off	Wiring Inspector							
Site										



5	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards.	Perpetual	Plng. / ISD	
6	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	
<b>Public Safety</b>				
7	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
8	A sign shall be posted at the property that states that the portion of the driveway next to the house must remain unimpeded and clear of vehicles.	CO	Plng.	
9	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.	
<b>Final Sign-Off</b>				
10	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  
Elaine Severino  
Josh Safdie

  
Orsola Susan Fontano, Clerk  
Richard Rossetti  
Danielle Evans  
Elaine Severino, (Alt.)  
Josh Safdie (Alt.)

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**



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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 \_\_\_\_\_

