



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

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**Case #: ZBA 2016-150**  
**Site: 5-7 Curtis Street**  
**Date of Decision: January 18, 2017**  
**Decision: Petition Approved with Conditions**  
**Date Filed with City Clerk: January 23, 2017**

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**ZBA DECISION**

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<b>Applicant Name:</b>	Arun Ravindran
<b>Applicant Address:</b>	31B St. James Avenue, Somerville, MA 02141
<b>Property Owner Name:</b>	Arun Ravindran
<b>Property Owner Address:</b>	31B St. James Avenue, Somerville, MA 02141
<b>Agent Name:</b>	N/A

<u>Legal Notice:</u>	Applicant and Owner, Arun Ravindran, seeks a Special Permit under SZO §4.4.1 to make alterations to a nonconforming two-family structure by removing the existing hipped roof and dormers and rebuild a gable roof and shed dormers and to renovate the third floor.
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<u>Zoning District/Ward:</u>	RA zone/Ward 7
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	December 2, 2016
<u>Date(s) of Public Hearing:</u>	January 18, 2017
<u>Date of Decision:</u>	January 18, 2017
<u>Vote:</u>	5-0

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Appeal #ZBA 2016-150 was opened before the Zoning Board of Appeals at Somerville City Hall on January 18, 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.



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

The proposal is to remove the existing hipped roof and dormers and rebuild a gable roof with shed dormers and make renovations to the third floor. The first floor unit and the second and third floor unit will both remain a two-bedroom unit and a five-bedroom unit respectively. Additionally, a rear two-story porch is proposed to be enlarged and opened up on the second floor to become a deck. The second floor will lose 78 square feet of living area by converting the habitable three-season porch into an open deck and the third floor will gain 146 square feet of living area by converting to a gable roof and adding two dormers. In total, the net increase in living area is 68 square feet, which increases the FAR to 0.78.

**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, left, and right yard setbacks, frontage, and FAR. The proposal will impact the nonconforming dimensions of front, left and right yard setbacks by reconstructing the roof and rear porch and altering the basement level windows on the right elevation. The nonconforming dimension of the FAR will be impacted by removing living area on the second level and adding living area in the attic. The minimum required front yard setback is 15 feet and the existing and proposed dimension is 14.8 feet. The minimum required side yard setback is 8 feet on both sides and the existing and proposed left and right side yards are 3.1 feet and 3.4 feet respectively. The current FAR is 0.76 and the proposal will bring the FAR to 0.78, where the requirement in the district is 0.75. These alterations 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 proposal will benefit the neighborhood by changing the roof type to a gable style, which will fit in with the rest of this particular section of Curtis Street. Also, the proposal will allow for the homeowner to make better use of the third floor space where adequate headroom is limited. The proposal has been designed with setbacks that minimally impact the neighbors and the rear yard, maximum lot coverage, landscaped area, and height of the structure 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 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 protect health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to conserve the value of land and buildings; to preserve the historical and architectural resources of the City; and to encourage the most appropriate use of land throughout the City.

The Board finds that the proposal is consistent with the purpose of the RA 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."

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:* The locus is located in Teele Square near the southern end of Curtis Street where it intersects with Broadway. This particular section of Curtis Street is comprised of single-, two-, and three-family dwellings with gable roofs.

*Impacts of Proposal (Design and Compatibility):* The proposal is designed in a manner that is compatible with the characteristics of the built environment of the surrounding area and is a significant improvement from the current conditions.

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):* The proposal will not result in any adverse environmental impacts.

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):* There are no parking spaces on the locus nor are additional parking spaces required as a result of the proposal.

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

There will be no adverse impacts on the stock of existing affordable housing.

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 proposal allows for the structure to better fit in with the neighborhood by switching the roof to a gable style, which will enhance the character of the neighborhood.

### **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 reconstruction of the roof, dormers, and rear porch. 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>December 2, 2016</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>December 7, 2016</td><td>Plans submitted to OSPCD (0.1, 0.2, D1.1, D1.2, D2.1, A1.1 &amp; A1.2,)</td></tr><tr><td>December 7, 2016</td><td>Revised elevation submitted to OSPCD (A21, A22, A23 &amp; A3.1)</td></tr><tr><td>November 23, 2016</td><td>Proposed plot plan submitted to OSPCD</td></tr></table>				Date (Stamp Date)	Submission	December 2, 2016	Initial application submitted to the City Clerk’s Office	December 7, 2016	Plans submitted to OSPCD (0.1, 0.2, D1.1, D1.2, D2.1, A1.1 & A1.2,)	December 7, 2016	Revised elevation submitted to OSPCD (A21, A22, A23 & A3.1)	November 23, 2016	Proposed plot plan submitted to OSPCD
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November 23, 2016	Proposed plot plan submitted to OSPCD													
Any changes to the approved plans or elevations/use that are not <i>de minimis</i> must receive SPGA approval.														
<b>Construction Impacts</b>														
2	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	PIng.											
3	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											
4	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											



<b>Design</b>				
5	Applicant shall provide final material samples for siding, trim, windows, doors, and porches/railings to Planning Staff for review and approval prior to construction.	BP	Plng.	
6	An exterior light and electrical receptacle is required for the first (or all) level of the porch and an electrical receptacle is required for the second level (if there is no access to the ground).	Final sign off	Wiring Inspector	
<b>Site</b>				
7	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD	
<b>Public Safety</b>				
8	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
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

Attest, by the Administrative Assistant:

\_\_\_\_\_  
Dawn M. PereiraCopies 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 \_\_\_\_\_

