



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2016-58
Site: 20 George Street
Date of Decision: June 29, 2016
Decision: Petition Approved with Conditions
Date Filed with City Clerk: July 5, 2016

ZBA DECISION

Applicant Name:	Goldschneider Property, LLC
Applicant Address:	1287 Bay Road, Sharon, MA 02067
Property Owner Name:	Goldschneider Property, LLC
Property Owner Address:	1287 Bay Road, Sharon, MA 02067
Agent Name:	N/A

<u>Legal Notice:</u>	Applicant and Owner, Goldschneider Property, LLC, seeks a Special Permit under SZO §4.4.1 to increase the Floor Area Ratio by finishing the basement. The Applicant/Owner seeks parking relief under SZO §9.1.3. RB zone. Ward.
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<u>Zoning District/Ward:</u>	RB zone / Ward 1
<u>Date of Application:</u>	April 25, 2016
<u>Date(s) of Public Hearing:</u>	6/29/16
<u>Date of Decision:</u>	May 19, 2016
<u>Vote:</u>	5-0

Appeal #ZBA 2016-58 was opened before the Zoning Board of Appeals at Somerville City Hall on June 29, 2016. 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 is a c. 1880 Mansard 4- unit property that is a single building local historic district (LHD). Located in the RB zone, the property sits on a 4,792 square foot lot.

II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1) and (SZO §9.1.3):

In order to grant a special permit, the SPGA must make certain findings and determinations as outlined in §4.4.1 of the SZO. This section of the report goes through §4.4.1 and §9.1.3 in detail.

1. Information Supplied:**Regarding SZO §4.4.1:**

- Staff finds that the information provided by the Applicant conforms to the requirements of §4.4.1 of the SZO and allows for a comprehensive analysis of the project with respect to the required Special Permits.

Regarding SZO §9.1.3:

- Staff finds that the information provided by the Applicant conforms to the requirements of §9.1.3 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."***Regarding SZO §4.4.1:**

- As regards this project, the property is non-conforming with regard to lot size and lot area per dwelling unit (a 7,500 square foot lot is required in the RB zone and this parcel has only 4,792 sq. ft.). However, the property is a legal, pre-existing 4-unit structure. This property is coming under ZBA review for this non-conforming property because of the increase in FAR.

Regarding SZO §9.1.3:

The existing property required a total of 6 parking spaces. The interior reconfiguration of the building and the finishing of the basement to add to additional bedrooms raises the parking requirement to 8 spaces that should be provided. The applicant requires relief for 1 space. (new parking requirement – old parking requirement) x .5 equals the 1 parking space for which relief is sought.

Section 4.4.1 states that Lawfully existing non-conforming 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.

Regarding SZO §4.4.1:

- In considering a Special Permit under §4.4 of the SZO, Staff finds that the alterations proposed to this legal four-unit residence would not be substantially more detrimental to the

neighborhood than those present on the existing structure. Finishing the basement is an interior change which will have no visibility from the street.

Regarding SZO §9.1.3:

- In considering a Special Permit under §9.1.3 of the SZO, Staff finds that the proposal for to request relief for one parking space will not add additional undue congestion to 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."*

Regarding SZO §4.4.1:

- The proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to promoting the health, safety, and welfare of the inhabitants of the City of Somerville; to secure safety from fire, panic and other dangers; 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 RB district which is "...to 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."

Regarding SZO §9.1.3:

- The proposal is consistent with the general purposes of the parking ordinance. As the property is remaining a four-unit dwelling, already handling multiple vehicles, Staff finds that providing relief for two spaces will not increase traffic volumes, traffic congestion or queuing of vehicles nor will it change the type of traffic, traffic patterns or access to the site nor cause unsafe conflict of motor vehicle and pedestrian traffic.

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 area is a mixture of one-, two-, three-, and multi-family structures. The changes and upgrades that will be made to this property, including and particular on the exterior, will result in a significant improvement to the neighborhood and to this corner lot in particular.

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

- The proposal will not add to the stock of 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 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 will not contribute to the metrics of SomerVision.



DECISION:

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Anne Brockelman, Elaine Severino, Danielle Evans, and Josh Safdie. Upon making the above findings, Richard Rossetti made a motion to approve the request for a Special Permit with the addition of one condition. 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 increasing the FAR by finishing the basement and for relief for one parking space.	BP/CO	ISD/ Plng.					
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>May 19, 2016</td><td>Initial submission to City Clerk</td></tr></table>				Date (Stamp Date)	Submission	May 19, 2016	Initial submission to City Clerk
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May 19, 2016	Initial submission to City Clerk							
<u>Any changes to the approved plan that are not determined to be <i>de minimis</i> by Planning Staff must receive ZBA approval.</u>								
Pre-Construction								
2	The Applicant will be required to demonstrate that the updated project plans meet the current City of Somerville stormwater policy. Utility, grading, and drainage plans must be submitted to the Engineering Department for review and approval.	BP	Eng.					
3	The Applicant shall submit a proposed grading and drainage plan, stamped by a registered PE in Massachusetts that demonstrates compliance with the City’s stormwater policy.	BP	Eng.					
4	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								
5	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					
6	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.					

7	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				
8	ANY changes to the exterior of the structure or to the interior configuration must be submitted to Planning for approval prior to implementation.	ISD	ISD/Plng	
Site				
9	Landscaping shall be installed and maintained in compliance with the American Nurserymen's Association Standards.	Perpetual	Plng. / ISD	
10	The side yard on George Street shall have its paved area removed and pea stone shall be put in its place.	Perpetual	Plng. / ISD	
11	Garbage and recycling areas shall be screened	Perpetual	Plng. / ISD	
12	Vehicles shall not be parked in tandem	Perpetual	Plng. / ISD	
13	Changes to the landscaping proposal must first be reviewed and approved by Planning Staff.	CO	Plng. / ISD	
Miscellaneous				
14	The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the building and property.	Cont.	ISD	
Public Safety				
15	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
16	All smoke detectors shall be hard-wired.	CO	FP	
17	The building shall be sprinkled.	CO	FP	
Final Sign-Off				
19	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
Anne Brockelman

Attest, by the Staff:

Sarah WhiteCopies 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 _____

