



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

MICHAEL F. GLAVIN  
EXECUTIVE DIRECTOR

PLANNING DIVISION

**ZONING BOARD OF APPEALS MEMBERS**

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RICHARD ROSSETTI, CLERK  
DANIELLE EVANS  
ELAINE SEVERINO  
JOSH SAFDIE  
ANNE BROCKELMAN, (ALT.)

**Case #: ZBA 2016-12**  
**Site: 18 Highland Ave**  
**Date of Decision: July 13, 2016**  
**Decision: Petition Approved with Conditions**  
**Date Filed with City Clerk: July 25, 2016**

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**ZBA DECISION**

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<b>Applicant Name:</b>	18 Highland Avenue, LLC
<b>Applicant Address:</b>	29 Livermore Road, Belmont, MA 02478
<b>Property Owner Name:</b>	18 Highland Avenue, LLC
<b>Property Owner Address:</b>	29 Livermore Road, Belmont, MA 02478

<u>Legal Notice:</u>	Applicant and Owner, 18 Highland Avenue, LLC, seeks a Special Permit per SZO §7.11.1.c to substantially alter an existing, non-conforming 3-unit structure to create a 4-unit residence at 18 Highland Avenue. Applicant also seeks a Special Permit per SZO §9.13 for relief for one parking space. RC Zone. Ward 3.
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<u>Zoning District/Ward:</u>	RC Zone. Ward 3.
<u>Date of Application:</u>	February 11, 2016
<u>Date(s) of Public Hearing:</u>	5/4, 5/18, 6/8, 6/22, 7/13
<u>Date of Decision:</u>	July 13, 2016
<u>Vote:</u>	4-0

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Appeal #ZBA 2016-12 was opened before the Zoning Board of Appeals at Somerville City Hall on May 4, 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.



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

The proposal is to add a fourth unit, re-skin the building, and rehabilitate the interior. The FAR will increase from 1.35 to 1.55 in a zone where 2.0 is allowed.

**FINDINGS FOR SPECIAL PERMIT:**

In order to grant a special permit, the SPGA must make certain findings and determinations as outlined in §4.4.1 and §9.13 of the SZO. This section of the report goes through §4.4.1 and §9.13 in detail.

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

The Board 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 §9.13:**

The Board 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:**

The property is non-conforming with regard to the lot size, front, and right side yard setbacks. It is a 4,356 square foot lot in a zone where a 7,500 square foot lot is required. The increase in number of units from three to four also triggers the need for a special permit.

**Regarding SZO §9.13:**

The additional unit will trigger the need for relief for 1 parking space. Four parking spaces will be provided on-site.

**3. 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 finds that the significant changes being proposed to the building do not make it compatible with the surrounding area. However, given the condition and appearance of the existing structure, the proposed changes will provide a refreshing upgrade to the surrounding neighborhood.

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

The proposal will not add to the existing 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 contribute to the SomerVision Plan by adding one unit to the existing housing stock.

### **DECISION:**

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, 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 following conditions. Danielle Evans seconded the motion. Wherefore 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						
1	Approval is for the addition of a fourth unit and an increase in FAR. Relief for one parking space is also part of the approval.	BP/CO	ISD/PIng.							
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>February 11, 2016</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>June 13, 2016</td><td>Updated plans submitted to OSPCD</td></tr></table>				Date (Stamp Date)	Submission	February 11, 2016	Initial application submitted to the City Clerk's Office	June 13, 2016	Updated plans submitted to OSPCD
	Date (Stamp Date)				Submission					
	February 11, 2016				Initial application submitted to the City Clerk's Office					
June 13, 2016	Updated plans submitted to OSPCD									
Any changes to the approved site plan or elevations that are not de minimis must receive SPGA approval. Whether or not a change is de minimis in nature must be determined by the Planning Office.										
Pre-Construction										
1	The Applicant will be required to demonstrate that the updated project plans meet the current City of Somerville stormwater policy. Utility, grading, and drainage report and plans stamped by a registered PE in Massachusetts must be submitted to the Engineering Department for review and approval.	BP	Eng.							
2	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.							



3	New sanitary connection flows over 2,000 GPD require a 4:1 removal of infiltration and/or inflow by the Applicant. This will be achieved by submitting a mitigation payment to the City based on the cost per gallon of I/I to be removed from the sewer system. The Applicant shall work with Engineering to meet this condition before a certificate of occupancy is issued.	CO	Eng.	
<b>Construction Impacts</b>				
4	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	
5	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>Site</b>				
6	Landscaping shall be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD	
7	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.	Perpetual	ISD	
8	The Applicant, its successors and/or assigns shall provide for the off-site disposal of snow during periods of such significant accumulation that on-site piling and "storage" of snow would otherwise remove or impede the use of existing parking spaces, building access or emergency egress by persons and/or emergency vehicles.	Perpetual	ISD	
<b>Public Safety</b>				
9	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
10	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.	
11	All smoke detectors shall be hard-wired.	CO	Fire Prevention / ISD	
12	The building shall be sprinkled.	CO	Fire Prevention/ ISD	
<b>Final Sign-Off</b>				



13	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.	
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Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chairman*  
Richard Rossetti, *Clerk*  
Danielle Evans  
Josh Safdie

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 \_\_\_\_\_

