



**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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POOJA PHALTANKAR, (ALT.)

**Case #: 2016-106**  
**Site: 36 Horace Street**  
**Date of Decision: January 18, 2017**  
**Decision: *Petition Approved with Conditions***  
**Date Filed with City Clerk: February 1, 2017**

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**ZBA DECISION**

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|--------------------------------|---|
| <b>Applicant Name:</b>         | Maria Valente                           |
| <b>Applicant Address:</b>      | 201 Norfolk Street, Cambridge, MA 02139 |
| <b>Property Owner Name:</b>    | Maria Valente                           |
| <b>Property Owner Address:</b> | 201 Norfolk Street, Cambridge, MA 02139 |
| <b>Agent Name:</b>             | N/A                                     |

|                      |  |
|----------------------|--|
| <u>Legal Notice:</u> | Applicant and Owner, Maria Valente, seeks a Special Permit under SZO §4.4.1 to substantially alter an existing non-conforming structure by demolishing the existing building and constructing a new, single-family dwelling. |
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|                                   |                  |
|-----------------------------------|------------------|
| <u>Zoning District/Ward:</u>      | RB zone/Ward 2   |
| <u>Zoning Approval Sought:</u>    | §4.4.1           |
| <u>Date of Application:</u>       | August 31, 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 2016-106 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.



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**DESCRIPTION:**

The Applicant proposes to demolish the existing structure and construct a 2.5-story single-family residence and overhaul the landscaping on the property.

**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 §4.4.1 of the SZO. This section of the report goes through §4.4.1 in detail.

**1. Information Supplied:**

- 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.

**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 existing structure is currently non-conforming with regard to lot size, front yard setback and right side yard setback.
- The existing structure has two bedrooms, a situation which required 1.5 parking spaces. The proposed structure will have three bedrooms, a situation which requires 2.0 parking spaces. The parking calculation is as follows:

*(New Parking Requirement – Old Parking Requirement) x .5 = # of new spaces required*

$$(1.5 - 2.0) \times .5 = .25$$

No parking relief is needed if the required relief is less than 1 or a negative number. In the instance of 36 Horace, no parking relief is needed as the required relief, at .25, is less than one.

*Section 4.4.1 states that “[l]awfully existing one-and two-family dwellings which are only used as residences, which are non-conforming with respect to dimensional requirements, may be enlarged, extended, renovated or altered by special permit granted by the SPGA in accordance with the procedures of Article 5.”*

- This lawfully-existing, single-family residential structure requires a special permit in order to be enlarged. The Applicant proposes to substantially alter the structure by razing it and then building off of an existing, non-conforming right side yard setback. The current, non-conforming front yard setback will also be retained. Retaining and building off of this non-conformity after demolition of the existing building allows the Applicant to undertake the new construction.

The Applicant proposes to reduce some of the right non-conformities in two ways:



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- First, the additional encroachment into the right side yard setback will be removed due to the design of the new structure.
- Second, the rear portion of the new construction will be stepped in from the right property line so as to reduce the appearance of the massing from the public way.

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."*

*Above right: The encroachment into the right side yard setback caused by the shed-roofed addition will be mitigated by the design of the new construction.*

- 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.

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 surrounding neighborhood is a mix of 2- and 2 ½ - story residential, gable-fronted structures, the majority of which are single-family occupancy. A light commercial, brick structure, one triple-deck and a two-family conversion round out the streetscape.
- The new building will be higher than the existing structure by about 2 ½ feet so that the building will be a full 2.5 stories. The height and gable-fronted style of the new building is in keeping with the majority of the other structures along this streetscape.
- The proposed structure will provide a facelift to this particular property and will enhance the streetscape. Currently, little landscaping exists on the property. In addition to the new building, the Applicant has proposed landscaping that will visually improve the property for both future residents of the home and the immediate neighbors.

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 add to SomerVision by visually improving the property for the surrounding 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 to substantially alter the existing structure by razing it and re-building a 2 ½-story, single-family residential structure off of one of the non-conforming right side yard setbacks.  | BP/CO                    | ISD/ Plng.         |       |  |            |                 |  |                   |                                  |
|   | <table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>August 31, 2016</td><td>Initial application submitted to Planning Office</td></tr><tr><td>November 22, 2016</td><td>Updated plans submitted to OSPCD</td></tr></table>   |                          |                    |       | Date (Stamp Date)                                | Submission | August 31, 2016 | Initial application submitted to Planning Office | November 22, 2016 | Updated plans submitted to OSPCD |
|   | Date (Stamp Date)   |                          |                    |       | Submission                                       |            |                 |  |                   |                                  |
|   | August 31, 2016   |                          |                    |       | Initial application submitted to Planning Office |            |                 |  |                   |                                  |
| November 22, 2016   | Updated plans submitted to OSPCD  |                          |                    |       |  |            |                 |  |                   |                                  |
| ANY changes to the approved plans must first be submitted to the Planning Division to determine whether or not they are <i>de minimis</i> in nature or whether they require review by the SPGA. |   |                          |                    |       |  |            |                 |  |                   |                                  |
|   |   |                          |                    |       |  |            |                 |  |                   |                                  |
| 2   | The Applicant and/or Owner shall meet all of the Fire Prevention Bureau’s requirements.   | CO/Perpetual             | FP                 |       |  |            |                 |  |                   |                                  |
| 3   | The entire property is being overhauled. The landscaping of the property shall be upgraded. Landscaping plans shall be submitted to and approved by OSPCD Planning Staff prior to the installation of any landscaping.  | CO                       | ISD/Plng           |       |  |            |                 |  |                   |                                  |
| 4   | The exterior of the building shall be clad in wood or cementitious siding. Wood, Azek, Fypon, or similar type siding shall be used for trim. No pressure-treated wood shall be used. No vinyl or aluminum siding shall be used.   | CO/Perpetual             | ISD/Plng           |       |  |            |                 |  |                   |                                  |
| 5   | All windows shall be one-over-one with a dark sash  | CO/Perpetual             | ISD/Plng           |       |  |            |                 |  |                   |                                  |
| Site  |   |                          |                    |       |  |            |                 |  |                   |                                  |
| 6   | Pervious pavers shall be used for the driveway.   | CO                       |                    |       |  |            |                 |  |                   |                                  |
| Final Sign-Off  |   |                          |                    |       |  |            |                 |  |                   |                                  |
| 7   | The Applicant shall contact Planning Staff at least five (5) 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           | ISD/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 \_\_\_\_\_

