



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

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Case #: ZBA # 2012-76
Site: 146 Hudson Street
Date of Decision: November 7, 2012
Decision: Petition Approved with Conditions
Date Filed with City Clerk: November 14, 2012

ZBA DECISION

Applicant Name:	Hudson Street, LLC
Applicant Address:	25 Doty Avenue, Danvers, MA 01923
Property Owner Name:	Hudson Street, LLC
Property Owner Address:	25 Doty Avenue, Danvers, MA 01923
Agent Name:	Richard G. DiGirolamo, Esq.
Agent Address:	424 Broadway, Somerville, MA 02145

<u>Legal Notice:</u>	Applicant/Owner, Hudson Street, LLC, seek a Special Permit under SZO §4.4.1 to alter a structure on a nonconforming lot to construct 3 dwelling units in an approx 5,200 sf building and 6 parking spaces.
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<u>Zoning District/Ward:</u>	RB/RC zone/Ward 5
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	September 11, 2012
<u>Date(s) of Public Hearing:</u>	10/17, 11/7/12
<u>Date of Decision:</u>	November 7, 2012
<u>Vote:</u>	5-0

Appeal #ZBA 2012-76 was opened before the Zoning Board of Appeals at Somerville City Hall on October 17, 2012. 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 build a three-family dwelling with six parking spaces in the rear of the property. It includes keeping a portion of the existing foundation and demolishing the rest of the house and the garage. The house will be three-stories with a gable roof and approximately 5,700 sf in size.

Each unit will occupy a floor of the house and the basement will include a living room for the first floor unit as well as storage for all three units. The units will have two-bedrooms and two-bathrooms. There will be two decks off of each unit and a patio in the front yard and left side yards for the first floor unit.

Landscaping will surround the building and provide a buffer between the cars and the abutting properties to the southeast. There will be a brick paver walkway from the parking lot along the building to the side door. Access to all three units is possible from the side or front door. There will be a trash enclosure behind the building.

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."

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 existing house and garage on the lot are in disrepair and a redevelopment of the site will improve its condition. The new structure will be more in compliance with the dimensional requirements. The existing structure has nonconforming side yards. The proposed structure will be much larger than the existing structure; however, it will meet all of the dimensional and parking requirements for the RB district except for minimum lot size. The structure will continue to be for residential use and the increase in intensity from one to three units will not be detrimental in a neighborhood of one-, two-, three-, and multi-family homes. The parking requirement will be met and the amount of impervious coverage on the lot will not increase.

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 and encouraging the most appropriate use of land throughout the City.

The proposal for a three-family dwelling is also consistent with the purposes of the RB and RC zoning districts that encourage three-family homes.

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 structure has many elements that are typical in the City of Somerville's housing stock. The structure is slightly taller than the typical 2 ½ story house but there will be a gable roof with a typical pitch, an open front



porch that is similar to the neighboring house, shed dormers with a significant pitch that start well below the peak of the roof, and a square bay. The long nature of the building is broken down by have a 12 foot section of the west façade recessed and decks projecting from the recessed area. The east façade will have a square bay projecting at the rear of the property. Finally, the roof peak of the rear 20% of the building will be below the height of the roof peak for the front portion of the building.

The closest building to the proposed structure is a 6-unit building that the Zoning Board approved in 2003. The building has decks in the side yard that will be close to the proposed structure. The side of the proposed structure abutting the decks will not contain decks so privacy is not anticipated to be a concern.

5. 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.

The vehicular and pedestrian circulation will not change as a result of this proposal. The shared driveway will still be in use to access the parking spaces in the rear of the property and the front door of the house will provide access to all three units.



DECISION:

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Danielle Evans and Elaine Severino. Upon making the above findings, Susan Fontano made a motion to approve the request for a Special Permit. Richard Rossetti 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 alteration of a nonconforming structure to construct a three-family dwelling. 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 11, 2012</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>Jan 20, 2012</td><td>Plot Plan</td></tr><tr><td>Aug 28, 2012</td><td>Plans submitted to OSPCD (Street View 1*, 3D Model Context*) *basement front door location is not in revised location</td></tr><tr><td>Oct 5, 2012</td><td>Modified plans submitted to OSPCD (Z-1 zoning compliance, A-2 & A-3 floor plans, A-4 & A-5 elevations)</td></tr><tr><td>Oct 11, 2012</td><td>Modified plans submitted to OSPCD (Z-2 zoning compliance, A-1 Arch Site Plan)</td></tr></table>				Date (Stamp Date)	Submission	Sept 11, 2012	Initial application submitted to the City Clerk’s Office	Jan 20, 2012	Plot Plan	Aug 28, 2012	Plans submitted to OSPCD (Street View 1*, 3D Model Context*) *basement front door location is not in revised location	Oct 5, 2012	Modified plans submitted to OSPCD (Z-1 zoning compliance, A-2 & A-3 floor plans, A-4 & A-5 elevations)	Oct 11, 2012	Modified plans submitted to OSPCD (Z-2 zoning compliance, A-1 Arch Site Plan)
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Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.																
2	Applicant shall provide final material samples for siding, trim, windows, and doors to the Planning Staff for review and approval prior to construction.	BP	PIng.													
3	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.													

4	The Applicant shall develop a demolition plan in consultation with the City of Somerville Inspectional Services Division. Full compliance with proper demolition procedures shall be required, including timely advance notification to abutters of demolition date and timing, good rodent control measures (i.e. rodent baiting), minimization of dust, noise, odor, and debris outfall, and sensitivity to existing landscaping on adjacent sites.	Demolition Permitting	ISD	
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	
6	The electric, telephone, cable TV and other such lines and equipment shall be placed underground from the source or connection. The utilities plan shall be supplied to the Wiring Inspector before installation.	Installation of Utilities	Wiring Inspector	
7	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	
8	A landscape plan shall be submitted to Planning Staff for review and approval. The plan shall include at least one tree to satisfy the requirement for one tree for each 1,000 sf of required landscaped area under SZO §10.3 and the landscaping shall not block access to the left side of the structure.	CO	Plng.	
9	A code compliant fire alarm and sprinkler system shall be installed.	CO	FP	
10	An exterior light and electrical receptacle is required for the first level decks and an electrical receptacle is required for the upper floor decks.	Final sign off	Wiring Inspector	
11	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD	
12	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	
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.	



Attest, by the Zoning Board of Appeals:

Herbert Foster, *Chairman*
Orsola Susan Fontano, *Clerk*
Richard Rossetti
Danielle Evans
Elaine Severino (Alt.)

Attest, by the Administrative Assistant:

Dawn M. Pereira

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.
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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 _____

