



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

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ANNE BROCKELMAN, (ALT.)

Case #: ZBA 2015-09-R1-11/2015
Site: 53 Josephine Avenue
Date of Decision: December 9, 2015
Decision: Petition Approved with Conditions
Date Filed with City Clerk: December 17, 2015

ZBA DECISION

Applicant Name:	Christine Dall & Randall Conrad
Applicant Address:	1116 Massachusetts Avenue, Lexington, MA 02420
Property Owner Name:	Christine Dall & Randall Conrad
Property Owner Address:	1116 Massachusetts Avenue, Lexington, MA 02420
Agent Name:	N/A

<u>Legal Notice:</u>	Applicants and owners, Randall Conrad and Christine Dall seek to revise a Special Permit approved on March 18, 2015. The proposed revision is to the plans for the rear 3-story decks and stairs.
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<u>Zoning District/Ward:</u>	RA zone/Ward 5
<u>Zoning Approval Sought:</u>	Revision to Special Permit #ZBA 2015-09
<u>Date of Application:</u>	November 16, 2015
<u>Date(s) of Public Hearing:</u>	December 9, 2015
<u>Date of Decision:</u>	December 9, 2015
<u>Vote:</u>	4-0

Appeal #ZBA 2015-09-R1-11/2015 was opened before the Zoning Board of Appeals at Visiting Nurse Association on December 9, 2015. 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 reconstruct the property with a gable roof. A cross gable will be added to the left side of the home with a small dormer behind it to provide head height to the interior stairs. A dormer will be added on the right side of the home behind the cross gable. The Applicants have applied to change the original rear deck and secondary egress plans. The Applicants now propose longer decks, the removal of the spiral staircase and the addition of a small set of steps from the first floor deck to ground level. The building shall be sprinkled, eliminating the need for the three stories of secondary egress spiral stairs on the rear decks. If the budget permits, there will also be a second story front porch added. These exterior changes will allow interior changes to make better layouts to the existing 2 bedroom apartments.

FINDINGS FOR REVISION TO SPECIAL PERMIT:

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."*

Per the SZO, lawfully existing nonconforming structures may be enlarged, extended, or renovated by Special Permit. The cross gable, new dormers, second story front porch, rear egress stairs all require a 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 Planning Office is in the process of adoption of a new zoning code. This property will change from an RA zone to Neighborhood Residential. The modifications requested are by-right in the proposed code. There has been one condition recommended as part of this report, that the site maintain the current pervious area of 34.2%. A new condition has been added that the building shall be sprinkled, to underscore its importance.

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 promoting the health, safety, and welfare of the inhabitants of the City of Somerville; to conserve the value of land and buildings; to preserve the historical and architectural resources of the City; and to encourage housing for persons of all income levels.

The proposal is consistent with the purpose of the 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."*



Josephine Avenue has primarily gable-end residences with two and three family uses. The property is directly across from Brown School and has quick access via the community path to Davis Square.

There are little to no impacts of the proposal and will improve a structure that has sat vacant due to a fire for over one year.

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

The project will have no impact of the stock of existing 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 project does not directly contribute to the stated metrics of the SomerVision plan but will allow a property owner to improve their property in a modest way.



DECISION:

Present and sitting were Members Orsola Susan Fontano, Elaine Severino, Josh Safdie and Anne Brockelman with Richard Rossetti and Danielle Evans absent. Upon making the above findings, Elaine Severino made a motion to approve the request Revision to Special Permit. Josh Safdie 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 construction of a gable roof with dormers, rear deck/egress, front porch, and window and door alterations. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/ Plng.													
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>January 29, 2015</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>(March 12, 2015)</td><td>Plot Plan</td></tr><tr><td>(March 12, 2015)</td><td>Modified plans submitted to OSPCD (Proposed Plans – 1st Fl FP, 2nd Fl FP, 3rd Fl FP, Basement, West Elev, North Elev, East Elev, South Elev.)</td></tr><tr><td>(March 12, 2015)</td><td>Modified plans submitted to OSPCD (Existing Plans – 1st Fl FP, 2nd Fl FP, 3rd Fl FP, Basement, West Elev, North Elev, East Elev, South Elev.)</td></tr><tr><td>November 20, 2015</td><td>Application to revise Special Permit submitted</td></tr></table>				Date (Stamp Date)	Submission	January 29, 2015	Initial application submitted to the City Clerk’s Office	(March 12, 2015)	Plot Plan	(March 12, 2015)	Modified plans submitted to OSPCD (Proposed Plans – 1 st Fl FP, 2 nd Fl FP, 3 rd Fl FP, Basement, West Elev, North Elev, East Elev, South Elev.)	(March 12, 2015)	Modified plans submitted to OSPCD (Existing Plans – 1 st Fl FP, 2 nd Fl FP, 3 rd Fl FP, Basement, West Elev, North Elev, East Elev, South Elev.)	November 20, 2015	Application to revise Special Permit submitted
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Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.																
Construction Impacts																
2	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													

3	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				
4	The rear decks shall never be enclosed.	Cont.	Plng./ ISD	
Site				
5	The applicant shall maintain the existing pervious area percentage of 34.2%.	CO	Plng.	
6	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.	Cont.	ISD	
Public Safety				
7	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
8	The structure shall be fully sprinkled.	CO	FP	
Final Sign-Off				
9	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*
Elaine Severino
Josh Safdie
Anne Brockelman (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.

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 _____

