



**CITY OF SOMERVILLE, MASSACHUSETTS**  
***MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT***  
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EXECUTIVE DIRECTOR

PLANNING DIVISION

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**Case #: ZBA 2015-110**  
**Site: 18-20 Kent Court**  
**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>	Krypton, LLC/Keith Glover, Manager
<b>Applicant Address:</b>	21 Village Street, Somerville, MA 02143
<b>Property Owner Name:</b>	Krypton, LLC/Keith Glover, Manager
<b>Property Owner Address:</b>	21 Village Street, Somerville, MA 02143
<b>Agent Name:</b>	Richard G. DiGirolamo, Esq.
<b>Agent Address:</b>	424 Broadway, Somerville, MA 02145
<b><u>Legal Notice:</u></b>	Applicant and Owner, Krypton, LLC with Keith Glover, Manager, seeks a Special Permit under SZO §5.1 and SZO §7.11.1.c to establish 6* residential units and a Variance for parking under SZO §5.5 and SZO §9.5.
<b><u>Zoning District/Ward:</u></b>	RC zone/Ward 2
<b><u>Zoning Approval Sought:</u></b>	§5.1, §7.11.1.c, §5.5 & §9.5
<b><u>Date of Application:</u></b>	December 14, 2016
<b><u>Date(s) of Public Hearing:</u></b>	4/20/16 – 1/18/17
<b><u>Date of Decision:</u></b>	January 18, 2017
<b><u>Vote:</u></b>	5-0 – (Variance), 5-0 – (Special Permit)

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Appeal #ZBA 2015-110 was opened before the Zoning Board of Appeals at Somerville City Hall on April 20, 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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[www.somervillema.gov](http://www.somervillema.gov)

**DESCRIPTION:**

The proposal is to demolish the two existing single-family structures, combine the two lots and build a 5-unit residential condo building with 6 parking spaces. The building will be conforming. The Applicant will need a Special permit in order to go from two units (existing) to five units and will need a Variance for four parking spaces.

**FINDINGS FOR SPECIAL PERMIT (SZO §5.1, §7.11.1.c, §5.5 & §9.5):**

*In order to grant a special permit, the SPGA must make certain findings and determinations as outlined in §5.1 and SZO §7.11.1.c of the SZO. This section of the report goes through §4.4.1 in detail.*

**1. Information Supplied:****Regarding SZO §5.1 and SZO §7.11.1.c**

The Board finds that the information provided by the Applicant conforms to the requirements of §5.1 and SZO §7.11.1.c and allows for comprehensive analysis of the project with respect to the required Special Permits.

**Regarding SZO §5.5 and SZO §9.5**

The Board finds that the information provided by the Applicant conforms to the requirements of §5.5 and SZO §9.5 and allows for 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 §5.1 and SZO §7.11.1.c**

In considering a Special Permit under **SZO §5.1 and SZO §7.11.1.c**, the Board finds that increasing the number of units from two units to ~~six units~~ five units would not be substantially more detrimental to the neighborhood, particularly given the size and location of the lot on which the new dwelling shall be constructed.

**Regarding SZO §5.5 and SZO §9.5**

This application also triggers the need for parking relief under § 9.5. The parking relief requested is a Variance because the project involves a new build, not an existing structure. The calculation for parking relief is as follows:

$$(\text{new parking requirement} - \text{old parking requirement}) \times .5$$

In the case of 18-20 Kent Court, the new project requires 8 parking spaces. The existing conditions required 3 parking spaces. The parking relief formula is thus as follows:

$$(8 - 3) \times .5 = 2.5 \text{ spaces for parking relief}$$

The Applicant proposes providing nine (9) parking spaces on the site that are screened from the public way. Four bicycle racks shall also be provided (see A-020).

The Applicant has worked with the Planning Office to find a solution to provide additional parking on an as-needed basis. By reducing the amount of paved patio at the rear of the property and shifting the location of the three parking spaces located on the upper left of the property, the Applicant is able to add three more parking spaces. These parking spaces will be tandem spaces with the three upper left parking spaces. Since tandem spaces only count as one space each, this does not reduce the amount of parking relief required

below, but does provide a mechanism to handle “overflow” parking for the units or their guests on-site. The three additional spaces will be created using grasscrete pavers.

In considering a Variance under **SO §5.5 and SO §9.5**, the Board finds that providing relief for 2.5 parking spaces would not cause significant increase in traffic volumes, increased traffic congestion or vehicle queueing, change in traffic patterns or challenging access to the site, change in type of traffic, nor an unsafe conflict of motor vehicle and pedestrian traffic. Each unit will have at least one dedicated parking space with sufficient maneuvering space to exit the property to the street. The on-site parking will be buttressed with landscaping to provide some screening from the new residences, yard, and street. The applicant is required to provide two parking spaces per 3+ bedroom unit and Staff finds that relief for 2.5 spaces is a reasonable accommodation.

**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 to construct a 5-unit residential structure is consistent with the purposes of the RC district which is “...to establish and preserve a district for multi-family residential and other compatible uses which are of particular use and convenience to the residents of the district.”

**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 Board finds that the project is compatible with the surrounding neighborhood which is a mix of single-, two-, and three-family residential structures of varying design. This end portion of Kent Court abuts an expansive parking lot dotted with mixed low-to-medium-rise commercial and residential buildings. Kent Court has changed considerably just over the last few years, with many of the smaller, particularly single-family structures having been demolished to make way for larger residences. This project follows that trend.

**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:**

This proposal will add three additional market-rate units to the City’s housing inventory.



**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 Variance. Elaine Severino seconded the motion. Wherefore the Zoning Board of Appeals voted **5-0** to **APPROVE** the request. 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 for the construction of a 5-unit residential building and relief from providing 2.5 parking spaces.	BP/CO	ISD/PIng.									
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>December 14, 2015</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>March 22, 2016</td><td>Updated plans submitted to OSPCD</td></tr><tr><td>November 11, 2016</td><td>Final plans submitted to OSPCD</td></tr></table>				Date (Stamp Date)	Submission	December 14, 2015	Initial application submitted to the City Clerk's Office	March 22, 2016	Updated plans submitted to OSPCD	November 11, 2016	Final plans submitted to OSPCD
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Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval. Whether or not a change is <i>de minimis</i> in nature must be determined by the Planning Office.												
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 report and plans stamped by a registered PE in Massachusetts 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 proposed basement finished floor elevation shall not be less than is 1 foot above the Seasonal High Ground Water elevation. The seasonal high ground water elevation shall be determined by a Massachusetts certified soil evaluator and stated on a signed soil test pit log.	BP	Eng.	
5	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	
6	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.	BP	Eng.	
7	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 1 <sup>st</sup> to April 1 <sup>st</sup> and there is a list of streets that have additional opening restrictions.	BP	Eng	
<b>Construction Impacts</b>				
8	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	
9	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.	
10	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	
11	Approval is subject to the Applicant's and/or successor's right, title and interest in the property.	Cont.	Plng.	Deed submitted & application form signed
<b>Design</b>				



12	Clapboarding shall be a cementitious material. No vinyl shall be used.	CO	ISD/Planning	
13	Azek or similar composite material shall be used for trim. No vinyl shall be used.	CO	ISD/Planning	
14	<ul style="list-style-type: none"> <li>All windows shall be two-over-one with dark sashes.</li> <li>Exterior grids shall be used.</li> <li>Dark spacers shall be used between the panes.</li> <li>No between-glass grids shall be used.</li> <li>No reflective coatings shall be applied to the windows and the windows shall not be tinted.</li> </ul>	CO	ISD/Planning	
<b>Electrical</b>				
15	All electrical plans must be submitted to the Electrical Inspector and approved by him prior to any electrical work being done on the site.	Final sign off	Electrical Inspector	
16	All power and other utilities, including telephone, cable, and other such lines, shall be placed underground.	Final sign off	Electrical Inspector	
17	Any above-ground located electrical equipment, including , but not limited to AC condensers, electrical and water meters, transformers, and the like, shall not be placed at the front of the property in any way. All such equipment shall be completely screened from the view of the street and abutting properties.	Final sign off	Electrical Inspector/Planning/ISD	
<b>Site</b>				
18	Landscaping shall be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD	
19	The property shall never contain more than five residential units.			
20	There shall be a minimum of two trees as required under SZO §10.3.	CO	Plng.	
21	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	
22	Pervious pavers shall be used on the parking area.	CO	ISD	
<b>Public Safety</b>				
23	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
24	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.	
25	All smoke detectors shall be hard-wired.	CO	Fire Prevention / ISD	



26	The building shall be sprinkled.	CO	Fire Prevention/ISD	
<b>Final Sign-Off</b>				
27	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

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 \_\_\_\_\_

