



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

MICHAEL F. GLAVIN  
EXECUTIVE DIRECTOR

PLANNING DIVISION

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DANIELLE EVANS  
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JOSH SAFDIE (ALT.)  
BRANDY BROOKS (ALT.)

**Case #: ZBA # 2013-43**  
**Site: 34 Knowlton Street**  
**Date of Decision: July 10, 2013**  
**Decision: *Petition Approved with Conditions***  
**Date Filed with City Clerk: July 15, 2013**

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**ZBA DECISION**

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<b>Applicant Name:</b>	Richard Arnone
<b>Applicant Address:</b>	285 Commandants Way, Chelsea, MA 02150
<b>Property Owner Name:</b>	George Humphries
<b>Property Owner Address:</b>	195 Court Road, Winthrop, MA 02152
<b>Agent Name:</b>	N/A

<u>Legal Notice:</u>	Applicant, Richard Arnone, and Owner, George Humphries Jr. seek a Special Permit under SZO §4.4.1 to alter a nonconforming structure to create one new two-family dwelling and a Variance under SZO §9.5.1.a for one space of parking relief.
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<u>Zoning District/Ward:</u>	RB zone/Ward 1
<u>Zoning Approval Sought:</u>	§4.4.1 & §9.5.1.a
<u>Date of Application:</u>	June 11, 2013
<u>Date(s) of Public Hearing:</u>	July 10, 2013
<u>Date of Decision:</u>	July 10, 2013
<u>Vote:</u>	5-0

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Appeal #ZBA 2013-43 was opened before the Zoning Board of Appeals at Somerville City Hall on July 10, 2013. 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.



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

Applicant, Richard Arnone, and Owner, George Humphries, Jr., propose to alter this single-story nonconforming concrete block garage structure to create one new two-family dwelling with two parking stalls located behind the proposed dwelling.

The proposal is to demolish the existing single-story concrete block garage structure and retain a portion of the existing concrete slab at the existing one foot front yard setback, which would be integrated into the front porch. The proposed two-family dwelling would be a 2½ story, gable-end structure with a projecting right bay and a front porch that extends the width of the structure. The right side yard setback would be increased to three feet and the right side façade would have four gable dormers. The rear façade would have a rear egress for both units. Materials will include Hardi Board siding and vinyl two-over two Anderson windows.

The gross floor area is proposed to be approximately 4,060 square feet, which includes a full unfinished basement. The total net floor area would be 2,410 with a 0.76 floor area ratio. Unit one would occupy the first floor and unit two would occupy the second and third floors. Unit one is proposed to be 980 net square feet and would consist of a kitchen, living/dining room, two bedrooms, and one bathroom. Unit two is proposed to be 1,430 net square feet and would consist of a kitchen, living/dining room, two bedrooms, three bathrooms, a study on the second floor, and a family room on the third floor. The units would have individual entries from the front porch and share the egress at the rear which would also access to an unfinished basement.

The ground coverage would be reduced from 54% to 41% while the landscape area would be increased from zero to approximately 20%. The pervious area would remain at approximately 42% through the pervious driveway, parking and landscapes areas. The driveway would maintain the existing material of cobblestones and grass, but would be reset and extend behind the proposed dwelling. There will be a fence located at the rear of the lot, which would be located in front of the wall that previously joined the structures located on two lots.

**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. Altering the existing nonconforming structure to create a new two-family dwelling will enhance the neighborhood by removing visual blight and will enhance the existing streetscape through the proposed building form and by continuing the roofline rhythm.

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 protect health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to conserve the value of land and buildings; and to encourage the most appropriate use of land throughout the City.



The proposal is consistent with the purpose of the Residence B district, SZO §6.1.2, which is, “To establish and preserve medium density neighborhoods of one-, two- and three-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.”

The proposal to alter a nonconforming structure to create one new two-family dwelling is more compatible with the neighborhood and streetscape than the existing structure. The proposed dwelling (with gable roof, projecting bay and front porch) will contextually blend into the fabric of the existing neighborhood as the proposed building is a common form found along this streetscape. Additionally, the proposed structure will continue the roofline rhythm and enhance the streetscape by removing the blight that is the existing structure.

5. Adverse environmental impacts: The proposed use, structure or activity will not constitute an adverse impact on the surrounding area resulting from: 1) excessive noise, level of illumination, glare, dust, smoke, or vibration which are higher than levels now experienced from uses permitted in the surrounding area; 2) emission of noxious or hazardous materials or substances; 3) pollution of water ways or ground water; or 4) transmission of signals that interfere with radio or television reception.

6. Vehicular and pedestrian circulation: The circulation patterns for motor vehicles and pedestrians which would result from the 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 proposed structure will not create traffic congestion or the potential for accidents as the subject parcel is located at the end of a dead end street and proposes to maintain the two existing on-site parking spaces. While one space of parking relief is requested, due to the number of bedrooms, one on-site parking space would be provided for each of the two proposed residential units.

#### **FINDINGS FOR VARIANCE (SZO §9.5.1.a):**

In order to grant a Variance, the Board must make certain findings and determinations as outlined in §5.5.3 of the SZO.

Please find the Applicants’ responses to these questions on their application form attached to this Staff Report.

1. There are “special circumstances relating to soil conditions, shape or topography of land or structures which especially affect such land or structures but not affecting generally the zoning district in which it is located, causing substantial hardship, financial or otherwise.”

The irregular shape of the subject parcel as well as the lack of information regarding the previous use limit the ability to provide parking in excess of 2 spaces and makes necessary the request for a Variance for one space of parking relief. The size of the lot (3,171 square feet) is not unique to the neighborhood, but is challenging with regard to redevelopment of this parcel, which requires some portion of the existing building to be retained. The proposal for a two-family dwelling is the most appropriate use of the property and attempts to maximize the potential of this parcel. The lot size and irregular property line restrict the ability to build more than the proposed and to create more on-site parking than the two spaces that currently exist creating a hardship for the proposed project.

2. The variance requested is the “minimum variance that will grant reasonable relief to the owner, and is necessary for a reasonable use of the building or land.”



The requested space of parking relief to construct a two-family residential dwelling is the minimum necessary that would grant reasonable relief to develop the subject parcel. This Residence B zoned neighborhood indicates that the best and most appropriate use for the subject property is residential. There is, currently, no legitimate use of the property as there is no known Certificate of Occupancy for this address. However, the apparent commercial storage use is out of character with the neighborhood and not allowed in accordance with the SZO. The proposed two-family residential use is by-right and should another use be requested, the approval of a Variance would be required. The proposed two-family residential dwelling is allowed by zoning and is consistent with the neighborhood, but necessarily requires that a Variance for one space of parking relief is the minimum relief to be granted.

3. “The granting of the variance would be in harmony with the general purpose and intent of this Ordinance and would not be injurious to the neighborhood or otherwise detrimental to the public welfare.”

Granting the request for a Variance will enhance the neighborhood through construction of the proposed two-family dwelling, which will contextually blend into the fabric of the existing neighborhood as the proposed building is a common form found along the streetscape. The proposed project will be consistent with the existing buildings on Knowlton Street in form and massing, siting and orientation, and setbacks. By changing the use of the parcel from an illegitimate garage and storage facility into a two-family residential use, a visual blight will be eliminated from the neighborhood and the City will be provided with two more dwellings, which is consistent with and more appropriate for this neighborhood. Additionally, the location of the subject parcel, which is at the end of a dead end street, will have minimal to no impact regarding on-street parking and traffic congestion.

**DECISION:**

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Josh Safdie and Brandy Brooks with Danielle Evans and Elaine Severino absent. 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. Upon making the above findings, Susan Fontano made a motion to approve the request for a Variance. Brandy Brooks 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 a Special Permit to alter a nonconforming structure to create one new two-family dwelling and a Variance for one space of parking relief. 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>(June 11, 2013)</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>June 10, 2013 (July 1, 2013)</td><td>Plot plan and proposed site plan submitted to OSPCD</td></tr><tr><td>June 28, 2013 (July 2, 2013)</td><td>Landscape plan submitted to OSPCD</td></tr><tr><td>June 20, 2013 (July 1, 2013)</td><td>Rear elevation, second and third floor plans submitted to OSPCD</td></tr><tr><td>June 20, 2013 June 24, 2013 (July 1, 2013)</td><td>Revised elevations and floor plans submitted to OSPCD (Front, Right &amp; Left Elevations, and First Floor plan)</td></tr><tr><td>(July 3, 2013)</td><td>Foundation plan</td></tr></table>				Date (Stamp Date)	Submission	(June 11, 2013)	Initial application submitted to the City Clerk’s Office	June 10, 2013 (July 1, 2013)	Plot plan and proposed site plan submitted to OSPCD	June 28, 2013 (July 2, 2013)	Landscape plan submitted to OSPCD	June 20, 2013 (July 1, 2013)	Rear elevation, second and third floor plans submitted to OSPCD	June 20, 2013 June 24, 2013 (July 1, 2013)	Revised elevations and floor plans submitted to OSPCD (Front, Right & Left Elevations, and First Floor plan)	(July 3, 2013)	Foundation 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.																		
<b>Pre-Construction</b>																		
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 plans must be submitted to the Engineering Department for review and approval.	BP	Eng.															

3	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	
<b>Construction Impacts</b>				
4	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.	
5	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	
6	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>Design</b>				
7	An exterior light and electrical receptacle is required for the first (or all) level of the porch and an electrical receptacle is required for the second level (if there is no access to the ground).	Final sign off	Wiring Inspector	
8	The one foot between the front property line and the beginning of the front porch shall be paved to match the adjacent sidewalk.	Final sign off	Plng.	
9	As the cobblestones and grass that shall compose the driveway will necessary be dug up and reset in accordance with the landscape plan, there shall be a 1-2 foot planted strip located down the center of the driveway that extends from the sidewalk to the rear façade of the new dwelling.	Final sign off	Plng.	
<b>Public Safety</b>				
10	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
11	Notification must be made, within the time period required under applicable regulations, to the Massachusetts Department of Environmental Protection (DEP) if there is any release of oil, hazardous materials, or regulated hazardous substances at the site. The City's OSE office, Fire Department and the Board of Health shall also be notified.	CO	OSE/FP /BOH	
<b>Final Sign-Off</b>				



12	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:

Herbert Foster, *Chairman*  
Orsola Susan Fontano, *Clerk*  
Richard Rossetti  
Josh Safdie (Alt.)  
Brandy Brooks (Alt.)

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 \_\_\_\_\_

