



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

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Case #: ZBA 2016-46
Site: 53 Park Street
Date of Decision: August 3, 2016
Decision: Petition Approved with Conditions
Date Filed with City Clerk: August 8, 2016

ZBA DECISION

Applicant Name:	Walden Properties, Inc.
Applicant Address:	1285 Doe Valley Road, Athol, MA 01331
Property Owner Name:	Walden Properties, Inc.
Property Owner Address:	1285 Doe Valley Road, Athol, MA 01331
Agent Name:	N/A

<u>Legal Notice:</u>	Applicant and Owner, Walden Properties, seeks a Special Permit under SZO §7.11.2 to create a second unit, SZO §4.4.1 to increase the Floor Area Ratio and build a small addition. The Applicant and Owner also seeks a Special Permit under SZO §9.13 for parking relief. *Parking relief was determined not to be necessary.
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<u>Zoning District/Ward:</u>	RB zone/Ward 2
<u>Zoning Approval Sought:</u>	§7.11.2, §4.4.1 & §9.13
<u>Date of Application:</u>	April 14, 2016
<u>Date(s) of Public Hearing:</u>	7/13& 8/3/16
<u>Date of Decision:</u>	August 3, 2016
<u>Vote:</u>	4-0

Appeal #ZBA 2016-46 was opened before the Zoning Board of Appeals at Somerville City Hall on July 13, 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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DESCRIPTION:

The Applicant proposes to convert this single family dwelling into two, two-bedroom units. The proposal includes a 13'x17' rear addition and small deck.

FINDINGS FOR SPECIAL PERMIT (SZO §7.11.2 & §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. in detail.

1. Information Supplied:

Regarding SZO §7.11.2:

- The Board finds that the information provided by the Applicant conforms to the requirements of §7.11.2 of the SZO and allows for a comprehensive analysis of the project with respect to the required Special Permits.

Regarding SZO §4.4.1:

- 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."*

Regarding SZO §7.11:

- In considering a Special Permit under 7.11 to increase the number of dwelling units on this non-conforming parcel, Staff finds that the addition of one more dwelling unit in this structure will not be substantially more detrimental to the neighborhood than the conditions currently present on the lot. The increase in net living area increases the FAR on this property from .51 to .65, well under the maximum allowable in this zone under perfect conditions.

Regarding SZO §4.4.1:

Section 4.4.1 states that Lawfully existing non-conforming structures other than one- and two-family dwellings may be enlarged, extended, renovated or altered only by special permit authorized by the SPGA in accordance with the procedures of [Article 5](#). The SPGA must find that such extension, enlargement, renovation or alteration is not substantially more detrimental to the neighborhood than the existing nonconforming building. In making the finding that the enlargement, extension, renovation or alteration will not be substantially more detrimental, the SPGA may consider, without limitation, impacts upon the following: traffic volumes, traffic congestion, adequacy of municipal water supply and sewer capacity, noise, odor, scale, on-street parking, shading, visual effects and neighborhood character.

- In considering a Special Permit under §4.4.1 of the SZO, the Board finds that adding another unit and building a small addition to the rear of the structure will not create conditions that are



substantially more detrimental to the surrounding neighborhood than those currently present at the property.

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."*

Regarding SZO §7.11.2:

- The proposal is consistent with the purposes of the RB district 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."
- The entirety of Park Street presents a convergence of several different use and density districts all on one street. Some portions of Park Street are zoned RB, others RC and yet others BA. Given the myriad zones found in the immediate area, the Board finds that converting 53 Park into a two-family structure is well in keeping with this mixed-density neighborhood.

Regarding SZO §4.4.1:

- 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."*

- As noted above, Park Street is a unique combination of RB, RC, and BA zones, all of which are represented on this one street. The project is designed to be in keeping with the unusual zoning this area presents.

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

- The proposal will not add to the 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 one new unit to Somerville's housing stock.



DECISION:

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti and Elaine Severino with Danielle Evans and Josh Safdie absent. 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 **4-0** to **APPROVE** the request. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes										
1	Approval is to add one unit to the structure (for a total of two units on the parcel) and to add a small addition to the rear.	BP/CO	ISD/ Plng.											
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>April 14, 2016</td><td>Initial submission to City Clerk</td></tr><tr><td>April 22, 2016</td><td>Electronic file of plans submitted to OSPCD</td></tr><tr><td>June 21, 2016</td><td>Plot plan submitted to OSPCD</td></tr><tr><td>July 1, 2016</td><td>Final plot plan submitted to OSPCD</td></tr></table>				Date (Stamp Date)	Submission	April 14, 2016	Initial submission to City Clerk	April 22, 2016	Electronic file of plans submitted to OSPCD	June 21, 2016	Plot plan submitted to OSPCD	July 1, 2016	Final plot plan submitted to OSPCD
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July 1, 2016	Final plot plan submitted to OSPCD													
Any changes to the approved plan that are not determined to be <i>de minimis</i> by Planning Staff must receive ZBA approval.														
Construction Impacts														
2	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											
3	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	ISD/Plng.											
4	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														



5	The deck shall be made of wood. No synthetic materials shall be used.	CO	ISD/PIng	
6	The addition shall be wood-clapboarded and shall match as closely as possible the clapboarding and trim extant on the original portion of the house.	CO	ISD/PIng	
Site				
7	The site shall be landscaped and maintained post-construction.	Perpetual	PIng. / ISD	
Miscellaneous				
8	The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the building and property.	Perpetual	ISD/PIng	
Public Safety				
9	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
10	All smoke detectors shall be hard-wired.	CO	FP	
Final Sign-Off				
11	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	ISD/PIng.	

Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chairman*
 Richard Rossetti, *Clerk*
 Elaine Severino
 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 _____

