



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
JOSEPH A. CURTATONE
MAYOR

MICHAEL F. GLAVIN
EXECUTIVE DIRECTOR

PLANNING DIVISION

ZONING BOARD OF APPEALS MEMBERS

ORSOLA SUSAN FONTANO, CHAIRMAN
RICHARD ROSSETTI, CLERK
DANIELLE EVANS
ELAINE SEVERINO
JOSH SAFDIE
ANNE BROCKELMAN, (ALT.)
POOJA PHALTANKAR, (ALT.)

Case #: ZBA 2016-132
Site: 55 Partridge Avenue
Date of Decision: January 4, 2017
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: January 9, 2017

ZBA DECISION

Applicant Name:	Wei Zhang
Applicant Address:	25 Benevenue Street, Wellesley, MA 02482
Property Owner Name:	Wei Zhang
Property Owner Address:	25 Benevenue Street, Wellesley, MA 02482
Agent Name:	N/A
 <u>Legal Notice:</u>	 Applicant and Owner, Wei Zhang, sees a Special Permit under SZO Section 4.4.1 to finish the basement and increase the FAR.
 <u>Zoning District/Ward:</u>	 RA zone/Ward 5
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	October 31, 2016
<u>Date(s) of Public Hearing:</u>	12/7/16 & 1/4/17
<u>Date of Decision:</u>	January 4, 2017
<u>Vote:</u>	5-0

Appeal #ZBA 2016-132 was opened before the Zoning Board of Appeals at Somerville City Hall on December 7, 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.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722
www.somervillema.gov

DESCRIPTION:

The Applicant proposes to finish the basement and create more head height therein by digging out the area.

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 §4.4.1 of the SZO. This section of the report goes through §4.4.1 in detail.

1. Information Supplied:

- 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."*

- The structure is currently non-conforming with regard to lot area, front yard setback, left side yard setback and rear yard setback. As proposed, the trigger for the Special Permit is the increase in Floor Area Ratio (FAR) that results from finishing the basement.
- Despite the increase in the number of bedrooms, no parking relief is needed. The parking calculation for results in the need for .5 (1/2) of a parking space of relief. Under such circumstances, no parking relief is needed.

Section 4.4.1 states that "[l]awfully existing one-and two-family dwellings which are only used as residences, which are nonconforming with respect to dimensional requirements, may be enlarged, extended, renovated or altered by special permit granted by the SPGA in accordance with the procedures of Article 5."

- In considering a special permit under §4.4 of the SZO, the Board finds that the alterations proposed to this property would not be substantially more detrimental to the neighborhood than those contained within the existing structure. Finishing/upgrading a basement is a way of creating more livable space to a home with little to no impact on abutting properties since there is no change to the setbacks of the home.

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 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."*

- The surrounding neighborhood is a mix of residential uses including single-family, 2-family and 2-family conversions. The surrounding neighborhood contains numerous structures of 2 ½, 2 ½ + stories with similar massing.
- There are few to no impacts from the proposal. The most significant proposed modifications are to the interior of the structure. The proposed changes to the exterior of the residence will help improve the street presence of the property while providing the homeowners with a small amount of outdoor space on a lot with limited area for outdoor enjoyment.

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

- The proposal will not impact the existing 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 not contribute to the metrics of SomerVision but will allow the property owner to make some modifications to their home.



DECISION:

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Danielle Evans, Elaine Severino and Josh Safdie with Anne Brockelman. 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 to finish the basement, thereby increasing the FAR.	BP/CO	ISD/ Plng.							
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>October 31, 2016</td><td>Initial application submitted to Planning Office</td></tr><tr><td>December, 2016</td><td>Updated plans submitted to OSPCD</td></tr></table>				Date (Stamp Date)	Submission	October 31, 2016	Initial application submitted to Planning Office	December, 2016	Updated plans submitted to OSPCD
	Date (Stamp Date)				Submission					
	October 31, 2016				Initial application submitted to Planning Office					
December, 2016	Updated plans submitted to OSPCD									
ANY changes to the approved plans must first be submitted to the Planning Division to determine whether or not they are <i>de minimis</i> in nature or whether they require review by the SPGA.										
2	The Applicant and/or Owner shall meet all of the Fire Prevention Bureau's requirements.	CO/Perpetual	FP							
3	The entire property is being overhauled. The landscaping of the property shall be upgraded. Landscaping plans shall be submitted to and approved by OSPCD Planning Staff prior to the installation of any landscaping.	CO	ISD/Plng							
4	The exterior of the building shall be clad in wood or cementitious siding. Wood, Azek or similar type siding shall be used for trim. No pressure-treated wood shall be used. No vinyl or aluminum siding shall be used.	CO/Perpetual	ISD/Plng							
5	The two windows in the front façade gable shall be retained in the exact size as currently extant on the property.	CO/Perpetual	ISD/Plng							

6	<p>The front façade of the building shall retain its pediment as currently extant on the building:</p> 	CO	ISD/PIng	
7	All details such as trim, fascia, brackets, scrolls, gable returns, window fenestration shall be retained.	CO/Perpetual	ISD/PIng	
8	Windows shall be two-over-two, with dark spacers, applied grids (no interior grids shall be permitted), with dark spacers, dark sash, and no reflective glass.	CO/Perpetual	ISD/PIng	
9	As per Somerville Fire Prevention requirements, no grills, chimineas, or similar apparatus shall be permitted on decks or porches.	CO/Perpetual	ISD/PIng/Fire Prevention	
10	The existing dormers on the left and right elevations shall be retained	CO/Perpetual	ISD/PIng/Fire Prevention	
Final Sign-Off				
11	The Applicant shall contact Planning Staff at least five (5) 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*
Danielle Evans
Elaine Severino
Josh Safdie

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 _____

