



**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 2016-117**  
**Site: 14 Tennyson Street**  
**Date of Decision: November 16, 2016**  
**Decision: *Petition Approved with Conditions***  
**Date Filed with City Clerk: November 30, 2016**

---

**ZBA DECISION**

---

<b>Applicant Name:</b>	Ellery Yahia
<b>Applicant Address:</b>	14 Tennyson Street, Unit #1, Somerville, MA 02145
<b>Property Owner Name:</b>	Ellery Yahia
<b>Property Owner Address:</b>	14 Tennyson Street, Unit #1, Somerville, MA 02145
<b>Agent Name:</b>	N/A

<u>Legal Notice:</u>	Applicant and Owner, Ellery Yahia, seeks a Special Permit per SZO §4.4.1 to finish a basement which increases the FAR.
----------------------	--

<u>Zoning District/Ward:</u>	RA zone/Ward 5
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	September 22, 2016
<u>Date(s) of Public Hearing:</u>	November 16, 2016
<u>Date of Decision:</u>	November 16, 2016
<u>Vote:</u>	5-0

---

Appeal #ZBA 2016-117 was opened before the Zoning Board of Appeals at the Visiting Nurse Association on November 16, 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](http://www.somervillema.gov)

**DESCRIPTION:**

The proposal is to finish the basement, which will increase the FAR by 0.22. The amount of living area will increase by 715 square feet, within the 25% increase allowed under special permit. The proposed renovations to the basement will add living area to the first floor unit, which will become a two-bedroom owner-occupied unit. The second and third floors makeup the other dwelling unit and consists of four bedrooms.

**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."*

*Section 4.4.1 states that "[l]awfully existing nonconforming 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 that the increase in net floor area, as a result of finishing the basement, will not be substantially more detrimental to the neighborhood than the current nonconforming conditions. The property is currently nonconforming with regard to the FAR, which is 0.91 where 0.75 is the maximum allowed. The proposal to finish the basement will result in an FAR of 1.13, which is an increase of 0.22 for the structure.

The proposed renovation of this property will decrease the amount of bedrooms by one. There are currently seven bedrooms in the structure and six are proposed; however, the required number of off-street parking spaces does not change. Currently 3.5, or four, parking spaces are required and as a result of the proposed renovations 3.5, or four, parking spaces will be required. The locus has no off-street parking spaces.

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 the purposes of the Ordinance are to promote the health, safety, and welfare of the inhabitants of the City of Somerville; to secure safety from fire, panic and other dangers; to conserve the value of land and buildings; and to encourage the most appropriate use of land throughout the City.



The Board finds that the proposal is consistent with the purpose of the RA 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."*

The proposal is to finish the basement area, which will not have any effect on the characteristics of the surrounding area. The property will remain a two-family structure in a neighborhood where there are two-, three-, and multi-family dwellings. Additionally, the proposal will not increase the demand for off-street parking spaces.

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

There will be no impact on the affordable housing stock.

7. 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 will have no impact on the SomerVision Plan.



**DECISION:**

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Danielle Evans, Elaine Severino and Josh Safdie with Anne Brockelman and Pooja Phaltankar 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 **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. 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>September 22, 2016</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>July 27, 2016</td><td>Existing conditions plans submitted to OSPCD (EC-1.1 and EC-1.2)</td></tr><tr><td>September 12, 2016</td><td>Construction plans submitted to OSPCD (A1.1 and A1.2)</td></tr></table>				Date (Stamp Date)	Submission	September 22, 2016	Initial application submitted to the City Clerk’s Office	July 27, 2016	Existing conditions plans submitted to OSPCD (EC-1.1 and EC-1.2)	September 12, 2016	Construction plans submitted to OSPCD (A1.1 and A1.2)
	Date (Stamp Date)				Submission							
	September 22, 2016				Initial application submitted to the City Clerk’s Office							
	July 27, 2016				Existing conditions plans submitted to OSPCD (EC-1.1 and EC-1.2)							
September 12, 2016	Construction plans submitted to OSPCD (A1.1 and A1.2)											
Any changes to the approved plans that are not <i>de minimis</i> must receive SPGA approval.												
2	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.									
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									
4	The Applicant or Owner shall meet the Fire Prevention Bureau’s requirements.	CO	FP									
5	All smoke detectors shall be hard-wired.	CO	FP / ISD									
6	The area shown as office space in the basement shall never become a bedroom.	Ongoing	Plng.									
7	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. 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 \_\_\_\_\_

