



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

PLANNING DIVISION

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DANIELLE EVANS  
ELAINE SEVERINO (ALT.)  
JOSH SAFDIE (ALT.)

**Case #: ZBA 2010-36**  
**Site: 221 Morrison Avenue**  
**Date of Decision: September 15, 2010**  
**Decision: *Petition Approved with Conditions***  
**Date Filed with City Clerk: September 23, 2010**

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**ZBA DECISION**

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<b>Applicant Name:</b>	Ron & Linde Dynneson
<b>Applicant Address:</b>	221 Morrison Avenue, Somerville, MA 02144
<b>Property Owner Name:</b>	Ron & Linde Dynneson
<b>Property Owner Address:</b>	221 Morrison Avenue, Somerville, MA 02144
<b>Agent Name:</b>	Richard G. DiGirolamo, Esq.
<b>Agent Address:</b>	424 Broadway, Somerville, MA 02145

<u>Legal Notice:</u>	Applicants/Owners Ron and Linde Dynneson seek a Special Permit with design review under SZO §7.11.3.g to establish use as a historic bed and breakfast, construct a 1,149 sq ft addition to the rear of the non-conforming structure (§4.4.1), and provide one parking space per every three guest rooms (§9.5.3.d). RA zone. Ward 6.
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<u>Zoning District/Ward:</u>	RA zone/Ward 6
<u>Zoning Approval Sought:</u>	§7.11.3, §4.4.1 & §9.5.3.d
<u>Date of Application:</u>	July 13, 2010
<u>Date(s) of Public Hearing:</u>	8/18, 9/1 & 9/15/10
<u>Date of Decision:</u>	September 15, 2010
<u>Vote:</u>	5-0

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Appeal #ZBA 2010-36 was opened before the Zoning Board of Appeals at Somerville City Hall on August 18, 2010. 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 proposal is to construct a 1-story, 657sq ft addition on the rear of the structure with a fenced-in roof-garden on top. The addition is approximately 17'6" by 24'4" and will include a basement workshop, basement music room, and a first-floor private kitchen for the owner. The applicants also plan to make by-right interior renovations to the structure, including a basement laundry area, a reconfigured stairway, and a full bath. As a part of this project, the applicant also plans to remodel existing space on the first floor to create two new guest rooms, for a total of five guest rooms in the house. The original advertised addition was 1,149 square feet, but after consultation with neighbors the applicant provided a modified plan reducing the addition to one story and 657 square feet.

## **FINDINGS FOR SPECIAL PERMIT (SZO §5.1.4 & §5.1.5):**

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 Staff 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."

*Use:* The Applicant requires a special permit with design review to establish a Historic Bed and Breakfast use under §7.11.3.g of the SZO. The proposal meets the requirements for a Historic Bed and Breakfast described under §7.12.3: The Applicants are providing no more than the permitted number of guest rooms, and the guest rooms do not include cooking facilities. A common gathering area is maintained for guest use. Only one dwelling unit is occupied by the Applicants, and the facility is the Applicants' principal residence. The Applicants will be on the premises and responsible for implementing the submitted parking management plan. After some neighbors expressed concerns with the size of the addition in the original plan, that plan was downsized. The new plan for a five-room Bed and Breakfast requires only a one-story 657 square foot addition.

*Structure:* The Board finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The addition extends two feet above the existing roofline, but the impact on the appearance of the structure from the street is minimal. There are no proposed major changes to the front façade; however, minor exterior work approved by Historic Staff will enhance the structure and begin to restore it to its original condition. The Applicant is working with Historic Staff to ensure that the design and materials are complimentary and sympathetic to the historic style of the structure.

The subject property is also well landscaped and, despite the proposed addition, will continue to more than meet the minimum landscaping requirement of 25 percent.

The project also complies with the applicable design guidelines for developments within a residence zone under §5.1.5 of the SZO:

- The structure is generally of the same size and proportions as those existing in the neighborhood. A range of building styles exists in the vicinity and many structures have similar depth and height.
- The proposed addition is consistent with the architecture of the existing structure in terms of window dimensions and roof lines. The proposed addition is compatible with the scale of the existing structure and is not overly large or clashing.
- No change to the dimensions of the existing driveway is required to meet the parking requirements under §9.5.3.d. The width of the driveway where it meets the public sidewalk is less than 12ft and the parking area is screened from an existing patio with an open-grid wooden fence.



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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: providing for and maintaining the uniquely integrated structure of uses in the City; conserving the value of land and buildings; and preserving the historical and architectural resources of the City.

The proposal is also consistent with the purpose of Residence A 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." In recently creating the new Historic Bed & Breakfast Use, the Board of Aldermen found that bed and breakfasts could be compatible with Residence A districts provided that they were subject to special permit to ensure that they do not create negative neighborhood impacts.

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."

*Use:* The Historic Bed and Breakfast use is compatible with the surrounding area, which is comprised of one- and two-family homes on the immediately adjacent parcels as well as retail, restaurants, and offices closer to Davis Square. The bed and breakfast has successfully operated within the neighborhood since 2001.

*Structure:* The proposed addition corresponds to the historic character of the existing structure. The changes will create space for three additional guest rooms without altering the overall design of the structure. The addition is also compatible with the surrounding neighborhood, as discussed above.

5. Vehicular and pedestrian circulation: The circulation patterns for motor vehicles and pedestrians which would result from the use or 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 proposal to establish use as a Historic Bed and Breakfast with three additional guest rooms has minimal impact on existing traffic circulation and will not increase the potential for traffic accidents. The Parking Plan describes how the Applicants will coordinate guest vehicles, keeping all guest keys in order to reorganize and prevent cars from becoming blocked. This is a practical strategy to accommodate day to day situations as well as those of full capacity.

## **DECISION:**

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Danielle Evans and Scott Darling. Upon making the above findings, Susan Fontano made a motion to approve the request for a special permit. Scott Darling seconded the motion. Wherefore the Zoning Board of Appeals voted **5-0** to **APPROVE** the request. In addition the following conditions were attached:



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#	Condition	Timeframe for Compliance	Verified (initial)	Notes										
1	Approval is for the establishment of use as a Historic Bed and Breakfast, the construction of a 657 sq ft addition to the rear of the non-conforming structure, and the provision of one parking space per every three guest rooms. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	Plng.											
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>July 13, 2010</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>July 13, 2010</td><td>Plans submitted to OSPCD (Floor plans and Site Plan, AE100-104, AS001)</td></tr><tr><td>July 29, 2010</td><td>Plans submitted to OSPCD (Elevations, AE201-202)</td></tr><tr><td>August 25, 2010</td><td>Updated plans submitted to OSPCD (revised elevations and floor plans)</td></tr></table>				Date (Stamp Date)	Submission	July 13, 2010	Initial application submitted to the City Clerk's Office	July 13, 2010	Plans submitted to OSPCD (Floor plans and Site Plan, AE100-104, AS001)	July 29, 2010	Plans submitted to OSPCD (Elevations, AE201-202)	August 25, 2010	Updated plans submitted to OSPCD (revised elevations and floor plans)
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August 25, 2010	Updated plans submitted to OSPCD (revised elevations and floor plans)													
Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.														
2	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP											
3	The Applicant shall comply with all requirements of the Historic Preservation Commission. Historic Preservation Commission conditions are hereby incorporated into this decision. No further Zoning Board of Appeals review will be necessary for any cosmetic design changes proposed by the Historic Preservation Commission.	BP	Plng											
4	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:

Herbert Foster, *Chairman*  
Orsola Susan Fontano, *Clerk*  
Richard Rossetti  
T.F. Scott Darling, III, Esq.  
Danielle Evans

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 \_\_\_\_\_



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