



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

PLANNING DIVISION

ZONING BOARD OF APPEALS MEMBERS

HERBERT F. FOSTER, JR., *CHAIRMAN*
ORSOLA SUSAN FONTANO, *CLERK*
RICHARD ROSSETTI
T. F. SCOTT DARLING, III, ESQ.
DANIELLE EVANS
ELAINE SEVERINO (ALT.)
JOSH SAFDIE (ALT.)

Case #: ZBA #2010-54
Site: 20 Thorndike Street
Date of Decision: November 3, 2010
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: November 17, 2010

ZBA DECISION

Applicant Name:	20 Thorndike Street, LLC
Applicant Address:	269 Upland Road, Cambridge, MA 02140
Property Owner Name:	20 Thorndike Street, LLC
Property Owner Address:	269 Upland Road, Cambridge, MA 02140
Agent Name:	Joseph P. Hanley, Esq.
Agent Address:	131 Oliver Street, 5 th Floor, Boston, MA 02110

<u>Legal Notice:</u>	Applicant and Owner 20 Thorndike St LLC seek a Special Permit under SZO §4.4.1 in order to modify an existing non-conforming structure, expanding the structure, and increasing the floor area. Applicant seeks relief from §9.5.a, to provide two off street parking spaces.
----------------------	---

<u>Zoning District/Ward:</u>	RB zone. Ward 7
<u>Zoning Approval Sought:</u>	§4.4.1 & §9.5.a
<u>Date of Application:</u>	September 2, 2010
<u>Date(s) of Public Hearing:</u>	10/20 & 11/3/10
<u>Date of Decision:</u>	November 3, 2010
<u>Vote:</u>	5-0

Appeal #ZBA 2010-54 was opened before the Zoning Board of Appeals at Somerville City Hall on October 20, 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.



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:

Applicant seeks to renovate and expand the existing structure to maintain its use as a residential building with two dwelling units. The current structure is in a dilapidated state and not in usable condition. The gross floor area of the footprint of the building would increase by approximately 114 feet from 1332 square feet, to 1447 square feet, increasing ground coverage from 36.17% to 39.87%. The net floor area will increase to approximately 3,596.90 square feet, increasing the FAR of .589 to .991. All of these figures are within the dimensional requirements of the zoning code for the Residence B district. The non-conforming front yard will be increased to 11.92 feet (still non-conforming to 15 feet) and right yard set back will be increased from 7.35 to 10 feet. The left yard set back will be maintained at 1.75 feet, and rear yard set back will be decreased from 30 to 20.38 feet.

The plans as submitted provide for 2 off street parking spots. The existing structure contained a two-bedroom unit and a four-bedroom unit, which had a parking requirement of 3.5, rounding to 4. The proposal is for two three bedroom units, which would have the same parking requirement of 4.

Both units would have similarly sized kitchen, dining, living, and sitting rooms and 2½ baths. The third floor of the building would have enclosed living space on the front of the building, and an open roof deck at the back of the building, overlooking the abutting garage at Buena Vista Road and Holland Street.

FINDINGS FOR SPECIAL PERMIT (SZO §5.1.4):

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 §4.4.1 of the SZO, the Board finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure.

In considering the parking requirements under §9.5.a, having less than the required minimum parking spaces will not be substantially detrimental to the availability of off-street parking given the proximity of the property to the Davis Square business district, and MBTA station. The comments and proposed condition from Traffic and Parking will help to address impacts of the limited on-site parking.

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 following: providing for and maintaining the uniquely integrated structure of uses in the City and conserving the value of land and buildings.

The proposal is consistent with the purpose of the district, RB - Residence B, 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".



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

www.somervillema.gov



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 style of the house would remain consistent with other structures on the street. The applicant removed a front porch. The Applicant will work with Planning Staff to design an appropriate front portico to address the impacts of this change on the front façade.

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 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 site is near transit and adequately served by the Community Path and subway. The undersized driveway will not provide unnecessary limitations on the project.

DECISION:

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Danielle Evans, Scott Darling and Elaine Severino with Herbert Foster absent. Upon making the above findings, Richard Rossetti 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:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes								
1	Approval is for the renovation of two unit family structure, with the addition of 114 square feet of living space. 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>9/14/2010 (9/14/2010)</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>3/20/10</td><td>Landscape Plan submitted to OSPCD</td></tr><tr><td>3/20/10</td><td>Layout and elevation submitted to OSPCD (1 through 4 of 4)</td></tr></table>				Date (Stamp Date)	Submission	9/14/2010 (9/14/2010)	Initial application submitted to the City Clerk's Office	3/20/10	Landscape Plan submitted to OSPCD	3/20/10	Layout and elevation submitted to OSPCD (1 through 4 of 4)
	Date (Stamp Date)				Submission							
	9/14/2010 (9/14/2010)				Initial application submitted to the City Clerk's Office							
	3/20/10				Landscape Plan submitted to OSPCD							
	3/20/10				Layout and elevation submitted to OSPCD (1 through 4 of 4)							
Any changes to the approved site plan or elevations at are not <i>de minimis</i> must receive SPGA approval.												
2	There shall be a minimum of one tree for each 1,000 sf of required landscaped area under SZO §10.3.	CO	Plng.									



3	Landscaping must be planted and maintained according to National Nurseryman's Standards, and in accordance with SZO §10.2.2 and §10.6.2.	CO	Plng.	
4	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
5	The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the building and all on-site amenities, including landscaping, fencing, lighting, parking areas and storm water systems, ensuring they are clean, well kept and in good and safe working order.	Cont.	ISD	
6	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	
7	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	
8	To the extent possible, all exterior lighting must be confined to the subject property, cast light downward and must not intrude, interfere or spill onto neighboring properties.	CO	Plng.	
9	The applicant shall provide notice of intent to strictly comply with applicable State and Federal regulations regarding air quality including without limitation continuous dust control during demolition and construction.	CO	Plng/OS E	
10	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	
11	The Applicant shall use cedar clapboard siding, and wood or metal clad windows. Siding and window materials and colors shall be submitted to Planning Staff for review and approval.	BP	Plng.	
12	The Applicant shall ensure that the structure is LEED certifiable and provide the following transit incentives: purchase MBTA Charlie Cards and initial Zip Car membership for tenants and install a bike rack.	CO	Plng.	
13	The Applicant shall expand the front door portico to include a front porch. If possible, this should be a porch across the full length of the building that is at least five feet deep. Applicant shall provide updated plans showing final porch design to Planning Staff for review and approval.	BP	Plng.	

14	The Applicant shall relocate the center window on each floor of the front elevation to be in the center of the front wall. Applicant shall provide updated plans showing final window design to Planning Staff.	BP	Plng.	
15	The Applicant shall provide \$800.00 for the purpose of purchasing signs and for providing a public media campaign relative to mass transportation and alternate transportation modes in the Davis Square area.	CO	T&P	
16	The basement plan shall be adjusted if the proposed egress does not meet building code requirements.	BP	ISD	
17	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, *Acting Chairman*
Richard Rossetti, *Acting Clerk*
T.F. Scott Darling, III, Esq.
Danielle Evans
Elaine Severino (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 _____



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

www.somervillema.gov

