



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2018-120
Site: 108 Gilman Street
Date of Decision: October 24, 2018
Decision: Petition Approved with Conditions
Date Filed with City Clerk: October 25, 2018

ZBA DECISION

Applicant Name: Anthony J. Rossi, Trustee, of 108 Gilman Realty Trust
Applicant Address: 75 Williams Street, Chelsea, MA 02150
Owner Name: Anthony J. Rossi, Trustee, of 108 Gilman Realty Trust
Owner Address: 75 Williams Street, Chelsea, MA 02150
Alderman: Matthew McLaughlin

Legal Notice: Applicant and Owner, Anthony J. Rossi, Trustee of 108 Gilman Realty Trust, seeks Special Permits under §4.4.1 of the SZO to alter a non-conforming property by increasing the GFA by more than 25% through the construction of a large addition intended to appear as a separate dwelling house, construction of front steps and new addition within the non-conforming front yard setback*. Special Permit under §7.11 of the SZO to increase the number of units from two to four. Special Permit under Article 9 of the SZO for parking relief.** BA zone. Ward 1.

<u>Zoning District/Ward:</u>	1
<u>Zoning Approval Sought:</u>	§4.4.1, §7.11
<u>Date of Application:</u>	August 27, 2018
<u>Date(s) of Public Hearing:</u>	10/24
<u>Date of Decision:</u>	October 24, 2018
<u>Vote:</u>	5-0

Appeal #ZBA 2018-120 was opened before the Zoning Board of Appeals at the East Somerville Community School on October 24, 2018. 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. On October 24, 2018 the Zoning Board of Appeals took a vote.



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DESCRIPTION:

The Applicant proposes retaining and renovating the existing structure. A large addition will be added to this structure in the left side yard. Because this property is located in the BA zone, no minimum lot size, left or right side yard setbacks are required in this case. The new addition will present a “modern” design to contrast with the antique structure to which it is being attached. The new structure will maintain the existing, front yard setback of 0’0”, which helps to retain a consistent sight line along this portion of the street.

FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1, §7.11):

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, generally, the information provided by the Applicant with regard to the interior arrangement of the structure and exterior elevations conforms to the requirements of §4.4.1 of the SZO.

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 §4.4.1 and §7.11 of the SZO

Section 4.4.1 of the SZO

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.”

Gross Floor Area (GFA)

A Special Permit is needed when an Applicant proposes increasing the Gross Floor Area (GFA) by more than 25%. The Applicant proposes an increase in GFA of 50%. This increase is created by the addition to the left of the existing structure.

This property is found in the BA zone, one of the more liberal zones in the City in terms of dimensional requirements (no minimum lot size, no side yard setbacks in certain cases, liberal rear yard setbacks, and no front yard setbacks).

Construction of two new dwelling units (§7.11 of the SZO)

As noted earlier in this report, to have 4-6 dwelling units in the BA zone requires that a Special Permit be granted. The Board finds that the inclusion of two more dwelling units will be beneficial to the available



housing stock in the City. The proposal of four units on this site complies with the lot area per dwelling unit requirement for the BA zone. The Applicant's proposal will have 943 square feet of lot area per dwelling unit in a zone where only 875 square feet of lot area per dwelling unit is required.

Additional determinations

In addition to the considerations discussed above, the Board does not anticipate that this proposal will increase noises or odors in this neighborhood on an on-going basis. Regular construction-related noise can be expected on this site as the project is underway. However, this uptick in noises will be temporary in nature. The Board anticipates that any odors associated with this project will be construction-related and, post-construction, will be in keeping with those typically experienced by residents living in close proximity to each other.

The Board finds that the changes proposed to the existing two-unit structure currently extant on the property will improve the visual appearance of this site. The existing structure will be refurbished and a new addition has been designed to "read" as a separate building from many angles. Further, The Board finds that the proposal equates to a win-win situation: a very early dwelling house that has been determined to be historically-significant to the City is being retained and rehabilitated while two more dwelling units will be added to the City's housing stock through the construction of a large, new addition.

Lastly, impacts on municipal water supply and sewer capacity will be examined by the Engineering Department prior to the issuance of any building permit for this project. The Applicant is required to submit full engineering plans to the Engineering Department for their assessment and determination of approval, approval with conditions, or denial.

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 Board finds that the proposal is consistent with the purposes of the BA zone in that the proposal provides additional housing in the immediate area. The purpose of the BA zone is "[t]o establish and preserve business areas bordering main thoroughfares that are attractive to a wide range of uses, including retail business and services, housing, government, professional and medical offices, and places of amusement. While it is anticipated that most users will arrive by motor vehicle, it is intended that the area should be safe for and conducive to pedestrian traffic."

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 proposed upgrades to this property will visually improve the site from the public way. Gilman Street and the immediate-surrounding residential area consists of one-, two-, three-, and multi-family residential buildings of varying styles and sizes. The proposal maintains the gable-fronted two-family structure on the site, while visually-improving it from current conditions. The bulk of the changes to the site in terms of form and massing occur on the left side of the lot.



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

The proposal will not add to the existing stock of affordable housing.

6. SomerVision:

The proposal will improve the visual appearance of an existing property, retains and rehabilitate a very early and historically-significant property to the City, and will add two more dwelling units to the City's housing stock.

DECISION:

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Danielle Evans, Elaine Severino, and Josh Safdie. Upon making the above findings, Richard Rossetti made a motion to approve the request for a Special Permit with Site Plan Review and Variance. Elaine Severino seconded the motion. 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 construct a large addition increasing the GFA by more than 25% and increasing the number of dwelling units from two to four.	BP/CO	ISD/PIng.	
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>August 27, 2018</td> <td>Application submitted to City Clerk's office.</td> </tr> </tbody> </table> <p>Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval. Whether or not a change is <i>de minimis</i> in nature must be determined by the Planning Office.</p>			
Date (Stamp Date)	Submission			
August 27, 2018	Application submitted to City Clerk's office.			
Design				
1	All materials, including, but not limited to windows, exterior finishes, siding, and similar shall be submitted to, reviewed and approved by Planning Staff prior to the issuance of a building permit.	BP	ISD/PIng	
Construction Impacts				
2	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	
3	All construction materials and equipment shall be stored on-site. 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/ISD	



4	The name(s) and contact information of all entities working on the site shall be posted in an area easily-visible from the public way for the passing public to see.	During Construction	ISD	
5	<u>Construction shall be limited to M-F 7:30am – 5:00pm. ONLY. No weekend/holiday construction or construction-related work shall occur.</u>	During Construction	ISD	
6	Prior to the issuance of a building permit, the Applicant shall submit full engineering plans to the Engineering Department for their review and approval.	BP	ISD/Plng/Eng.	
7	The applicant must comply with the “Policy for new connections to and modifications to existing connections to the municipal sewer and drainage system stormwater management and infiltration/inflow mitigation.” The Applicant shall work with Engineering to meet this condition and provide the required fees/mitigation.	BP	Engineering/ISD	
Public Safety				
8	The Applicant or Owner shall meet the Fire Prevention Bureau’s requirements.	CO	FP	
9	All smoke detectors shall be hard-wired.	CO	Fire Prevention / ISD	
10	The building shall be sprinkled.	CO	Fire Prevention. ISD	
11	All exterior lighting on the site shall be downcast and shall not cast light onto surrounding properties in any fashion.			
12	In accordance with City of Somerville ordinances, no grills, barbeques, chimineas or the like shall be allowed on decks and porches. These requirements shall be written into any rental agreements or condo documents. Proof of the inclusion of this language shall be shown to Planning Staff prior to the issuance of a CO.	CO/Perpetual	ISD/PlngFP	
Site				
13	All plantings and their locations along with all hardscaping materials, design and location for driveways, walkways, fencing, etc., shall first be reviewed and approved by Planning Staff prior to the issuance of a building permit.	BP	ISD/Plng	
14	No vents shall exit on the Gilman Street façade of the structure. All venting, pipes, conduits and the like shall be painted the same color as the exterior of the structure from which they protrude.	CO	ISD/Plng	
15	Utility meters shall not be installed on the front façade of the building (Gilman Street facade).	CO	ISD/Plng	
16	All bituminous material shall be removed from the site. Bituminous material shall not be used for driveways, walkways or parking areas.	CO	ISD/Plng	
17	All materials for hardscaping shall be submitted to Planning Staff for their review and approval prior to the issuance of a building permit	BP	ISD/Plng	
18	Vinyl siding, trim, fencing, or decking material shall not be used on this site	CO	ISD/Plng	



19	All mechanicals shall be screened from view from the public way. All screening materials shall be reviewed and approved by Planning Staff prior to installation	CO	ISD/Plng	
20	The location of mechanicals (such as AC condensers) shall be first reviewed and approved by the Zoning Review Planner prior to their installation.	BP	ISD	
21	Garbage and recycling shall be stored out-of-view from the public way and shall be screened. Screening material and storage location shall first be reviewed and approved by Planning Staff	CO	ISD	
Utilities				
22	Utilities shall be buried unless ordered otherwise by Lights and Lines/Highways.	CO	Lights and Lines/Highways/ISD	
Final Sign-Off				
23	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:

Monique Baldwin

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 _____

