



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2019-62
Site: 2 Adrian Street
Date of Decision: October 16, 2019
Decision: *Approved with Conditions*
Date Filed with City Clerk: October 28, 2019

ZBA DECISION

Site: 2 Adrian Street

Applicant Name: 2 Adrian Street Holdings, LLC/Mahmood Firouzbakht, Manager
Applicant Address: 7 Crescent Street, Cambridge, MA 02138
Owner Name: same as applicant
Owner Address: same as applicant

Legal Notice: Applicant & Owner, 2 Adrian Holdings, LLC, with Mahmood Firouzbakht, Manager, seeks special permits under §4.4.1 of the SZO to alter a non-conforming property by adding an addition with a dormer within the right side yard setback. Parking relief under Article 9* of the SZO. RB zone. Ward 2.

*After the publication of this legal ad, it was determined that parking relief was not needed. The parking requirement under existing and proposed conditions is the same at 4.0. Therefore, no parking relief is needed.

<u>Zoning District/Ward:</u>	RB Zone. Ward 2.
<u>Zoning Approval Sought:</u>	SZO §4.4.1, Article 9
<u>Date of Application:</u>	June 6, 2019
<u>Date(s) of Public Hearing:</u>	9/18, 10/2, 10/16
<u>Date of Decision:</u>	October 16, 2019
<u>Vote:</u>	4-0



Case number ZBA 2019-62 was opened before the Zoning Board of Appeals in the Council Chambers of City Hall at 93 Highland Avenue. 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 16, 2019, the Zoning Board of Appeals took a vote.

I. PROJECT DESCRIPTION

1. Subject Property: The locus presents a 2 ½-story, two-family house on a 3,602 square-foot lot. The lot is covered with bituminous material (asphalt) and a garage structure is extant in the left rear corner of the property. To the left of this building is a smaller, 2 ½-story house and three triple deckers. To the rear are wood-framed multi-units, a triple-decker and two gabled structures fronting along Concord Avenue. To the left of this property is a large, bituminous-covered (asphalt) parking area serving the multi-unit residential structure at 45 Concord Avenue. Immediately across Adrian Street are a series of gable-fronted 2 ½-story structures in various stages of rehabilitation.

2-4 Adrian Street currently appears “shoe-horned” into the neighborhood. However, it is not unlikely that there was a series of houses similar to this one in the location where the rear, paved parking lot of the apartment building at 45 Concord Avenue is now located.

2. Proposal: The applicant proposes a complete overhaul of the property. Key components of the project are listed below and the triggers for special permitting are identified:

- Remove all bituminous material from the property and re-landscape
- Install pervious pavers for driveway and parking area
- Demolish existing garage¹
- Gut-renovation of interior
- Construct two left elevation dormers
- Increase the GFA by more than 25% (**special permit**)
- Construct a rear addition within the right side yard setback (**special permit**)
- Construct two right elevation dormers within the right side yard setback (**special permit**)
- Sustainable building practices which are outlined in the next section below

4. Green Building Practices:

The Applicant has included the following information relative to green building practices:

“The west side of the roof and on top of the dormer roofs along that side, we plan to install photovoltaic solar panels for the building which would be shared by both units. To utilize the excess solar power generation we plan to use electric split-system heat pumps for cooling and heating, electric hot water heaters, electric clothes dryers and electric induction ranges in the kitchens in lieu of gas-fired equipment.”

¹ Permission granted from Historic Preservation Commission on August 5, 2019

II. 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.

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 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."

Increase the GFA by more than 25%

Due to the reconfiguration of the interior space (including finishing the basement), along with the construction of the rear addition, the GFA of the property will increase by more than 25%.

Right side yard setback

The RB zone requires a right side yard setback of 8 feet. The existing right side yard setback is one (1.0) foot. The applicant proposes constructing a rear addition within the right side yard setback. The addition will have a setback of 3.3 feet from the property line. Also proposed are two dormers. One dormer will be constructed on the right roof plane of the main body of the house and one dormer on the right roof plane of the rear addition. Both dormers will terminate within the right side yard setback.

The right elevation dormers, along with the rear addition, will be visible from the public way, the parking lot and rear units at 45 Concord Avenue, the right elevation of 18 Adrian Street, as well as from some of the odd-numbered Adrian Street properties.

Additional findings

Additional shading from the rear addition is anticipated to be minimal. The rear addition will be visible from left, right, and rear-abutting properties as well as the public way of Adrian Street. The neighborhood is a mixture of one-, two-, and multi-unit properties of various styles and in various stages of repair. Overall, the proposal is not detrimental to the neighborhood but will help to upgrade an existing property.

The total bedroom count on the property is being reduced by one and the number of parking spaces being provided on-site remains the same at two (2.0). Abutters can expect typical noises and odors associated with the construction phase of a project.



Because this project will need to be reviewed by the Engineering Department prior to the granting of a building permit, they will determine if any measures need to be taken by the Applicant to address any impacts on the public sewer or water supply. Lastly, as the property is remaining a two-family, the Board does not anticipate any change in traffic volume, queuing, or congestion as a result of this project.

The Board would prefer to see the applicant obtain a special permit for tandem parking in the driveway so that the rear yard could be dedicated to green space rather than to a hardscaped (though pervious) parking pad.

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 RB zone which are “[t]o 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.”

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 Board has addressed the question of site and area compatibility in a previous section.

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. Somer Vision:

The proposal will allow for the improvement of an existing property and will allow the future inhabitants of the structure to enjoy a more efficient interior arrangement. The proposal includes the installation of solar panels and energy-smart amenities. The permeability of the property will be improved with the removal of all bituminous material and an upgraded landscaping scheme.

III. DECISION

Present and sitting were, Susan Fontano, Danielle Evans, Anne Brockelman, and Elaine Severino. Upon making the above findings, Danielle Evans made a motion to approve the requested special permit. Elaine Severino seconded the motion. The Zoning Board of Appeals voted **4-0** to **APPROVE** the request **WITH CONDITIONS**. The following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	Approval is for the construction of a rear addition within the right side yard setback, two dormers within the right side yard setback, and an increase in GFA of more than 25%.	BP/CO	ISD/PIng.							
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>June 6, 2019</td> <td>Application submitted to City Clerk's office.</td> </tr> <tr> <td>September 9, 2019</td> <td>Supplemental documents (neighborhood meeting notice, neighborhood meeting sign-in sheet, green practice statement, and updated plan set) submitted to OSPCD</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	June 6, 2019	Application submitted to City Clerk's office.	September 9, 2019	Supplemental documents (neighborhood meeting notice, neighborhood meeting sign-in sheet, green practice statement, and updated plan set) submitted to OSPCD
	Date (Stamp Date)				Submission					
June 6, 2019	Application submitted to City Clerk's office.									
September 9, 2019	Supplemental documents (neighborhood meeting notice, neighborhood meeting sign-in sheet, green practice statement, and updated plan set) submitted to OSPCD									
<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>										
Engineering										
2	<p>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."</p> <p>The Applicant shall work with Engineering to meet this condition and provide the required fees/mitigation.</p>	BP	Engineering/ISD							
3	The proposed basement finished floor elevation shall not be less than is 1 foot above the Seasonal High Ground Water elevation. The seasonal high ground water elevation shall be determined by a Massachusetts certified soil evaluator and stated on a signed soil test pit log.	BP	Eng.							
Design										
4	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										



5	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	
6	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/ISD	
7	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 on the public way.	During Construction	ISD	
8	<u>Construction shall be limited to M-F 7:30am – 5:00pm. No weekend construction or construction-related work shall occur.</u>	During Construction	ISD	
9	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	ISD/DPW	
10	No construction vehicles shall be allowed to park on the street during the construction phase of the project.	During construction	ISD/T&P	
Public Safety				
11	The Applicant or Owner shall meet all of the Fire Prevention Bureau's requirements.	CO	FP	
12	In accordance with City of Somerville ordinances, no grills, barbeques, chimineas or the like shall be allowed on decks and porches.	CO/Perpetual	ISD/PlngFP	
Site				
13	The Applicant shall submit an updated landscaping plan to Planning Staff through the Zoning Review Planner for review and approval prior to the issuance of a building permit showing the location of vegetation-screened mechanicals and of enclosed trash and recycling station.	BP	Plng/ISD	
14	All bituminous material shall be removed from the property.	CO	Plng/ISD	
15	Landscaping shall be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD	
16	Trash and recycling shall be stored behind the house and shall be screened with a cedar enclosure. The enclosure shall present a cedar roof as well. Latched doors shall secure the enclosure.	CO	Plng. / ISD	



17	Two additional trees shall be planted in the right rear of the lot. An updated landscaping plan shall be submitted to the Zoning Review Planner for the review and approval of planning staff prior to the issuance of a building permit.	Updated landscaping plan – BP Installation of trees – CO	ISD/Plng – Zoning Review Planner	
18	Additional green space shall be added at the rear door of the structure with stepping stones used for access between the structure/parking spaces. An updated landscaping plan depicting this shall be submitted to the Zoning Review Planner for the review and approval of planning staff prior to the issuance of a building permit.	Updated landscaping plan – BP Installation – CO	ISD/Plng – Zoning Review Planner	
19	A grass-crete strip shall be added down the length of the middle of the driveway. An updated landscaping plan depicting this shall be submitted to the Zoning Review Planner for the review and approval of planning staff prior to the issuance of a building permit.	Updated landscaping plan – BP Installation – CO	ISD/Plng – Zoning Review Planner	
20	The length and width of the parking space dimensions shall be reduced by a total of two (2) feet each. An updated landscaping plan depicting this shall be submitted to the Zoning Review Planner for the review and approval of planning staff prior to the issuance of a building permit.	Updated landscaping plan – BP Installation – CO	ISD/Plng – Zoning Review Planner	
Miscellaneous				
21	Granting of the applied for use or alteration does not include the provision for short term rental uses, such as AirBnB, VRBO, or the like. Separate approvals are needed for the aforementioned uses.	Perpetual	ISD / Plng.	
22	All exterior lighting shall be confined to the subject property, case light downward and must not intrude, interfere, or spill onto neighboring properties.	Perpetual	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	ISD/Plng.	



Attest, by the Zoning Board of Appeals:

Susan Fontano, *Chair*
Danielle Evans, *Clerk*
Anne Brockelman
Elaine Severino

Attest, by Planner:

Sarah White

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 _____

