



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2018-53
Site: 20 Adrian St
Date of Decision: June 20, 2018
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: July 3, 2018

ZBA DECISION

Applicant / Owner Name: Elliot M. Cohen & Marjory A. Bravard
Applicant / Owner Address: 20 Adrian Street, Somerville, MA 02143
Alderman: J.T. Scott

Legal Notice: Applicants and Owners, Elliot M. Cohen and Marjory A. Bravard, seek Special Permits under §4.4.1 of the SZO to alter a non-conforming property in part by extending the non-conforming right side yard setback and increasing the GFA by more than 25%. Parking relief under Article 9. RB zone. Ward 2.

<u>Zoning District/Ward:</u>	RB Zone. Ward 2.
<u>Zoning Approval Sought:</u>	§4.4.1, and §9.13
<u>Date of Application:</u>	April 11, 2018
<u>Date(s) of Public Hearing:</u>	June 20, 2018
<u>Date of Decision:</u>	June 20, 2018
<u>Vote:</u>	5-0

Appeal #ZBA 2018-53 was opened before the Zoning Board of Appeals in the Visiting Nurses Association, 3rd floor Community Room, 259 Lowell Street, Somerville. 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.



DESCRIPTION:

The single-family structure at the rear of the lot will be retained in situ. The number of dwelling units at this locus will increase from one (1) to two (2). The Applicant proposes creating an addition to the single family structure in such a way that the addition will read from the street as a modern-style, 3-story residential building. This will be accomplished by connecting the existing structure to the new "addition" via a shared covered entry that will serve both residential units. The addition will be built in what is now the front yard of 20 Adrian Street. Interior and exterior improvements will be made to the existing structure on the site.

The following portions of the project require special permitting:

Gross Floor Area (GFA)

In order to increase the gross floor area (GFA) of a property by more than 25%, a Special Permit must be requested from the Special Permit Granting Authority, in this case, the ZBA. The applicant proposes increasing the GFA on this site from 978 square feet to 1,982 square feet, an increase of 49%.

Right side yard setback

The existing single-family structure rest four (4) feet from the right side property line. This setback is non-conforming in the RB zone where a minimum side yard setback of eight (8) feet is required. The Applicant proposes extending this non-conforming setback further toward the front of the lot by constructing the new residential unit four (4) feet from the right side yard property line.

Parking

The Applicant seeks relief for 1.0 on-site parking spaces.

FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1 and §9.13):

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 and 5.1.4 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 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) (SZO §4.4.1)

The new unit and covered entry connecting units 1 and 2 will increase the GFA by 49% or 1,004 square feet.

Right Side Yard Setback (SZO §4.4.1)

As noted earlier in this report, the right side yard setback is currently non-conforming. An 8-foot side yard setback is required in the RB zoning district. The Applicant proposes extending this non-conforming toward the front of the lot. The right façade of the proposed new residential unit will be located 4.0 from the right property line.

Parking (SZO §9.13)

Section 9.13a of the SZO allows a Special Permit Granting Authority (SPGA), in this case, the ZBA, to grant relief from parking requirements under special permit when six (6) or fewer spaces of relief are needed. As stated earlier in this report, the total number of spaces of relief needed for this project is **3.0**.

Dwelling Area	Existing Bdrs.	Parking Req.	Dwelling Area	Proposed Bdrs.	Parking Req.
Unit 1	2	1.5	Unit 1	2	1.5
Unit 2	n/a	n/a	Unit 2	3	2.0
Total: 1.5			Total: 3.5		

Formula:

$$\text{new parking requirement} - \text{old parking requirement} = \# \text{ of spaces of relief needed}^*$$

$$3.5 \text{ spaces} - 1.5 \text{ spaces} = 2 \text{ new spaces}^1$$

The Applicant proposes providing one (1) on-site parking space. This is subtracted from the result of the formula above. Therefore, 1.0 space of relief is needed.

BOARD FINDINGS

The Board notes that, despite the insertion of this new residential unit into the front yard of 20 Adrian Street, the proposal exceeds the minimum RB zone requirements for pervious area and landscaped area. The front yard setback, though shortened, meets RB zoning requirements. Ground coverage and FAR will also comply.

Traffic volumes

This project, taken independently, increases the number of dwelling units at the locus by one. An increase of one dwelling units and the limited number of vehicles associated with it are not expected to significantly increase the traffic volume on Adrian Streets or surrounding roads.

¹ When this result is a negative number or less than 1, no parking relief is needed. The result of this formula is then compared against the number of spaces that the applicant proposes to provide on the site. If that number is greater than the number of spaces of relief needed, then no special permit for parking relief is required.



Traffic congestion

With the exception of the times noted directly above, an uptick in traffic congestion is not anticipated.

Adequacy of municipal water supply and sewer capacity

As with all projects of this nature, the Applicant is required to submit their engineering plans to the Engineering Department for their review and approval (or modification). While any increase in the number of bathrooms, kitchens and people can add some additional burden to municipal systems, the Engineering Department will assess the impact any of these new connections will have on municipal systems.

Noise, odor

The neighborhood can anticipate the additional noise and odor that goes hand-in-hand with construction projects such as this. In a densely-built urban environment, this may be particularly noticeable. However, any uptick in noise and/or odor(s) will be temporary in nature and is expected to last only the duration of the construction portion of the project.

On-street parking

Currently, the existing single-family possesses no legal parking spaces. Any parking that could occur on the lot under existing conditions would be deemed front yard parking which is not allowed. The Applicant proposes providing one parking space on the parcel to the left of the new dwelling unit. It is fair to say that when granting parking relief, this can make more on-street parking necessary.

Shading

The Board notes that the proposed new unit is smaller in scale than the surrounding triple-deckers that are its most prominent neighbor. This is a very densely-built street with buildings of greater massing than the combined building proposed by the Applicant. If anything, the Board expects the property at 20 Adrian Street to be shadowed by surrounding structures rather than the other way around. It is always within the ZBA's purview to request a shadow study should they determine one to be helpful in making their determination.

Visual effects and neighborhood character

Stylistically, the proposed dwelling unit is a departure from the architecture (original and modified) present on Adrian and surrounding streets. This does not mean that "modern" architecture does not have a place in a more traditionally-designed neighborhood. In the case of 20 Adrian Street, the Board finds that the proposed structure is well-designed in terms of its scale and massing, particularly when compared to the greater bulk and massing of most of the surrounding structures.

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 RB zone which is "[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.



The applicant proposes adding one more dwelling unit to the locus. On adjoining streets such Joseph Street which intersects with Adrian Street, there are a few two-unit residential buildings. The majority of residential structures in the area, however, are triple-deckers. There is one multi-unit, low-rise apartment building as well. The Applicant’s proposal to add another dwelling unit is, therefore, consistent with the RB zone.

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 project is consistent with the land uses of the surrounding area. The Applicant proposes a two-unit use. The majority of the surrounding properties are three-unit uses. Therefore, the Applicant’s proposal offers a less intense use of the land than existing surrounding properties.

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.

DECISION:

Special Permit under §4.4.1 and Article 9

Present and sitting were Members Orsola Susan Fontano, Elaine Severino, Danielle Evans, Josh Safdie, and Pooja Phaltankar. Upon making the above findings, Danielle Evans made a motion to approve the request for a **Special Permit**. Josh Safdie 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 increase the number of units from one to two. A covered entry will be constructed that connects the existing structure on the site to the new unit. One space of parking relief provided. Extend the non-conforming right side yard setback toward the front of the lot. Increase GFA by 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>April 11, 2018</td> <td>Application submitted to City Clerk’s office.</td> </tr> <tr> <td>May 17, 2018</td> <td>Updated documents submitted to OSPCD</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	April 11, 2018	Application submitted to City Clerk’s office.	May 17, 2018	Updated documents submitted to OSPCD
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May 17, 2018	Updated documents submitted to OSPCD									
<p style="color: red;">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>										
Design										



2	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. No vinyl, including PVC shall be permitted.	BP	ISD/Plng	
Site				
3	All materials used for hardscaping on the site shall first be submitted to planning staff for their review and approval.	BP	ISD/Plng	
4	Add mechanicals shall be screened from the public way and from the view of the abutting properties. Location of mechanicals and screening materials shall first be reviewed and approved by Planning Staff.	BP	ISD/Plng	
5	Utility meters shall not be installed on the front façade of the new dwelling unit	CO	ISD/Plng	
Construction Impacts				
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/ISD	
8	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	
9	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				
10	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
11	All smoke detectors shall be hard-wired.	CO	Fire Prevention / ISD	
12	Barbeques, grills, chimineas and the like are not permitted on porches or decks per Somerville fire safety regulations	Perpetual	ISD/Fire Prevention	
13	All exterior lighting on the property shall be down-lit and shall not cascade onto abutting properties or onto the public way in any fashion.	Perpetual	Electrical/Wiring	
14	A utility plan shall be submitted to Lights and Lines for their review and approval	BP	Electrical/Lights and Lines	



15	Should a transformer be required, it shall be screened from public view. The planned location of the transformer shall be reviewed and approved by the appropriate city inspector.	BP	Electrical/Lights and Lines	
Final Sign-Off				
16	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*
Danielle Evans
Elaine Severino
Josh Safdie
Pooja Phaltankar (*Alt.*)

Attest, by City 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 _____

