



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2019-80
Site: 12 Aldersey Street
Date of Decision: September 18, 2019
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: October 1, 2019

ZBA DECISION

Site: 12 Aldersey Street

Applicant Name: Vladimir & Lara Jaugust
Applicant Address: 12 Aldersey Street, Somerville, MA
Owner Name: same as applicant
Owner Address: same as applicant

City Councilor: Ben Ewen-Campen

Legal Notice: Applicants and Owners, Vladimir & Lara Jaugust, seek special permits under §4.4.1 of the SZO to alter a non-conforming structure (4-family in an RA zone) including exterior modifications, increasing the GFA by more than 25%. Parking relief under Article 9 of the SZO*. RA zone. Ward 3.

*Since the publication of this legal ad, it has been determined that no parking relief is needed. The existing bedroom count is 8 and the proposed bedroom count is 11. Despite the increase in bedroom count, the number of required parking spaces remains consistent at 7.0 under both existing and proposed conditions. This is explained further in an updated "proposal" section later in this document.

Zoning District/Ward: RA zone, Ward 3.
Zoning Approval Sought: SZO §4.4.1
Date of Application: July 17, 2019
Date(s) of Public Hearing: 9/4, 9/18
Date of Decision: September 18, 2019
Vote: 5-0



Case # ZBA 2019-80 was opened before the Zoning Board of Appeals in the 3rd Floor Community Room, Visting Nurses Association (VNA), 259 Lowell Street, Somerville, MA on September 4, 2019. 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 September 18, 2019 the Zoning Board of Appeals took a vote during their meeting in Council Chambers, 3rd Floor City Hall, 93 Highland Avenue, Somerville, MA.

I. PROJECT DESCRIPTION

1. **Subject Property:** The locus presents a non-conforming 4-unit residential structure in a zone where a maximum of two residential units is allowed. This 3-story Mansard-roofed structure is also located within a Local Historic District (LHD). The Somerville Historic Preservation Commission (HPC) has purview over all exterior changes on this property that are visible from a public way. This RA-zoned lot presents 11,512 square feet of land area.

2. **Proposal:** The Applicant proposes significant interior renovations, a large addition at the rear of the building and the construction of a new, two-bay garage. The garage is street-facing but is set back near the end of the main house and sited slightly down in the slope of the lot. The triggers for special permits are as follows:

- Increase the GFA by more than 25% (**special permit**)

Despite the increase in bedroom count from eight (8.0) to eleven (11.0), the number of required parking spaces is the same. The offices presented in the plan set are counted as bedrooms. See table below:

Unit #	Existing BDR	Required PKG	Unit #	Proposed BDR	Required PKG
Unit 1	3	2.0	Unit 1	5	2.0
Unit 2	1	1.5	Unit 2	2	1.5
Unit 3	1	1.5	Unit 3	2	1.5
Unit 4	3	2.0	Unit 4	2	1.5
Total: 7.0			Total: 7.0 (rounded from 6.5)		

3. Green Building Practices:

The application states the following: “*energy star appliances, low flow fixtures, efficient insulation, and smart thermostats.*”

4. Comments:

Historic Preservation Commission (HPC): At their regular meeting on July 16, 2019, the HPC voted to approve the proposed alterations to the property at 12 Aldersey Street. Approvals included changes to the exterior of the main structure, construction of a garage, hardscaping, and a rear addition with patio. A Certificate of Appropriateness was duly issued to the Applicants. Because this is a Local Historic District



(LHD), the Historic Preservation Commission (HPC) all materials, exterior changes visible from a public way, hardscaping, and topographical changes must meet the HPC's design guidelines.

The applicant notes the following updates to the plans:

- a color landscape plan showing the locations of the mature trees being retained, the tree on the abutter's property, the landscaping between the house and the garage, the species of plants being added and their locations, and the abutter's house on the garage side.
- a site plan showing the abutting houses on it, showing the topography more clearly, showing the location of the abutter's tree [at 14 Aldersey] on her property, and clarifying the driveway material as being gravel.
- the garage being narrowed and pulled away from the abutter's property line by about two feet, the driveway being narrowed at the curb such that the curb cut is reduced in size and more landscaping can be added along the property line by the abutter's house.
- these changes increase the pervious and landscaped areas from 53% to 62%.

II. FINDINGS FOR SPECIAL PERMITS (SZO Articles 4 & 9)

In order to grant a special permit, the SPGA must make certain findings and determinations as outlined in §5.1.4 of the Somerville Zoning Ordinance (SZO). Also, in order to grant a special permit with site plan review, the SPGA must make certain findings and determinations as outlined in §5.2.5 of the SZO. This section of the report goes through the relevant sections of the SZO in detail.

1. Information Supplied:

The Board finds that the information provided by the Applicant conforms to the requirements of §5.2.3 of the SZO and allows for a comprehensive analysis of the project.

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 with site plan review.”*

§4.4.1 of the SZO

This portion of the SZO 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 GFA by more than 25%

Due to the construction of a large rear addition, the GFA of the property will increase by more than 25%. A total of 3,468 square feet will be added through this addition and interior reconfiguration, particularly



in the basement area. The proposed rear addition is stepped down from the roofline of the Mansard-roofed structure original to the property. The new rear addition will be most visible from rear-, left-, and right-abutting properties.

The Board also makes findings regarding the following:

Adequacy of municipal water supply and sewer capacity

There is an increase in potential bedroom count by three. The Engineering Department will determine what any impacts on the City's sewer and water systems may be and if payments or other means of mitigation are required.

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) is expected to be temporary in nature and is expected to last only for the duration of the major construction portion of the project.

Scale

The rear addition is large in terms of the amount of square footage being added to the property. As noted above, the Applicants propose the addition to be stepped down from the roofline of the main house.

On-street parking

Parking has already been addressed earlier in this assessment.

Shading

Due to the slope of the property into which the addition will be constructed, the subservient nature of the addition to the main house, and the location of the house on this large lot, shadowing of abutting properties is not anticipated.

Visual effects and neighborhood character

The rear of this building will change significantly. However, the Applicant has designed an addition whose overall roofline and scale is complimentary to that of the main house. That the addition is built into the slope of the land helps to minimize what the visual impact of the addition could have been from some view corridors, principally Aldersey Street. The addition will be visible from the rear-, left-, and right-abutting properties. The garage will be visible from the right- and rear-abutting properties. Of further note is that this property is located in a Local Historic District (LHD) which has its own set of design guidelines to which the Applicant must adhere and the Historic Preservation Commission (HPC) must approve. The HPC reviewed and approved the Applicant's proposal in July, 2019.

3. Purpose of District: *The Applicant has to ensure that the project "is consistent with the intent of the specific zoning district as specified in Article 6".*

As a four-unit property, the Board finds that the existing conditions of the property are not compatible with the purpose of the RA district which is: "[t]o 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."



However, the four-unit nature of the property is a legally pre-existing, non-conforming condition that is allowed to continue.

4. Site and Area Compatibility: *The Applicant has to ensure that the project “(i)s designed in a manner that is compatible with the existing natural features of the site and is compatible with the characteristics of the surrounding area, and that the scale, massing and detailing of the buildings are compatible with those prevalent in the surrounding area”.*

The Board has addressed this item earlier in the report.

5. Consistency with Purposes: *“Is consistent with: 1) the purposes of this Ordinance, particularly those set forth in Article 1 and Article 5; and 2) the purposes, provisions, and specific objectives applicable to the requested special permit with site plan review which may be set forth elsewhere in this Ordinance, such as, but not limited to, those at the beginning of the various sections.”*

The Board finds that the proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to, promot[ing] the health, safety, and welfare of the inhabitants of the City of Somerville; to provide for and maintain the uniquely integrated structure of uses in the City; to protect health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; to conserve the value of land and buildings; to adequately protect the natural environment; to encourage the most appropriate use of land throughout the City; to protect and promote a housing stock that can accommodate the diverse household sizes and life stages of Somerville residents at all income levels, paying particular attention to providing housing affordable to individuals and families with low and moderate incomes; and to preserve and increase the amenities of the municipality.

6. SomerVision Plan:

The proposal improves the exterior appearance of an existing Local Historic Districted property.

7. Impact on Affordable Housing: *In conjunction with its decision to grant or deny a special permit for a structure of four or more units of housing, the SPGA shall make a finding and determination as to how implementation of the project would increase, decrease, or leave unchanged the number of units of rental and home ownership housing that are affordable to households with low or moderate incomes, as defined by HUD, for different sized households and units.*

The proposal does not add additional units to the City’s affordable housing stock.

III. DECISION

Present and sitting were Members Orsola Susan Fontano, Drew Kane (*Alt*), Danielle Evans, Elaine Severino, and Anne Brockelman. Josh Safdie was absent and Drew Kane was voting in his place. Upon making the above findings, Danielle Evans made a motion to approve the request for a Special Permit. Elaine Severino seconded the motion. The Zoning Board of Appeals voted **5-0** to **APPROVE** the request **WITH CONDITIONS**. The following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes
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1	Approval is to increase the GFA by more than 25%.	CO / BP	ISD/Plng.							
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>July 17, 2019</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>September 9, 2019</td> <td>Updated plan set submitted to OSPCD</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	July 17, 2019	Initial application submitted to the City Clerk's Office	September 9, 2019	Updated plan set submitted to OSPCD
	Date (Stamp Date)				Submission					
	July 17, 2019				Initial application submitted to the City Clerk's Office					
September 9, 2019	Updated plan set submitted to OSPCD									
Any changes to the approved site plan or elevations/use that are not <i>de minimis</i> must receive SPGA approval.										
Engineering										
2	The Applicant shall contact the Engineering Department to coordinate the timeline for cutting or opening the street and/or sidewalk for utility connections or other construction. There is a moratorium on opening streets from November 1 st to April 1 st and there is a list of streets that have additional opening restrictions.	BP	Eng.							
3	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	Eng.							
4	The Applicant shall submit a proposed drainage report, stamped by a registered PE in Massachusetts that demonstrates compliance with the City's stormwater policy.	BP	Eng.							
5	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.							
Construction Impacts										
6	The Applicant shall post the names and phone numbers of the contractors, including the general contractor, at the site entrance where it is visible to and readable by passersby on the public way (public sidewalk).	During Construction	ISD							
7	Approval is subject to the Applicant's and/or successor's right, title and interest in the property.	Cont.	Plng.	Deed submitted & application formed signed						
8	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							



9	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	
Design				
10	Applicant shall provide material samples for siding, trim, windows, and doors and the like to Planning Staff for their review and approval prior to construction. No vinyl, including PVC, shall be allowed. Preference given to natural materials.	BP	Plng.	
11	The Applicant is required to adhere to Local historic District design guidelines and all design/material conditions set forth by the Historic Preservation Commission (HPC) which has purview over historic building design, including additions.	CO & Perpetual	Preservation Planning/ISD	
12	Under no circumstances shall the garage be connected to the main structure. This also means that the garage cannot be "connected to" the main structure by touching a retaining wall, steps or the like on the left elevation of the garage.	CO & Perpetual	ISD	
Site				
13	All trash, recycling, mechanicals, including transformers, shall be screened from the public way and from the view of abutting properties. All screening materials shall be submitted to Planning Staff for their review and approval prior to ordering and installation. Trash and recycling shall not be stored next to property lines and a covered cedar enclosure complete with doors shall be erected to contain all bins at all times except on trash/recycling day.	BP/CO/Perpetual	Plng/ISD	
14	The Applicant shall hire a certified arborist to examine the tree on the boundary between 12 Aldersey Street and 14-16 Aldersey Street. Included in the assessment shall be the overall health of the tree and a determination of where the root system infiltrates the 12 Aldersey Street parcel. The arborist shall create a plan that protects the root system of this tree as well as the trunk and branches of this tree during the construction phase of the project. This plan shall be submitted to Planning Staff through the Zoning Review Planner prior to the issuance of a building permit. The arborist shall be retained to inspect the condition of the boundary tree at the conclusion of the project. Examination shall include the root system, trunk, and branch health. A report on their findings shall be submitted to ISD through the Zoning Review Planner prior to the issuance of a CO. Damage to the tree is addressed in a later condition.	BP/CO	Plng/ISD	



15	Should it be determined by the arborist's post-construction report that the applicant's project has damaged the boundary tree, including its root systems, in any way, the applicant or their successors/assigns shall be required to engage in mitigation with the 14-16 Aldersey Street abutter to mitigate the damage. The City shall not be a party to these negotiations. If damaged, a resolution shall be determined prior to the issuance of a CO/sign-off	CO	Plng/ISD	
Miscellaneous				
16	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.	Perpetual	ISD	
17	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.	Ongoing	ISD / Plng.	
18	There shall be no loitering by project workers on the project site. All personnel shall be respectful of abutting properties and shall not leave equipment or vehicles idling, shall not play loud music at the site, shall not engage in loud conversation prior to or after permitted working hours.	During construction	ISD	
19	All construction waste shall be stored neatly on-site and carted away on a regular basis.	During construction	ISD	
20	Food waste shall be removed from the site daily.	During construction	ISD	
21	Construction and construction-related activity shall occur between the hours of 7:30pm and 5:00pm Monday through Friday only. There shall be no construction or construction-related work occurring on weekends or holidays, including deliveries.	During construction	ISD	
Public Safety				
22	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements including, but not limited to, sprinkling/fire suppression.	CO/Perpetual	FP	
23	All exterior lighting shall be confined to the subject property, cast light downward and must not intrude, interfere or spill onto neighboring properties.	CO	Plng.	
24	Barbeques, grills, chimineas, and the like are not permitted on decks or porches per Somerville fire safety regulations.	Perpetual	ISD/Fire Prevention	
25	Utility meters shall not be installed on the front façade of the structure.	CO	ISD/Plng	
26	All venting and piping shall be wrapped or painted to match the color of the portion of the building from which they protrude.	CO	ISD/Plng	
Final Sign-Off				
27	The Applicant shall contact the Zoning Review Planner 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.(Zoning Review Planner)	



2009

ATTEST, BY THE ZONING BOARD OF APPEALS:

Orsola Susan Fontano, *Chair*
Danielle Evans, *Clerk*
Drew Kane (*Alt*)
Anne Brockelman
Elaine Severino

Attest, by the 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 _____

