



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

MICHAEL F. GLAVIN
EXECUTIVE DIRECTOR

PLANNING DIVISION

ZONING BOARD OF APPEALS MEMBERS

ORSOLA SUSAN FONTANO, CHAIRMAN
RICHARD ROSSETTI, CLERK
DANIELLE EVANS
ELAINE SEVERINO
JOSH SAFDIE
ANNE BROCKELMAN, (ALT.)

Case #: ZBA 2016-68
Site: 37 Allen Street
Date of Decision: July 13, 2016
Decision: Petition Approved with Conditions
Date Filed with City Clerk: July 25, 2016

ZBA DECISION

Applicant Name: John Langwig
Applicant Address: 37 Allen Street, Somerville, MA 02143
Property Owner Name: John Langwig
Property Owner Address: 37 Allen Street, Somerville, MA 02143

Legal Notice: Applicant and Owner, John E. Langwig, seeks Special Permits to increase the number of dwelling units from one to three under SZO §7.11.1.b, substantially alter a non-conforming structure under SZO §4.4.1, and parking relief under SZO §9.13. RB zone. Ward 2.

Zoning District/Ward: RB zone. Ward 2.
Date of Application: June 8, 2016
Date(s) of Public Hearing: July 13, 2016
Date of Decision: July 13, 2016
Vote: 4-0

Appeal #ZBA 2016-68 was opened before the Zoning Board of Appeals at Somerville City Hall on July 13, 2016. 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 Applicant proposes to vertically extend the existing structure by adding two stories in order to create a 3-family residence. The lot is undersized and the front façade of the property violates the front yard setback. The Applicant also seeks parking relief for two parking spaces.

FINDINGS FOR SPECIAL PERMIT:

In order to grant a special permit, the SPGA must make certain findings and determinations as outlined in §4.4.1, §7.11.1.b and §9.1(and 9.13) of the SZO. This portion of the report goes through each of these sections in detail.

1. Information Supplied:**Regarding §4.4.1**

The Board finds that the information provided by the Applicant conforms to the requirements of §4.4.1 of the SZO and allows for a comprehensive analysis of the project with respect to the required Special Permits.

Regarding §7.11.1.b

The Board finds that the information provided by the Applicant conforms to the requirements of §7.11.1.b of the SZO and allows for a comprehensive analysis of the project with respect to the required Special Permits.

Regarding § 9.13

The Board finds that the information provided by the Applicant conforms to the requirements of §9.13 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."**Regarding §4.4.1**

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."

In considering a special permit under §4.4.1 of the SZO, the Board finds that the substantial alterations proposed for 37 Allen Street would not be substantially more detrimental to the neighborhood than the existing conditions. The immediate surrounding neighborhood is filled with myriad types of structures – some residential, some single story commercial and others,



specifically the area to the left of 37 Allen Street, are slated for redevelopment under the Union Square plan. The changes proposed by the Applicant are a significant improvement to the conditions currently extant at the 37 Allen Street site. The proposal will add two residential units to city stock (no affordable housing levers are triggered) and the building shall be of a form, massing and style that is consistent with the current eclecticism of the neighborhood while also giving a nod to the future character of this portion of Union Square.

Regarding §7.11.1.b

In considering a special permit under §4.4.1 of the SZO (which allows for up to 3 dwelling units on a parcel in the RB zone), the Board finds that the proposal to create such a 3-family complies with the standards of the RB zone 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.”

Regarding §9.13

In considering a special permit under §9.1 of the SZO, the following considerations must be taken into account:

1. Increase in traffic volumes;
2. Increased traffic congestion or queuing of vehicles;
3. Change in the type(s) of traffic;
4. Change in traffic patterns and access to the site;
5. Reduction in on-street parking;
6. Unsafe conflict of motor vehicle and pedestrian traffic.

The Board finds that the addition of two more residential units on this site will not significantly contribute to an increase in traffic volume, congestion or queuing of vehicles. With the use of the property continuing to be residential in nature, the type of traffic along Allen Street will not change because of this project. The traffic pattern will continue as currently allowed as will access to and from the site. The site will be able to provide 3 parking spaces, one for each unit (one space is currently provided for the single residential unit) with changes to the site not creating unsafe or undo conflict between motor vehicle and pedestrian traffic.

The Applicant is requesting relief for 2 parking spaces. As noted in other reports, the calculation for parking relief is as follows:

$$(\text{new parking requirement} - \text{old parking requirement}) \times .5$$

In the case of 37 Allen street, the new project must requires 6 parking spaces. The existing conditions require 2 parking spaces. The parking relief formula is thus as follows:

$$(6 - 2) \times .5 = 2 \text{ parking spaces of relief}$$

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."*

Regarding §4.4.1



The Board finds that the proposal to add two residential units to the existing single unit structure is consistent with the purposes of the RB district and with the current and future direction of the surrounding neighborhood as discussed in item 2 above.

Regarding §7.11

Both the number of units (3) and the continued residential use are both in keeping with the purpose of the RB district which allows for one-, two-, and three-family use.

Regarding §9.1

The proposal for 37 Allen Street is designed in such a way that the Board finds that it adheres to the general purpose purposes of this portion of the SZO including:

- promoting bicycle use in the city and providing three bike spaces;
- providing visual relief from expanses of paving and reducing the glare and heat from parking lots through the inclusion of more landscaping on the site;
- ensuring some off-street storage of motor vehicles whose orderly entry and exit from the site will be provided.

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."*

In considering a special permit under §4.4.1 of the SZO, the Board finds that the substantial alterations proposed for 37 Allen Street will allow the property owner to significantly improve the site which will benefit the surrounding neighborhood. Since the neighborhood is an eclectic mix of (mostly residential) structures, the continued residential use is in keeping with the surrounding environment.

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

The proposal will not add to the stock of affordable housing but will contribute to SomerVision metrics by adding two more residential units to the city.



DECISION:

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Danielle Evans, and Josh Safdie. Upon making the above findings, Richard Rossetti made a motion to approve the request for a Special Permit with the following conditions. Danielle Evans seconded the motion. Wherefore the Zoning Board of Appeals voted **4-0** to **APPROVE** the request. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes
1	Approval is for the addition of two residential units atop the existing single story residence.	BP/CO	ISD/PIng.	
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>June 8, 2016</td> <td>Application and supporting documents 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			
June 8, 2016	Application and supporting documents submitted to City Clerk's office.			
Before Permitting				
2	Prior to permitting, the Applicant must have the Electrical/Wiring inspector review and sign off on the proposed distances of the second and third stories from the existing overhead lines and existing utility pole.	BP	ISD/Electrical	
Design				
3	The project shall be constructed exactly as according to plans dated 6-9-2016. All materials and colors shall remain the same. Any changes thereto shall first be reviewed and approved by Staff (and or ZBA) prior to their installation.	CO	Planning Staff / ISD	
4	The window placement shall be exactly as approved by the ZBA on the plans dated June 9, 2016	CO	Planning Staff / ISD	
5	Any changes to the design, style, massing, form, elements, and materials of the shed dormers shall be submitted to and approved by Planning Staff (or, as necessary, the ZBA) prior to their execution on the building.	CO	Planning Staff / ISD	
6	Windows shall be non-reflective.	CO	Planning Staff / ISD	
Construction Impacts				
7	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	

8	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	
9	Should the Applicant find that the existing structure is not structurally sound enough to support the proposed upper stories, thus requiring the Applicant to demolish the existing structure, the Applicant shall step back any such new construction from the front property line.	During Construction	Planning/ISD	
Electrical and Wiring				
10	All utilities shall be buried, including electrical	During Construction	Wire Inspector	
Public Safety				
11	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
12	The building shall be sprinkled.	BP	Fire Prevention	
13	All smoke detectors shall be hard-wired.	CO	Fire Prevention / ISD	
14	The deck railing shall be changed from the proposed horizontal wire to wire mesh.	BP	Planning/ISD	
Final Sign-Off				
15	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
Josh Safdie

Attest, by the Staff:

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 _____

