



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2018-141
Site: 81-83 Alpine Street
Date of Decision: June 19, 2019
Decision: *Approved with Conditions*
Date Filed with City Clerk: June 28, 2019

ZBA DECISION

Site: 81-83 Alpine Street
Applicant Name: Elan Sassoon
Applicant Address: 295 Upland Avenue, Newton, MA 02461
Owner Name: Catherine a. DeStefano, Trustee of the Francis J. Bucca Family Trust
City Councilor: Mark Niedergang

Legal Notice: Applicant, Elan Sassoon, and Owner, Catherine A. DeStefano, Trustee of the Francis J. Bucca Family Trust, seek special permits under §4.4.1 to alter a non-conforming property by increasing the GFA by more than 25%, extending the non-conforming front yard setback to the right and into the side yard. Parking relief under Article 9 of the SZO. RB zone. Ward 5.

<u>Zoning District/Ward:</u>	RB zone. Ward 5.
<u>Zoning Approval Sought:</u>	SZO §4.4.1 and Article 9
<u>Date of Application:</u>	October 5, 2018
<u>Date(s) of Public Hearing:</u>	11/28, 12/12, 1/9, 1/23, 2/6, 2/20, 3/6, 3/20, 4/3, 4/17, 5/1, 5/15, 6/5, 6/19
<u>Date of Decision:</u>	June 19, 2019
<u>Vote:</u>	5-0

Case number # **ZBA 2018-141** was opened before the Zoning Board of Appeals in the Council Chambers at Somerville City Hall. 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 June 19, 2019, the Zoning Board of Appeals took a vote.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722
www.somervillema.gov

I.PROJECT DESCRIPTION

The Applicant proposes increasing the number of units on the property from two (2) to three (3). This will be accomplished through the renovation of the existing structure and a large “addition” to the right of same. The curb cut to the left of the property will be closed. A new curb cut will be created to the right of the existing structure and away from the utility pole. A three car open parking area is proposed under a portion of the new addition. The triggers for special permitting are as follows:

Gross Floor Area (GFA)

As a result of the proposed addition, the GFA will be increased by more than 25%

Rear yard setback

The rear yard setback is currently non-conforming at 4.44’ feet. The rear yard setback will remain non-conforming but the distance to the property line will be increased to 9.23’.

Front yard setback

The front yard setback is currently non-conforming at 4.0 feet in a zone where a minimum of 15 is required. The front setback for the new addition will remain non-conforming. The front façade of the building will terminate 8’ 3^{5/8}” front the property line, the front steps will terminate further into the front setback.

Parking

Under existing conditions, the property should be providing four (4.0) parking spaces (3.5 spaces which is rounded up to 4.0). Yet, only two legal spaces exist. The Applicant proposes providing three (3.0) total parking spaces on site, which is equal to one parking space per residential unit.

II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1 & Article 9):

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.”

Gross Floor Area (GFA)

Section 4.4.1 of the SZO requires that an Applicant seek a special permit when then GFA of a property will increase more than 25%. Given the size of the new addition proposed by the Applicant, the GFA will increase from 1,148 square feet to 2,593 square feet.

Rear yard setback

The RB zone requires a rear yard setback of 20 feet. The existing rear yard setback is currently non-conforming at 4.44’ feet. The rear yard setback will remain non-conforming but the distance to the property line will be increased to 9.23’.

Front yard setback

The RB zone requires a front yard setback of 15 feet. The existing front yard setback is non-conforming at 4 feet (the front steps of the existing structure terminate 4 feet from the property line). Under proposed conditions, the front steps of the addition will terminate no closer than 4 feet from the property line (this has also been conditioned). The front façade of the new addition terminates 8’ 3 ^{5/8}” from the front property line.

Parking

The Board noted in the “Proposal” section of this report that the property is already non-conforming with regard to legal parking spaces. The Applicant proposes that the property continue to be non-conforming with regard to parking. The assessment regarding relief for number of parking spaces appears below:

Unit #	Existing BDR	Existing Req. Pkg.	Proposed BDR	Proposed Req. Pkg.
1	1	1.5	3	2.0
2	4	2.0	3	2.0
3	n/a	n/a	3	2.0
TOTAL: 3.5 (rounded to 4.0)			TOTAL: 6.0	

Formula: *new parking requirement – old parking requirement = # additional spaces needed*

81-83 Alpine Street: 6.0 – 4.0 = 2.0 spaces of relief needed

Other determinations

The proposed alterations to 81-83 Alpine Street will be visible from the public way of Alpine Street as well as from the left, right, and rear-abutting properties, including Albion Playground. The scale of the proposed addition is not insignificant in comparison to the scale and massing of the existing structure and



extends the visual massing of the building along the Alpine streetwall. The height of the enlarged building will not be greater than that of the existing structure.

Abutters can expect typical noises and odors associated with the construction phase of a project. There is also the possibility that there may be an up-tick in noise when building residents use their side yards or decks. However this is noise and activity that should be anticipated in a densely-built urban environment.

A shadow study has been provided in the plan set to show the impact on abutting properties.

Due to the renovation of the existing two-family structure and the introduction of another residential unit on the site, the inclusion of additional bedrooms and added persons living on the parcel, there will be more demand placed on the City's water supply and sewer system. 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. The Engineering Department will also review all site drainage plans prior to the issuance of a building permit.

Lastly, as the property is converting from a two-family to a three-family. In general, taken independently, the increase of one residential unit, even one with one or more vehicles associated with it, would not substantially increase the traffic volume in the immediate area. Due to residents coming and going from any property at staggering times, additional traffic congestion is not anticipated.

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 generally 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 subject property is closest to the intersection of Alpine and Lowell Streets. Distinctly visible are two new, multi-unit buildings whose front facades look down Alpine from Lowell. Adjacent to these buildings on the left is the VNA.

Alpine Street itself presents a mix of building types with a variety of densities. The majority of the structures on the street contain two or more residential units. General styles range from gable-fronted to triple-decker, gable-sided to 1960s-era ranch. Some buildings on the street have been heavily modified such that their original style is largely obscured, while other buildings are of no distinct style. Also sited along Alpine Street are two asphalted parking lots.



The Board does not typically see applications that propose an open, under-unit parking scheme for a project of this size. The proposal before the Board is one that is the outcome of many neighborhood meetings as well as meetings between the Applicant team and some individual abutters.

Generally, the gable-fronted style is not inconsistent with other residential structures found along Alpine Street. What is unusual about the parcel is the large, existing side yard. One other property at the corner of Alpine and Princeton presents a large, left elevation side yard.

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 adds one market-rate unit to the City’s housing stock.

III.DECISION:

Present and sitting were, Susan Fontano, Danielle Evans, Josh Safdie, Anne Brockelman, Elaine Severino, and Drew Kane. 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								
1	Approval is for increase in GFA of more than 25% through the construction of a large addition, extension of the non-conforming rear yard setback, extension of the non-conforming front yard setback, and parking relief.	BP/CO	ISD/PIng.									
	<table border="1"> <thead> <tr> <th>Date</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>October 5, 2018</td> <td>Application submitted to City Clerk’s office.</td> </tr> <tr> <td>April 26, 2019</td> <td>Updated plans submitted to OSPCD</td> </tr> <tr> <td>May 23, 2019</td> <td>Updated plans submitted to OSPCD</td> </tr> </tbody> </table>				Date	Submission	October 5, 2018	Application submitted to City Clerk’s office.	April 26, 2019	Updated plans submitted to OSPCD	May 23, 2019	Updated plans submitted to OSPCD
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May 23, 2019	Updated plans 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	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	
3	The Applicant must comply with all Engineering requirements pertaining to finishing basements.	BP/CO	Engineering/ISD	
4	The Applicant shall obtain street addresses from Engineering prior to the issuance of a building permit.	BP	Engineering/ISD	
Design				
5	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. Vinyl-based products will not be considered.	BP	ISD/PIng	
6	The location of exterior lighting devices, their style and design shall be submitted to Planning Staff for review and approval.	BP	ISD/PIng	
7	The front steps of the new addition shall terminate at a distance of 4 feet from the front property line, the same distance as the front steps of the existing structure.	CO	ISD	
Construction Impacts				
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 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	
10	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 read.	During Construction	ISD	



11	Construction shall be limited to M-F 7:30am – 5:00pm. No weekend construction or construction-related work shall occur.	During Construction	ISD	
12	There shall be no congregating of workers on the site before or after the working hours designated in Condition #8 above, nor idling of vehicles at any time.	During Construction	ISD	
Site				
13	The existing curb cut to the left of the existing structure shall be closed. The Applicant shall obtain permission from the cited departments prior to the issuance of a building permit and prior to closing the curb cut.	BP/CO	ISD/Plng/Engineering/Highways	
14	A new curb cut of no greater than 10 feet in width shall be created as shown on plan sheet A-020 of plans dated 5/23/2019. The Applicant shall obtain unanimous approval from the requisite city departments prior to the issuance of a building permit and prior to creating the new curb cut.	BP/CO	ISD/Plng/Engineering/Highways	
15	All hardscaping to be used on the property shall first be reviewed and approved by Planning Staff prior to the issuance of a building permit.	BP	ISD/Plng	
16	The site plan shall be updated to show the location of mechanicals and of trash/recycling areas. The updated site plan shall be presented to the Zoning Review Planner for review and approval	BP	Zoning Review Planner (ISD)/Plng	
17	All garbage and recycling shall be stored out-of-view of the public way and shall be screened.	Perpetual	ISD/Plng	
18	There shall be no tandem parking of vehicles allowed on the site.	Perpetual	ISD	
Public Safety				
19	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements, including sprinkling/fire suppression.	CO	FP	
20	All exterior lighting on the site shall be downcast and shall not cast light onto surrounding properties in any fashion.	CO	ISD	
21	In accordance with City of Somerville ordinances, no grills, barbeques, chimineas or the like shall be allowed on decks and porches. This shall be written into any rental agreements or condo documents. Proof thereof shall be presented to Planning Staff/ISD prior to the issuance of a Certificate of Occupancy (CO)	CO/Perpetual	ISD/PlngFP	
Miscellaneous				



22	Venting and piping shall be painted or wrapped the same color as the exterior of the house from which they protrude. Vents and pipes shall not protrude from the Alpine Street façade of the building.	CO/Perpetual	ISD/PIng	
23	Utility meters shall not be installed on the front façade of the structure.	CO	ISD/PIng	
Final Sign-Off				
24	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/PIn g.	



Attest, by the Zoning Board of Appeals:

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

Attest, by 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 _____

