



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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**MAYOR**

GEORGE J. PROAKIS  
EXECUTIVE DIRECTOR

Planning Division  
**ZONING BOARD OF APPEALS MEMBERS**  
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ELAINE SEVERINO  
JOSH SAFDIE  
ANNE BROCKELMAN  
DREW KANE (ALT.)

**Case #: ZBA 2019-31**  
**Site: 312R Beacon aka 25 Harris Street**  
**Date of Decision:** May 15, 2019  
**Decision:** *Petition Approved with Conditions*  
**Date Filed with City Clerk:** May 23, 2019.

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**ZBA DECISION**

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**Site:** 312 R Beacon Street (aka 25 Harris Street, Cambridge, MA)

**Applicant / Owner Name:** Robert Gillig and Christine Cuttitta  
**Applicant / Owner Address:** 25 Harris Street, Cambridge, MA 02140  
**Ward Councillor:** J.T Scott

Legal Notice: Applicants / Owners, Robert Gillig and Christine Cuttitta, seek a Special Permit pursuant to conditions of a previous ZBA Decision (ZBA 2005-53) and under SZO §7.11.a.c, §4.4.1, and §9.13 for parking relief to make alterations to a nonconforming structure by constructing an addition and establishing a sixth residential unit on the site. RC Zone. Ward 2.

*\*Since the legal notification, Planning Staff has determined that Special Permits under SZO §4.4.1 and §9.13 are not required.*

<u>Zoning District/Ward:</u>	RC Zone. Ward 2.
<u>Zoning Approval Sought:</u>	SZO §4.4.1, and §9.13
<u>Date of Application:</u>	March 11, 2019
<u>Date(s) of Public Hearing:</u>	May 15, 2019
<u>Date of Decision:</u>	May 15, 2019
<u>Vote:</u>	5-0

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Case # ZBA 2019-31 was opened before the Zoning Board of Appeals in the City Council Chambers at Somerville City Hall on May 15, 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 May 15, 2019, the Zoning Board of Appeals took a vote.



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[www.somervillema.gov](http://www.somervillema.gov)

**I. DESCRIPTION:**

The proposal is to demolish the existing concrete block accessory garage, construct an addition to the single family dwelling, and convert it into two residential units. Although most of the proposed addition is in Somerville it will face Harris Street in Cambridge.

**II. FINDINGS FOR SPECIAL PERMIT (SZO §7.11.a.c and §9.13):**

In order to grant a special permit, the SPGA must make certain findings and determinations as outlined in §5.1.4 of the SZO. This section of the report goes through §5.1.4 in detail.

1. Information Supplied:

The Board finds that the information provided by the Applicant conforms to the requirements of §5.1.2 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."*

*Article 4 Nonconforming Uses and Structures*

The existing single family structure is currently conforming with respect to SZO dimensional requirements. The proposal will not create any new nonconformity. Therefore, this alteration does **not** require the Applicant to obtain special permits under §4.4.1 of the Somerville Zoning Ordinance (SZO).

*Article 7 Permitted Uses*

Section §7.11.a.c of the SZO requires a special permit for the establishment of 4-6 dwelling units in the RC zoning district. The site currently has five dwelling units and the proposal would increase that number to six.

*Article 9: Off-Street Parking and Loading*

SZO §9.5.2.a allows existing one- and two-family residences converting to two- or three- family residences to provide one (1) parking space per additional (e.g. newly created) dwelling unit. The locus is currently nonconforming with respect to the number of required off-street parking spaces as there are not enough parking spaces on the site for the existing five dwelling units. SZO §9.4.2 requires nonconforming sites to only provide spaces for what is being added to the site. The proposal increases the parking requirement by one space and there is a net increase of one parking space. **Therefore, a special permit for parking relief is not required.**

*Article 13: Inclusionary Housing*

Article 13 of the SZO does not apply as the proposal does not require a special permit with site plan review nor would this be considered as a development of six or more dwelling units.

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 proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to promote 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 lessen congestion in the streets; to protect health; to secure safety from fire, panic and other dangers; to provide adequate light and air; 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; and to preserve and increase the amenities of the municipality.

The proposal is consistent with the purpose of the RC district, which is, “to establish and preserve a district for multi-family residential and other compatible uses which are of particular use and convenience to the residents of the district.”

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."*

*Surrounding Neighborhood*: The surrounding neighborhood is a mix of residential uses and typical of the zoning. The neighboring properties include several two- and three-family homes and moderately-sized apartment buildings. The Star Market supermarket is located nearby.

*Impacts of Proposal (Design and Compatibility)*: The proposed addition will follow a modern style and will be oriented toward Harris Street in Cambridge.

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

6. SomerVision Plan: Complies with the applicable goals, policies and actions of the SomerVision plan, including the following, as appropriate: Preserve and enhance the character of Somerville’s neighborhood.

<i>SomerVision Summary</i>	<i>Existing</i>	<i>Proposed</i>
<i>Dwelling Units:</i>	5	6

**III.DECISION:**

Present and sitting were Members Orsola Susan Fontano, Elaine Severino, Josh Safdie, Drew Kane and Anne Brockelman. Upon making the above findings, Susan Fontano made a motion to approve the request for Special Permits. Elaine Severino seconded the motion. The Zoning Board of Appeals voted **5-0** to **CONDITIONALLY APPROVE** the request for **SPECAIL PERMIT**. The following conditions are attached:



#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	Approval is for the construction of a front addition and adding a new residential unit. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/Plng.							
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>March 11, 2019</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>April 12, 2019 (April 30, 2019)</td> <td>18 page plan set submitted to OSPCD</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	March 11, 2019	Initial application submitted to the City Clerk's Office	April 12, 2019 (April 30, 2019)	18 page plan set submitted to OSPCD
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Any changes to the approved (site plan or elevations/use) that are not <i>de minimis</i> must receive SPGA approval.										
<b>Pre-Construction</b>										
2	The Applicant must contact the Engineering Department to obtain a street address prior to a building permit being issued.	BP	Eng.							
3	The Applicant shall complete the Site Plan Review Checklist and supply the information to the Engineering Office. The plans must comply with the City's Stormwater Management Policy.	BP	Eng.							
<b>Construction Impacts</b>										
4	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.	During Construction	Plng.							
5	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							
<b>Design</b>										
6	Applicant shall provide final material samples for siding, trim, windows, and doors to Planning Staff for review and approval prior to the issuance of a building permit.	BP	Plng.							
<b>Site</b>										
7	Landscaping shall be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD							
<b>Miscellaneous</b>										



8	Gas and electric meters shall not be on the front of the structure. Gas and electric meters may be located on the side of the structure but shall be screened from the street by a hardy, staff approved evergreen planting. Utilities shall not be located adjacent to windows and shall not impact any parking, landscaping, or egress. The provisions of this condition may be waived by staff if the applicant submits a letter from the utility, signed by a utility representative, on utility letterhead, indicating that there is no feasible alternative to placing meters in violation of this condition.	CO	ISD	
9	Electrical conduits on the exterior facades of buildings shall be painted to match the wall material to which they are attached. Conduits are not allowed on the front of any structure.	CO	Plng.	
10	Garbage and recycling locations shall be clearly indicated on site plans. Storage areas shall be inside of the structure or shall be fully screened from view from both the public way and abutters by an appropriate material reviewed and approved by staff. The location shall not impact any parking, landscaping, or egress.	BP	Plng.	
11	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.	
12	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.	Cont.	ISD	
<b>Public Safety</b>				
13	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
14	Per Somerville fire safety regulations, grills, barbecues, chimineas and the like are NOT permitted on decks or porches.	Perpetual	FP/ISD	
15	To the extent possible, all exterior lighting must be confined to the subject property, cast light downward and must not intrude, interfere or spill onto neighboring properties.	CO	Plng.	
<b>Final Sign-Off</b>				
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*  
Elaine Severino, *Acting as Clerk*  
Josh Safdie  
Anne Brockelman  
Drew Kane (Alt.)

Attest, by the 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 \_\_\_\_\_

