



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

GEORGE J. PROAKIS, AICP  
EXECUTIVE DIRECTOR

PLANNING DIVISION

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DREW KANE, (ALT.)

**Case #: ZBA 2019-121**  
**Site: 303 Beacon Street**  
**Date of Decision:** November 20, 2019  
**Decision:** *Petition Approved with Conditions*  
**Date Filed with City Clerk:** November 27, 2019

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**ZBA DECISION**

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**Applicant and Owner Name:** Christopher Cassa  
**Applicant and Owner Address:** 303 Beacon Street, Somerville, MA 02143

Legal Notice: Applicant and Owner, Christopher Cassa, seeks zoning relief including, but perhaps not limited to, a variance in order to reduce the lot area per dwelling unit ratio to 773 in a zone where 875 is the minimum allowed, by creating a third unit in the basement. Parking relief under Article 9. RC zone. Ward 2.

Zoning District/Ward: RC/Ward 2  
Zoning Approval Sought: SP §9, §4.4.1 and Variance §8.5  
Date of Application: March 28, 2019  
Date of Public Hearing: November 20, 2019  
Date of Decision: November 20, 2019  
Vote for Special Permit: 5-0  
Vote for Variance: 5-0

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Appeal #ZBA 2019-121 was opened before the Zoning Board of Appeals at Somerville City Hall on November 20, 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 November 20, 2019, the Zoning Board of Appeals took a vote.



**DESCRIPTION:**

The property is already undergoing by-right renovations under a regular building permit. The proposal before the ZBA is to create a third residential unit and for parking relief.

Though three residential units are allowed in the RC zone, in order to create this unit, the applicant will be reducing the lot area per dwelling unit (d.u.) count to less than the minimum that is allowed in this zone. The requirement is 875 sf per dwelling unit. The property, with two units, currently presents a lot area per d.u. of 1,160. However, by creating a third unit, the applicant will be further reducing this dimensional to 773 square feet. Therefore, a variance is needed.

The creation of the third unit also triggers the need for parking relief. The addition of two bedrooms in the new unit requires relief for 1.5 parking spaces. As there is no manner of parking anywhere on this parcel, the applicant has no choice but to request parking relief.

**FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1 and §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."*

**Parking Analysis**

The creation of the third unit also triggers the need for parking relief. The addition of two bedrooms in the new unit requires relief for 1.5 parking spaces. As there is no manner of parking anywhere on this parcel, the applicant has no choice but to request parking relief.

**1. Increase in traffic volumes**

The addition of one residential unit is not expected to generate an increase in traffic volumes.

**2. Increased traffic congestion or queuing of vehicles**

The addition of one residential unit is not anticipated to generate additional congestion or queuing of vehicles.



**3. Change in the types of traffic**

Construction traffic can be expected during the construction phase of the project. Otherwise, traffic will continue to be residential vehicular in nature.

**4. Change in traffic patterns and access to the site**

The site will continue to be accessed as current.

**5. Reduction in on-street parking**

The applicant has no ability to provide parking on the project site.

**6. Unsafe conflict of motor vehicle and pedestrian traffic**

None anticipated.

The Board finds the proposal in compliance with the standards.

**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 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 protect health; to secure safety from fire, panic and other dangers; to conserve the value of land and buildings; to encourage the most appropriate use of land throughout the City; and to preserve and increase the amenities of the municipality.

The Board finds that three units is consistent with the purposes of the RC zone which are “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.”*

The Board finds the proposal compatible with the site since the unit is in the basement.

**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 Board finds that the proposal will add one market-rate unit to the city’s housing stock

**FINDINGS FOR A VARIANCE (SZO §8.5):**



**5.5.3. Authorization and Conditions for Variances.** A variance from the requirements of this Ordinance may be authorized by the Board of Appeals only for reasons of practical difficulty and substantial hardship, and only where the Board finds that all of the following conditions apply:

*(a) There are special circumstances relating to soil conditions, shape or topography of land or structures which especially affect such land or structures but not affecting generally the zoning district in which it is located, causing a substantial hardship, financial or otherwise.*

The Board finds that there are special circumstances relating to the shape of the lot.

*(b) The specific variance as may be granted by the Board is the minimum variance that will grant reasonable relief to the owner, and is necessary for a reasonable use of the building or land.*

The Board finds this to be the minimum relief necessary.

*c. The granting of the variance will be in harmony with the general purpose and intent of this Ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. In addition to considering the character and use of the nearby buildings, the Board, in making its findings, shall take into account the number of persons residing or working in such buildings or upon such land, and the present and probable future traffic conditions.*

The Board finds the proposal to be in harmony with the general purpose and intent of the SZO.

**DECISION:**

Present and sitting were Members Orsola Susan Fontano, Danielle Evans, Anne Brockelman, Elaine Severino, Josh Safdie, Drew Kane. Upon making the above findings, Anne Brockelman made a motion to approve the request for a Special Permit. Elaine Severino seconded the motion. Wherefore the Zoning Board of Appeals voted **5-0** to **APPROVE** the request. Upon making the above findings, Anne Brockelman made a motion to approve the request for the Variance. Elaine Severino 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										
	<p>Approval is for the Special Permit §9 for parking relief, §4.4.1 for alterations to a nonconforming structure and a Variance §8.5 for lot are per dwelling unit. This approval is based upon the following application materials and the plans submitted by the Applicant:</p> <table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>October 31, 2019</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>October 29, 2019</td> <td>Modified plans submitted to OSPCD (A1, A2 Plans, A3, )</td> </tr> <tr> <td>June 16, 2017</td> <td>Modified plans submitted to OSPCD (Plot Plan)</td> </tr> <tr> <td>September 30, 2019</td> <td>Modified plans submitted to OSPCD (AE2,AE4, A1.2, A2 Proposed Plans, A4, AD2, A5.1)</td> </tr> </tbody> </table> <p>Any changes to the approved (site plan or elevations/use) that are not <i>de minimis</i> must receive SPGA approval.</p>	Date (Stamp Date)	Submission	October 31, 2019	Initial application submitted to the City Clerk’s Office	October 29, 2019	Modified plans submitted to OSPCD (A1, A2 Plans, A3, )	June 16, 2017	Modified plans submitted to OSPCD (Plot Plan)	September 30, 2019	Modified plans submitted to OSPCD (AE2,AE4, A1.2, A2 Proposed Plans, A4, AD2, A5.1)	BP/CO	ISD/ Plng.	
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<b>Pre-Construction</b>														
	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>														
	The Applicant shall at their 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											
	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											
	For the convenience of and respect for the neighborhood, during the construction phase, construction work shall not begin prior to 7:30am and shall finish no later than 5pm Monday through Friday. There shall be no construction or construction-related work performed on weekends or holidays.	During Construction	ISD											
<b>Miscellaneous</b>														



	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	
	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.	
	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>				
	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
	Per Somerville fire safety regulations, grills, barbecues, chimineas and the like are NOT permitted on decks or porches.	Perpetual	FP/ISD	
	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>				
	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, *Clerk*  
Anne Brockelman  
Elaine Severino  
Josh Safdie  
Drew Kane (Alt.)

Attest, by the Senior Planner:

\_\_\_\_\_   
Melissa A. Woods

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 \_\_\_\_\_

