



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

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Case #: ZBA 2019-101
Site: 40 Belmont Street
Date of Decision: October 16, 2019
Decision: *Approved with Conditions*
Date Filed with City Clerk: October 28, 2019

ZBA DECISION

Site: 40 Belmont Street

Applicant Name: Derick Snare
Applicant Address: 158 Central Street, Somerville, MA 02145
Owner Name: Diane Carson
Owner Address: 52 Washington Street, Belmont, MA 02478

Legal Notice: Applicant, Derick Snare, and Owner, Diane Carson, seek special permits under §4.4.1 of the SZO. Alterations include but may not be limited to the upward extension of the non-conforming right side yard setback, extension of rear porch. Roof style to change from hip to gable. RB zone. Ward 3.

<u>Zoning District/Ward:</u>	RB Zone. Ward 3.
<u>Zoning Approval Sought:</u>	SZO §4.4.1
<u>Date of Application:</u>	August 27, 2019
<u>Date(s) of Public Hearing:</u>	October 16, 2019
<u>Date of Decision:</u>	October 16, 2019
<u>Vote:</u>	4-0

Case number ZBA 2019-101 was opened before the Zoning Board of Appeals in the Council Chambers of City Hall at 93 Highland Avenue. 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 October 16, 2019, the Zoning Board of Appeals took a vote.



I. PROJECT DESCRIPTION

1. **Subject Property:** The subject property is a 2-family structure on a 3,626 sf lot in the Spring Hill neighborhood.
2. **Proposal:** The proposal includes renovations that are by-right and others that need a special permit. The roof of the house is being redone and would change from a hip roof to a gable. A new dormer, opening the front porch, and extending the back decks require a special permit. As part of the project, other improvements include new siding and trim, site improvements, and interior renovations.
3. **Green Building Practices:** The roof will have new insulation.

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

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."*

The structure is currently nonconforming with respect to the following front and right side setbacks.

The proposal will change the roofline on the non-conforming right side setback by changing from a hip to a gable. The front porch, currently enclosed will be opened up. There will be no further encroachments into nonconforming setbacks. This alteration to a nonconforming structure requires the Applicant to obtain special permits under §4.4.1 of the Somerville Zoning Ordinance (SZO).

Section 4.4.1 states that "[I]awfully existing one-and two-family dwellings which are only used as residences, which are nonconforming with respect to dimensional requirements, may be enlarged, extended, renovated or altered by special permit granted by the SPGA in accordance with the procedures of Article 5."

In considering a special permit under §4.4 of the SZO, the Board finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The proposal allows for modest interior and exterior renovations to the property. The proposal has been designed with setbacks that minimally impact the neighbors and the rear and left side setbacks will continue to be conforming to the requirements of the SZO.

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 promoting the health, safety, and welfare of the inhabitants of the City of Somerville; to provide adequate light and air; to conserve the value of land and buildings; and to preserve the historical and architectural resources of the City.

The proposal is consistent with the purpose of the RB district, 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.

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 surrounding neighborhood is a mix of residential building types including houses, triple-deckers, paired houses, and an apartment building.

The renovation, in particular the roof change, will make the property more similar to the neighboring building. An open front porch is welcoming and good urban design.

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

The proposal will not create adverse impacts on the existing housing stock.

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 neighborhoods, transform key opportunity areas, preserve and expand an integrated, balanced mix of safe, affordable and environmentally sound rental and homeownership units for households of all sizes and types from diverse social and economic groups; and, make Somerville a regional employment center with a mix of diverse and high-quality jobs. The areas in the SomerVision map that are designated as enhance and transform should most significantly contribute towards the SomerVision goals that are outlined in the table below. The areas marked as conserve are not expected to greatly increase the figures in the table since these areas are not intended for large scale change.*

The project complies with the goals of SomerVision by allowing homeowners to make modest changes to their property.

III. DECISION

Present and sitting were, Susan Fontano, Danielle Evans, Anne Brockelman, and Elaine Severino. Upon making the above findings, Danielle Evans made a motion to approve the requested special permit. Elaine Severino seconded the motion. The Zoning Board of Appeals voted **4-0** to **APPROVE** the request **WITH CONDITIONS**. The following conditions were attached:



#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	Approval is for the alterations to the existing structure including the change in roofline and front and rear porches. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/PIn g.							
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>August 27, 2019</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>(October 9, 2019)</td> <td>Modified plans submitted to OSPCD (1 - Lot Plan, 2 - Photographs, 3 - Photographs, 4 - Site Plan, 5 - Floor Plans, 6 - Floor Plans, 7 - Floor Plans, 8 - Floor Plans, 9 - Elevations, 10 - Elevations, 11 - Elevations)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	August 27, 2019	Initial application submitted to the City Clerk's Office	(October 9, 2019)	Modified plans submitted to OSPCD (1 - Lot Plan, 2 - Photographs, 3 - Photographs, 4 - Site Plan, 5 - Floor Plans, 6 - Floor Plans, 7 - Floor Plans, 8 - Floor Plans, 9 - Elevations, 10 - Elevations, 11 - Elevations)
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Any changes to the approved site plan and plans that are not <i>de minimis</i> must receive SPGA approval.										
Pre-Construction										
2	The Applicant shall apply for the proper permits to demolish the existing garage.	BP	PIn g.							
3	The rear porches shall not extend into the rear yard setback.	BP	PIn g.							
4	The Applicant shall submit a proposed drainage report, if deemed necessary, stamped by a registered PE in Massachusetts that demonstrates compliance with the City's stormwater policy.	BP	Eng.							
5	The Applicant shall develop a demolition plan in consultation with the City of Somerville Inspectional Services Division. Full compliance with proper demolition procedures shall be required, including timely advance notification to abutters of demolition date and timing, good rodent control measures (i.e. rodent baiting), minimization of dust, noise, odor, and debris outfall, and sensitivity to existing landscaping on adjacent sites.	Demolition Permitting	ISD							
Construction Impacts										
6	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							



7	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	
8	<u>Construction shall be limited to M-F 7:30am – 5:00pm. No weekend construction or construction-related work shall occur. This includes deliveries and finish work.</u>	During Construction	ISD/Zoning Review Planner	
Design				
9	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.	
10	An exterior light and electrical receptacle is required for all levels of the porch and an electrical receptacle is required for the second level.	Final sign off	Wiring Inspector	
Site				
11	Landscaping shall be installed and maintained in compliance with the American Nurserymen’s Association Standards;	Perpetual	Plng. / ISD	
12	The first 5 feet of bituminous material on the driveway (starting from where the driveway meets the public sidewalk) shall be removed. In its place shall be installed permeable pavers. A plan showing this shall be submitted to Planning Staff for their review and approval prior to the issuance of a building permit.	Updated plan – BP Bitumen removed and permeable pavers installed - CO	Plng/ISD /Eng	
Miscellaneous				
13	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.	
14	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	
Public Safety				
15	The Applicant or Owner shall meet the Fire Prevention Bureau’s requirements.	CO	FP	
Final Sign-Off				
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.- Zoning Review Planner	





Attest, by the Zoning Board of Appeals:

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

Attest, by 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 _____

