



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

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MICHAEL A. CAPUANO, ESQ.
REBECCA LYN COOPER
GERARD AMARAL, (ALT.)

Case #: PB 2016-15
Site: 22 Benedict Street
Date of Decision: December 8, 2016
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: December 20, 2016

PLANNING BOARD DECISION

Applicant Name:	Qichao Ding
Applicant Address:	22 Benedict Street, Somerville, MA 02145
Property Owner Name:	Qichao Ding
Property Owner Address:	22 Benedict Street, Somerville, MA 02145
Agent Name:	N/A

Legal Notice: Applicant/Owner Qichao Ding Seek a Special Permit under § 4.4.1 to add a rear roof deck to an existing one-story addition.

<u>Zoning District/Ward:</u>	TOD-70 zone/Ward 1
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	August 21, 2016
<u>Date(s) of Public Hearing:</u>	December 8, 2016
<u>Date of Decision:</u>	December 8, 2016
<u>Vote:</u>	5-0

Appeal #PB 2016-15 was opened before the Planning Board at Somerville High School Library on December 8, 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 Planning Board took a vote.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
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www.somervillema.gov

DESCRIPTION:

The proposal is to build a roof deck on the rear addition. Access will be exclusively from inside the house and no external stairs will be provided.

FINDINGS FOR SPECIAL PERMIT (SZO §7.13.A):

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.

Nevertheless, final details, included materials selection, location of trim, and window size and placement, should be coordinated with Planning Staff prior to construction.

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."*

Nature of Application: TOD-70

The structure is currently nonconforming with several dimensional requirements, including minimum lot size, landscaped area, and front and side yard setbacks. The addition increased the encroachment on the nonconforming side yard to 3'; the minimum in this district is 8'. The proposed roof deck, the on previous addition, does not further this non-conformance.

Section 4.4.1 states that "[l]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 or 4.5 of the SZO, the Board does not find that the use proposed would be substantially more detrimental to the neighborhood than the existing structure/use.

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 provide for and maintain the uniquely integrated structure of uses in the City; to lessen congestion in the streets; to provide adequate light and air; to conserve the value of land and buildings; and, to protect and promote a housing stock that can accommodate the diverse household sizes and life stages of Somerville residents at all income levels, paying particular attention to providing housing affordable to individuals and families with low and moderate incomes.

The purpose of the district is "to encourage mixed-use transit-oriented development with well-designed pedestrian access near transit connections and commercial squares." This proposal does not meet the future purpose of redevelopment in the district as it does not expand the use of the property beyond a two-family home. However, as a two-family home, the Board finds this proposal is appropriate within the context of the surrounding neighborhood.



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 neighborhood is comprised of one-, two-, and multifamily homes. Interstate 93 is in close proximity to the house.

Impacts of Proposal (Design and Compatibility): The existing addition has siding and trim appropriate to the neighborhood. The drawings provided as part of the application show a guard rail for the proposed roof deck that is inkeeping with the structure. Staff recommends that final material choices be subject to staff approval.

5. 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.*

<u>SomerVision Summary</u>	<i>Existing</i>	<i>Proposed</i>
<i>Dwelling Units:</i>	2	2
<i>Affordable Units:</i>	0	0
<i>Commercial Sq. Ft.:</i>	0	0
<i>Estimated Employment:</i>	0	0
<i>Parking Spaces:</i>	5	5
<i>Publicly Accessible Open Space:</i>	0	0



DECISION:

Present and sitting were Members Kevin Prior, Joseph Favaloro, Dorothy Kelly Gay, Rebecca Lyn Cooper and Gerard Amaral with Michael Capuano absent. Upon making the above findings, Kevin Prior made a motion to approve the request for a Special Permit. Joseph Favaloro seconded the motion. Wherefore the Planning Board voted **5-0** to **APPROVE** the request. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes				
	Approval is for a roof deck on the rear addition. This approval is based upon the following application materials and the plans submitted by the Applicant: <table border="1" style="margin: 10px auto; width: 80%;"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>August 2, 2016</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> </tbody> </table> Any changes to the approved elevations and use that are not <i>de minimis</i> must receive SPGA approval.	Date (Stamp Date)	Submission	August 2, 2016	Initial application submitted to the City Clerk's Office	BP/CO	ISD/Plng	
Date (Stamp Date)	Submission							
August 2, 2016	Initial application submitted to the City Clerk's Office							
Pre-Construction								
	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								
	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.					
	Approval is subject to the Applicant's and/or successor's right, title and interest in the property.	Cont.	Plng.	Deed submitted & application form signed				
	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					
Design								



	Applicant shall provide final material samples and details for guard and hand rails (plus any siding, trim, windows, and doors) to Planning Staff for review and approval prior to construction.	BP	Plng.	
	An exterior light and electrical receptacle is required for the deck.	Final sign off	Wiring Inspector	
Site				
	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards; and there shall be a minimum of one tree for each 1,000 sf of required landscaped area under SZO §10.3.	Perpetual	Plng. / ISD	
	The electric, telephone, cable TV and other such lines and equipment shall be placed underground from the source or connection. The utilities plan shall be supplied to the Wiring Inspector before installation.	Installation of Utilities	Wiring Inspector	
	All new sidewalks will be installed by the Applicant in accordance with the specifications of the Highway Superintendent. Specifically, all driveway aprons shall be concrete.	CO	Plng.	
Miscellaneous				
	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				
	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
	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.	
	The Applicant shall provide notice of intent to strictly comply with applicable State and Federal regulations regarding air quality including without limitation continuous dust control during demolition and construction.	CO	Plng/OS E	
Final Sign-Off				
	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 Planning Board:



Kevin Prior, Chairman



Joseph Favaloro


Dorothy A. Kelly Gay

Rebecca Lyn Cooper



Gerard Amaral

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 _____

