



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
**JOSEPH A. CURTATONE**  
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MICHAEL F. GLAVIN  
EXECUTIVE DIRECTOR

PLANNING DIVISION

**ZONING BOARD OF APPEALS MEMBERS**

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ELAINE SEVERINO  
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ANNE BROCKELMAN, (ALT.)

**Case #: ZBA 2015-32**  
**Site: 906-908 Broadway**  
**Date of Decision: November 18, 2015**  
**Decision: Petition Approved with Conditions**  
**Date Filed with City Clerk: December 1, 2015**

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**ZBA DECISION**

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<b>Applicant Name:</b>	Siyuan He
<b>Applicant Address:</b>	32 St. James Avenue, Somerville, MA 02144
<b>Property Owner Name:</b>	Siyuan He
<b>Property Owner Address:</b>	32 St. James Avenue, Somerville, MA 02144
<b>Agent Name:</b>	N/A

Legal Notice: Applicant & Owner, Siyuan He, seeks a Special Permit under SZO §4.4.1 to alter a nonconforming 2-family house to add an approximately 2,000 sf addition.

<u>Zoning District/Ward:</u>	RA zone/Ward 6
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	June 3, 2015
<u>Date(s) of Public Hearing:</u>	July 15, 2015 – November 18, 2015
<u>Date of Decision:</u>	November 18, 2015
<u>Vote:</u>	5-0

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Appeal #ZBA 2015-32 was opened before the Zoning Board of Appeals at Somerville City Hall on July 15, 2015. 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 two hearings of deliberation, the Zoning Board of Appeals took a vote.



**DESCRIPTION:**

The proposal is to renovate the property while keeping the use as a two-family dwelling. The structure will be 4,489 net square feet. The main front entrance for one unit would be off of Billingham Street and a main entrance for the other unit would be accessed and visible from Broadway. The units would each have three bedrooms and a study. The existing curb cut on Billingham would be used to supply space for 4 cars to park, two in tandem.

**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 dimensional requirements: lot size and side yard setback. The Applicant has designated the yard on Billingham as the front yard for purposes of measuring setbacks.

The proposal will impact the nonconforming side yard dimension. The portion of the house that is 5 feet from the side lot line will change; however it will continue to be an open porch. This alteration, as well as the alteration to increase the nonconforming structure by more than 25% of the gross floor area of the original structure, requires the Applicant to obtain special permits under §4.4.1 of the Somerville Zoning Ordinance (SZO).

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 of the SZO, the Board finds that with the proposed alterations and conditions the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The front porch of the house along Broadway would be altered but remain a substantial porch keeping this an a main entry into the house. Finally, this façade along the major thoroughfare includes more and larger windows in the revised plan set to activate the building The bay on the side of the house that is visible from Billingham Street was redesigned so that its design is sympathetic to the rest of the house. Its siding is consistent with the rest of the house, there are brackets to visually hold it up and windows are symmetrically placed on it. Additionally, the basement floor plan has been updated so that it is not ambiguous if the space can be used or not. The massing of the addition has been reduced such that the basement can be used as living space and the structure would still be within the allowable FAR. The FAR will be 0.655 and the maximum allowed in the district is 0.75

The tree well that was paved over in front of where the driveway was previously proposed should be replanted in consultation with Highway Lights and Lines.

Iterations of plans incorporate the following items to try to address neighbor's concerns:

- No parking proposed on Broadway.



- The units were changed from two 4 bedroom units to two 3 bedroom units with 1 study. Only one bedroom is being added to the property from the existing situation. Each unit would have 4 bathrooms.
- A fruit tree is proposed in the back yard that was requested by a neighbor.
- compacted the rooms and reduced the overall massing of the project by decreasing the SF above grade by 511 SF
- reduced the roof by 2' and adjusted the rooflines so that the main house soffits align with the turret soffit and the turret is slightly higher than the main gable roof
- eliminated one of the porticos and one of the cross gables facing Billingham so it reads much more like a single family instead of townhouses
- reduced the footprint of the addition into the rear yard and made this portion one-story
- reconfigured the Broadway entrance so that it utilizes the existing porch and existing steps

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 providing for and maintain the uniquely integrated structure of uses in the City

The proposal is consistent with the purpose of the RA district, which is, “[t]o establish and preserve quiet neighborhoods of one- and two-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.”*

See finding 2 for the design and compatibility regarding the proposal.

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

The units will be more expensive with a renovation and addition. The units are not restricted as affordable units and even without the expansion of the building the owner could increase the cost of the units.

7. 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 Board finds that the proposed revisions to the plans alleviate the concern regarding the house turning its back to Broadway, which would have been counter to the goal of enhancing the character of a main thoroughfare.

<i>SomerVision Summary</i>	<i>Existing</i>	<i>Proposed</i>
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<i>Dwelling Units:</i>	2	2
<i>Parking Spaces:</i>	2	4-2

**DECISION:**

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Danielle Evans , Elaine Severino and Josh Safdie. Upon making the above findings, Richard Rossetti 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. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes												
1	Approval is for the alteration of the nonconforming structure to create a 4,489 nsf two-family dwelling. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/PIng.													
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>June 3, 2015</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>Nov 12, 2015</td> <td>Modified plans submitted to OSPCD (Proposed Site Plan)</td> </tr> <tr> <td>Sept 3, 2015</td> <td>Modified plans submitted to OSPCD (A1 cover, A2-A-6 existing floor &amp; roof plans)</td> </tr> <tr> <td>Oct 6, 2015</td> <td>Modified plans submitted to OSPCD (A13-1 existing elevations)</td> </tr> <tr> <td>Nov 10, 2015</td> <td>Modified plans submitted to OSPCD (A-7 site diagram, A8-A-12 new floor &amp; roof plans, A13 new elevations)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	June 3, 2015	Initial application submitted to the City Clerk’s Office	Nov 12, 2015	Modified plans submitted to OSPCD (Proposed Site Plan)	Sept 3, 2015	Modified plans submitted to OSPCD (A1 cover, A2-A-6 existing floor & roof plans)	Oct 6, 2015	Modified plans submitted to OSPCD (A13-1 existing elevations)	Nov 10, 2015	Modified plans submitted to OSPCD (A-7 site diagram, A8-A-12 new floor & roof plans, A13 new elevations)
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Any changes to the approved site plan or elevations 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	Engineering													
3	The Applicant will be required to demonstrate that the updated project plans meet the current City of Somerville stormwater policy. Utility, grading, and drainage plans must be submitted to the Engineering Department for review and approval.	BP	Eng.													



4	New sanitary connection flows over 2,000 GPD require a 4:1 removal of infiltration and/or inflow by the Applicant. This will be achieved by submitting a mitigation payment to the City based on the cost per gallon of I/I to be removed from the sewer system. The Applicant shall work with Engineering to meet this condition before a certificate of occupancy is issued.	BP	Eng.	
<b>Construction Impacts</b>				
5	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.	
6	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	
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	
<b>Design</b>				
8	Applicant shall provide final material samples for siding, trim, windows, and doors to Planning Staff for review and approval prior to construction.	BP	Plng.	
9	An exterior light and electrical receptacle is required for the first levels of the porches/decks and an electrical receptacle is required for second level. The utility plans shall be supplied to the Wiring Inspector before installation.	Final sign off	Wiring Inspector	
<b>Site</b>				
10	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards.	Perpetual	Plng. / ISD	
11	The Applicant shall work with the Highway Lights and Line Division to uncover the tree pit on Broadway in front of the site and appropriately plant a tree in this place.	CO	Plng.	
<b>Miscellaneous</b>				
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	
13	The area marked as unfinished space in the basement must be devoted exclusively to storage and mechanical uses accessory to the operation of the building and cannot be used as any type of living space.	Cont.	ISD	
<b>Public Safety</b>				
14	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
<b>Final Sign-Off</b>				



15	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.	
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Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chairman*  
Richard Rossetti, *Clerk*  
Danielle Evans  
Elaine Severino  
Josh Safdie

Attest, by the Administrative Assistant:

\_\_\_\_\_  
Dawn M. Pereira

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 \_\_\_\_\_

