2020 SEP -1 P 3:49

CITY CLERK'S OFFICE
SOMERVILLE, MA

CITY OF SOMERVILLE, MASSACHUSETTS

MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT

JOSEPH A. CURTATONE
MAYOR

GEORGE J. PROAKIS
EXECUTIVE DIRECTOR

PLANNING DIVISION
MEMORANDUM

TO:	**John Long, City Clerk**
FROM:	**Planning Division**
DATE:	**September 1, 2020**
SUBJECT:	**Correction of Administrative Error**
	Case Address: 57 Prescott St

Address: 57 Prescott St

Date of Decision: December 12, 2018

Date Filed with City Clerk: December 19, 2018

The decision for this property filed in the City Clerk's Office on December 19, 2018, contained an administrative error.

The condition set that was attached to the decision originally filed with the City Clerk was incorrect. The condition set that was approved by the Zoning Board of Appeals (ZBA) on December 12, 2018 has now been included in the attached corrected decision.

CITY OF SOMERVILLE, MASSACHUSETTS

MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT

JOSEPH A. CURTATONE
MAYOR

GEORGE J. PROAKIS
EXECUTIVE DIRECTOR

PLANNING DIVISION
ZONING BOARD OF APPEALS MEMBERS
ORSOLA SUSAN FONTANO, CHAIRMAN
RICHARD ROSSETTI, *CLERK*
DANIELLE EVANS
ELAINE SEVERINO
JOSH SAFDIE
ANNE BROCKELMAN, (ALT.)

Case #: ZBA 2018-150
Site: 57 Prescott Street
Date of Decision: December 12, 2018
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: December 19, 2018

ZBA DECISION

Applicant / Owner Name: Alexander Asen and Yael Asen
Applicant / Owner Address: 57 Prescott Street, Somerville, MA 02143
Agent Name: Peter Quinn Architects LLC
Agent Address: 259 Elm Street, Suite 301, Somerville, MA 02144
Alderman: Ben Ewen-Campen

Legal Notice: Applicants / Owners, Alexander Asen and Yael Asen, seek a Special Permit under SZO §4.4.1 to alter a nonconforming structure by constructing an addition that is greater than 25% of the existing gross floor area (GFA) to add a second dwelling unit and a Special Permit under SZO §9.13 for parking relief. RA Zone. Ward 3.

Zoning District/Ward:	RA Zone. Ward 3.
Zoning Approval Sought:	§4.4.1, §9.13
Date of Application:	October 25, 2018
Date(s) of Public Hearing:	December 12, 2018
Date of Decision:	December 12, 2018
Vote:	5-0

Appeal #ZBA 2018-150 was opened before the Zoning Board of Appeals in the Aldermanic Chambers at Somerville City Hall on December 12, 2018. 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 December 12, 2018 the Zoning Board of Appeals took a vote.

I. DESCRIPTION:

The proposal is to construct an addition on the lot that will add a second dwelling unit to the structure. Other work includes demolishing an existing shed and covered wood deck, constructing a new deck off of the rear of the existing structure, and adding dormers to the existing structure.

II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1 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 structure is currently nonconforming with respect to the following dimensional requirements: lot area, front yard setback, and the left yard setback. The proposal will impact the nonconforming dimension of the left side yard setback. The current dimension is 4.7 feet and the proposal is to construct a new deck off the back of the existing house and dormers on the left side of the house will maintain the 4.7-foot setback in a district where 8 feet is required for 2.5 story structures.

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."* 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 *"Alteration, reconstruction, extension or structural change to a nonconforming one- or two-family structure not affecting the nonconforming aspect of the one- or two-family structure and where the alteration, reconstruction, extension, or structural change will comply with all current dimensional requirements of the zoning ordinance, and provided any such alteration, reconstruction, extension or structural change does not increase the Gross Floor Area of the dwelling by more than twenty-five percent (25%)."*

The total increase in gross floor area (GFA) will be greater than 25%. The existing GFA is 2,892 s.f and the proposal is to add 3,202 s.f that will increase the GFA to 6,094 s.f, or 111% of the existing structure. This alteration to a nonconforming structure requires the Applicant to obtain special permits under §4.4.1 of the Somerville Zoning Ordinance (SZO).

In considering a special permit under §4.4 of the SZO, the Board finds that the alterations/use proposed would not be substantially more detrimental to the neighborhood than the existing structure/use. The proposal will add an additional housing on a site that is large enough to handle such. The proposal has been designed with setbacks that minimally impact the neighbors and the requirements for number of dwelling unit, lot area per dwelling unit, ground coverage, landscaped area, pervious area, floor area ratio (FAR), building height, rear yard setback, right side yard setback, and street frontage will continue to be conforming to the requirements of the SZO.

Article 9: Off-Street Parking and Loading

	Existing		*Proposed*	
Unit #1	3 BR	2 spaces	4 BR	2 spaces
Unit #2	--	--	3 BR	2 spaces
Total	**2 spaces**		**4 spaces**	

The site currently provides two parking spaces for the single family dwelling. The proposal is to add a dwelling unit, which will increase the number of required parking spaces by two. Therefore the site will require four spaces. The proposal is to continue providing two parking spaces. SZO §9.13 allows for sites with nonconforming parking to apply for a Special Permit to modify parking requirements if the total number of spaces is six or fewer. Relief is being requested from providing the additional two parking spaces.

In considering a special permit under §9.13 of the SZO "the SPGA may grant such a special permit only when consistent with the purposes set forth in Section 9.1, and upon reaching the findings and determinations set forth in Section 5.1.4". The Board finds that granting the requested Special Permit is consistent with the purposes of SZO §9.1 and will not cause detriment to increased traffic volumes, traffic congestion of queuing of vehicles, changes in the type of traffic, change in traffic patterns and access to the site, reduction in on-street parking, or unsafe conflicts of motor vehicles and pedestrian traffic.

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 protect health; to secure safety from fire, panic and other dangers; 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 RA district, which is, "to 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."*

The subject site is located in a neighborhood that is mixed with regard to human density, housing style, and building types. Large, multi-family structures are present within a couple of parcels to the left, rear, and right of the subject property.

The Board finds that the proposed project will bring visual and usage upgrades to the property while retaining the street-facing, gable-fronted style of the original structure. The proposed changes to the parcel itself will remove a portion of blacktop and provide an upgrade to the landscaping.

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 neighborhoods.

SomerVision Summary	*Existing*	*Proposed*
Dwelling Units:	1	2

III.DECISION:

Present and sitting were Members Orsola Susan Fontano, Josh Safdie, Danielle Evans, and Anne Brockelman. Upon making the above findings, Richard Rossetti made a motion to approve the request for a Special Permit. Anne Brockelman seconded the motion. The Zoning Board of Appeals voted **5-0** to **APPROVE** the request **WITH CONDITIONS**. The following conditions were attached:

<table>
<tr><th>#</th><th>Condition</th><th>Timeframe for Compliance</th><th>Verified (initial)</th><th>Notes</th></tr>
<tr><td>1</td><td>Approval is to construct an addition on the lot that will add a second dwelling unit to the structure. Other work includes demolishing an existing shed and covered wood deck, constructing a new deck off of the rear of the existing structure, and adding dormers to the existing structure. This approval is based upon the following application materials and the plans submitted by the Applicant:
<table>
<tr><th>Date (Stamp Date)</th><th>Submission</th></tr>
<tr><td>October 25, 2018</td><td>Initial application submitted to the City Clerk's Office</td></tr>
<tr><td>October 17, 2018
(December 7, 2018)</td><td>Updated plans submitted to OSPCD (T-1, Z-1, Z-2, Z-3, EC-1, EC-2, EC-3, EC-4, A-0, A-1, A-2, A-3, A-4, A-5, A-6, and A-7)</td></tr>
</table>
Any changes to the approved site plan or elevations that are not de minimis must receive SPGA approval. Whether or not a change is de minimis in nature must be determined by the Planning Office.</td><td>BP/CO</td><td>ISD/Plng.</td><td></td></tr>
<tr><td colspan="5">Pre-Construction</td></tr>
<tr><td>2</td><td>The Applicant shall be required to demonstrate that the project plans meet the current City of Somerville stormwater policy. Utility, grading, and drainage report and plans stamped by a registered PE in Massachusetts must be submitted to the Engineering Department for review and approval.</td><td>BP</td><td>Eng.</td><td></td></tr>
<tr><td>3</td><td>The Applicant shall contact the Engineering Department to obtain formal street addresses for the now two-unit building.</td><td>BP</td><td>Eng</td><td></td></tr>
<tr><td>4</td><td>The Applicant shall submit a proposed drainage plan, stamped by a registered PE in Massachusetts that demonstrates compliance with the City's storm water policy.</td><td>BP</td><td>Eng.</td><td></td></tr>
<tr><td>5</td><td>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.</td><td>Demolition Permitting</td><td>ISD</td><td></td></tr>
<tr><td>6</td><td>The applicant must comply with the Policy for new connections to and modifications to existing connections to the municipal sewer and drainage system stormwater management and infiltration/inflow mitigation. The Applicant shall work with Engineering to meet this condition and provide the required fees/mitigation.</td><td>CO</td><td>Eng.</td><td></td></tr>
<tr><td colspan="5">Design</td></tr>
</table>

7	Applicant shall provide final material samples for siding, trim, windows, and doors to Planning Staff for review and approval prior to construction. No vinyl shall be used on this property.	BP	Plng./ISD	
Construction Impacts				
8	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	
9	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.	
10	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	
11	Construction shall occur from 7:30am – 5:00pm Monday-Friday ONLY. There shall be no construction or construction-related work allowed on the weekends or holidays.	During Construction	ISD	
12	The Applicant shall ensure that all food waste associated with construction personnel be removed from the premises at the end of each work day.	During Construction	ISD	
Site				
13	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	
14	All landscaping materials, screening materials and materials used for parking/driveway areas shall first be reviewed and approved by Planning Staff prior to their installation and again prior to final sign-off.	BP/CO	Plng/ISD	
15	The Applicant shall provide Planning Staff with a final list of plantings and their locations for Staff's review and approval prior to the issuance of a Building Permit. Preference shall be given to perennial species native to this area of Massachusetts. No arborvitae shall be used.	BP	Plng/ISD	
16	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/ISD	

17	Asphalt and cement shall not be used for any new driveways, turnabouts, sidewalks or the like. Pervious pavers, brick or pea stone shall be used. Planning Staff shall review and approve all such materials prior to the issuance of a building permit and prior to their installation.	BP	Plng/ISD	
18	Gas and electric meters shall not be located 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	Wiring-Electrical/ISD	
19	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	Wiring-Electrical/ISD	
20	All vents and piping shall be painted the color of the portion of the structure from which they protrude.	CO	Plng.	
Public Safety				
21	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
22	All exterior lighting shall be confined to the subject property, cast light downward and must not intrude, interfere or spill onto neighboring properties.	CO	Plng.	
23	All smoke detectors shall be hard-wired.	CO	Fire Prevention / ISD	
24	Per Somerville ordinance, grills, barbecues, chimineas and the like are NOT permitted on decks. This shall be written into any condo documents or rental agreements.	Perpetual	Fire Prevention / ISD	
Final Sign-Off				
25	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*
Richard Rossetti, *Clerk*
Danielle Evans
Josh Safdie
Anne Brockelman

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_____