



**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  
DANIELLE EVANS, *CLERK*  
RICHARD ROSSETTI  
ELAINE SEVERINO  
JOSH SAFDIE  
ANNE BROCKELMAN, (ALT.)

**Case #: ZBA 2018-177**  
**Site: 52-54 Craigie Street**  
**Date of Decision:** January 23, 2019  
**Decision:** *Petition Approved with Conditions*  
**Date Filed with City Clerk:** February 8, 2019

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**ZBA DECISION**

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**Applicant / Owner Name:** Clare O'Brien and Nancy Walsh  
**Applicant / Owner Address:** 52-54 Craigie Street, Somerville, MA 02143  
**City Councilor:** Ben Ewen-Campen

Legal Notice: Applicants and Owners, Clare O'Brien and Nancy Walsh, seek a special permit under SZO §4.4.1 to alter a nonconforming structure and a special permit under SZO §9.13 for parking relief to increase the height of the roof ridge and construct dormers to create a master suite on the 3<sup>rd</sup> floor. RB Zone. Ward 3.

<u>Zoning District/Ward:</u>	RB zone. Ward 3.
<u>Zoning Approval Sought:</u>	SZO §4.4.1 and §9.13
<u>Date of Application:</u>	December 6, 2018
<u>Date(s) of Public Hearing:</u>	January 23, 2019
<u>Date of Decision:</u>	January 23, 2019
<u>Vote:</u>	5-0

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Case # ZBA 2018-177 was opened before the Zoning Board of Appeals in the Aldermanic Chambers at Somerville City Hall on January 23, 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 January 23, 2019 the Zoning Board of Appeals took a vote.



**I. DESCRIPTION:**

The proposal is to increase the height of the main roof ridge and construct two dormers on each side of the roof to create a master suite in the third floor.

**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, pervious area, front yard, rear yard, and left side yard setback.

The proposal will impact the nonconforming dimension of the right side yard setback. The current dimension is 5.7 feet and the proposal to construct dormers will not decrease the dimension. The requirement in the district is 8 feet for a 2.5 story structure. 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 “[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 the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The proposal will allow for the homeowners to expand their living space in a manner than doesn’t alter the footprint of the structure. The proposal has been designed with setbacks that minimally impact the neighbors and the requirements for lot area per dwelling unit, landscaped area, floor area ratio (FAR), building height, and right side yard setback will continue to be conforming to the requirements of the SZO.

*Article 9: Off-Street Parking and Loading*

	<i>Existing</i>		<i>Proposed</i>	
Unit #1	2 BR	1.5 spaces	2 BR	1.5 spaces
Unit #2	2 BR	1.5 spaces	3 BR	2 spaces
<b>Total</b>	<b>3 spaces</b>		<b>4 spaces (rounded up from 3.5)</b>	

The site currently provides two parking spaces for the two-family dwelling. The proposal is to add one bedroom to the second and third floor unit, which will increase the number of required parking spaces by



one. Therefore the site will require four spaces. The proposal is to continue providing two parking space. 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 one parking space.

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 provide adequate light and air; 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 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."*

*Surrounding Neighborhood:* The subject property is located on the west side of Craigie Street, which is predominantly a residential street. The street includes a wide range of residential uses include single, two, three-, and multi-family dwelling including a 33 unit apartment building adjacent to the site.

*Impacts of Proposal (Design and Compatibility):* The proposal to increase the ridge height and add dormers will not have a negative impact on the design and will be compatible with the neighborhood. The dormers are of a size and slope that Board considers appropriate.

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.



**III.DECISION:**

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



#	Condition	Timeframe for Compliance	Verified (initial)	Notes								
1	Approval is for the increase in ridge height and dormers. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/Plng.									
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>December 6, 2018</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>January 3, 2018</td> <td>Plans submitted to OSPCD (PH1.1, A1.0, A1.1, EX2.1, A2.1, and A1.2)</td> </tr> <tr> <td>November 28, 2018</td> <td>Plot Plan of Land</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	December 6, 2018	Initial application submitted to the City Clerk's Office	January 3, 2018	Plans submitted to OSPCD (PH1.1, A1.0, A1.1, EX2.1, A2.1, and A1.2)	November 28, 2018	Plot Plan of Land
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November 28, 2018	Plot Plan of Land											
Any changes to the approved elevations that are not <i>de minimis</i> must receive SPGA approval.												
<b>Construction Impacts</b>												
2	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.									
3	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									
4	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>Design</b>												
5	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.									
<b>Site</b>												
6	Landscaping shall be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD									
<b>Miscellaneous</b>												
7	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.									



8	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>				
9	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
<b>Final Sign-Off</b>				
10	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*  
Elaine Severino  
Richard Rossetti  
Josh Safdie  
Anne Brockelman (Alt.)

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 \_\_\_\_\_

