



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2017-113
Site: 24 Crescent Street
Date of Decision: January 17, 2018
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: January 31, 2018

ZBA DECISION

Applicant / Owner Name: 24 Crescent Street, LLC
Applicant / Owner Address: 10 Hammersmith Drive, Saugus, MA 01906
Alderman: J.T. Scott

Legal Notice: Applicant and Owner, 24 Crescent Street, LLC, seeks Special Permits under §4.4.1 for an upward extension of the non-conforming right side yard setback, increase the number of units from one to two under §7.11, and parking relief under §9.13 of the SZO.* RB zone. Ward 2.

<u>Zoning District/Ward:</u>	RA Zone. Ward 2
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	October 26, 2017
<u>Date(s) of Public Hearing:</u>	January 17, 2018
<u>Date of Decision:</u>	January 17, 2018
<u>Vote:</u>	5-0

Appeal #ZBA 2017-113 was opened before the Zoning Board of Appeals in the Aldermanic Chambers of Somerville City Hall, 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. After one hearing of deliberation, the Zoning Board of Appeals took a vote.



DESCRIPTION:

1. **Subject Property:** The subject property is a sing-family gable-fronted structure with 2,317 square feet of usable space. The property is situated on a 3,920 square foot lot in the RB zone.
2. **Proposal:** Currently, the structure presents a single-story, flat-roofed addition at the right rear of the property. The Applicant proposes adding a second story to this area. This second-story addition will also have a flat roof. This second story will create an upward extension of the existing, non-conforming right side yard setback which is 1.6 feet in this area. To increase this existing non-conformity requires relief under §4.4.1 of the SZO. Further, the Applicant proposes converting the property from a single-family to a two-unit, which requires relief under §7.11 of the SZO. The total increase in usable area within the property is 282 square feet.

As part of the proposal, though not requiring relief, the Applicant will remove a small retaining wall and level the property, add new fencing to the front of the house, re-side the property with a cementitious-type siding, add formal landscaping and install a new driveway and parking area of pervious pavers. The Applicant also proposes the inclusion of a small rear deck at the left, rear of the property overlooking the parking area.

3. **Green Building Practices:** No comments provided in the application

III. **Comments:** Planning Staff met with the property owners (Applicants) their architect and agent to work on improvements to the initial proposal. The improvements are reflected in the plan before the ZBA and include the (pervious) paved driveway and parking area, reduction in the number of parking spaces initially proposed, increase in landscaping, replacement of front fencing, installation of fencing along the left property line, inclusion of cementitious siding.

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 §4.4.1 of the SZO. This section of the report goes through §4.4.1 in detail.

IV. Information Supplied:

The Board finds that the information provided by the Applicant conforms to the requirements of §4.4.1 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.”*

Section 4.4.1 states that “[l]awfully existing nonconforming structures other than one- and two-family dwellings may be enlarged, extended, renovated or altered only by special permit authorized by the SPGA in accordance with the procedures of Article 5. The SPGA must find that such extension, enlargement, renovation or alteration is not substantially more detrimental to the neighborhood than



the existing nonconforming building. In making the finding that the enlargement, extension, renovation or alteration will not be substantially more detrimental, the SPGA may consider, without limitation, impacts upon the following: traffic volumes, traffic congestion, adequacy of municipal water supply and sewer capacity, noise, odor, scale, on-street parking, shading, visual effects and neighborhood character.”

Special Permit under §4.4.1 of the SZO

The trigger for the relief request is the upward extension of the non-conforming right side yard setback that is proposed to accommodate a second-story, flat-roof addition to the rear of the building. The Board finds that this upward extension will not be substantially more detrimental to the site or the surrounding neighborhood, including the abutting properties. Along with the other interior modifications proposed, the increase in square footage will be 282 square feet. The flat roof of the proposed addition will keep this rear roofline well below the roofline of the main portion of the house. The Board finds that the use of a flat roof rather than a gable-style roof will minimize any shadowing to the abutting property to the right. Further, no new window openings are proposed for this new addition or for the remainder of the right elevation. The Applicant does have the opportunity to add new windows as long as they are fire-rated, inoperable (or glass block) due to the right elevation being less than three feet from the property line. However, the Applicant has elected not to add any new windows in an effort to maintain the privacy of the neighbor to the right of the property.

Special Permit under §7.11 of the SZO

The Applicant proposes to increase the number of units in the property from one to two which is a use that is allowed in the RB zone providing that there is sufficient lot area per dwelling unit. The required lot area per dwelling unit in the RB zone is 1,500. As a two-family, the property will present a lot area per d.u. of 1,960, over the minimum required for the zone. The Board finds that, other than the second story addition to accommodate a small kitchen and a bedroom, the changes being made to the building in order to make it a well-functioning two-family dwelling are contained within the structure itself. The impact of these interior changes will be minimal at best to the site and the surrounding neighborhood.

Special Permit under §9.13 of the SZO

As a single-family structure, this property contains four bedrooms. Three or more bedrooms in a unit have a parking requirement of two spaces. Currently, the property is only able to provide one parking space. Under the proposed plans, Unit 1 will contain three bedrooms and Unit two, three bedrooms. This is an overall increase of 2 bedrooms across the whole of the property. However, parking is calculated on the number of bedrooms per unit. The existing and proposed parking requirements appear below along with the parking calculation:

Unit #	Existing Bdr.	Parking Req.	Proposed Bdr.	Parking Req.
1	4	2.0	3	2.0
2	does not exist	does not exist	3	2.0

Old parking requirement: 2.0 spaces

New parking requirement: 4.0 spaces

New parking requirement – old parking requirement = # spaces required

$$(4 - 2) = 2 \text{ spaces}$$



The Applicant proposes providing three total parking spaces. This is more than the amount of relief required. Staff understands that the ZBA consistently discourages “amenity parking” on project sites. To that end, Staff recommends that the ZBA require that only two parking spaces be provided on this site (one per unit) and that the landscaping is increased in its stead. By providing two parking spaces, the Applicant will be in compliance with the number of spaces of relief needed.

V. 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 Board finds that the proposal to construct the right elevation dormer is not inconsistent with the purpose of the RA district which is to “...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.”

VI. 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.”*

In considering the special permits requests, the Board finds that the rear, second-story addition will be minimally impactful to the surrounding neighborhood. As noted earlier in this report, the Board finds that the use of a flat roof rather than a gable-style roof will minimize shadowing to the abutting property to the right. The use of a flat roof rather than a taller, gabled roof, minimizes the amount of bulk/massing being added to the rear of the building. Further, no new window openings are proposed for this new addition or for the remainder of the right elevation. The lack of any new window openings on the right elevation of the property will maintain privacy for the right abutting property.

Crescent Street is lined with single and two-family houses mostly of Mansard and gable-front styles. Increasing the number of units from one to two is consistent with not just the RB zone but with the cluster of dwellings along this street.

Lastly, the proposed improvements to this building in terms of siding, fenestration, front, side, and rear landscaping and new driveway will present a significant improvement to the streetscape as well as a significant upgrade to the project site itself.

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

The proposal will not add to the existing stock of affordable housing.

7. SomerVision:

The proposal conforms to the purposes of SomerVision in that the proposed improvements to the property will enhance the neighborhood streetscape. In addition, the project will add one additional housing unit to the City’s housing stock.

DECISION:

Special Permit under §4.4.1

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Elaine Severino, Danielle Evans, and Josh Safdie with Anne Brockelman and Pooja Phaltankar absent. 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 to increase the number of units from one to two and to add a flat-roofed, second story rear addition.	BP/CO	ISD/PIng.									
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>October 26, 2017</td> <td>Application submitted to City Clerk's office.</td> </tr> <tr> <td>January 3, 2018</td> <td>Updated plans submitted to OSPCD</td> </tr> <tr> <td>January 11, 2018</td> <td>Updated calculations submitted to OSPCD</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	October 26, 2017	Application submitted to City Clerk's office.	January 3, 2018	Updated plans submitted to OSPCD	January 11, 2018	Updated calculations submitted to OSPCD
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<p style="color: red;">Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval. Whether or not a change is <i>de minimis</i> in nature must be determined by the Planning Office.</p>												
Design												
2	All exterior materials, including, but not limited to windows, doors, siding, roofing, trim, and the like, shall be submitted to Planning Staff for their review and approval prior to the issuance of a building permit.	BP	Planning Staff / ISD									
Construction Impacts												
3	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									
4	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									



5	The Applicant must contact the Engineering Department to coordinate the timeline for cutting or opening the street and/or sidewalk for utility connections or other construction. There is a moratorium on opening streets from November to April and there is a list of streets that have additional opening restrictions.	BP	Eng	
6	The Applicant shall ensure that all food waste is removed from the project site on a daily basis.	During construction	ISD	
7	Construction and construction-related work shall occur between 7:30am and 5:00pm Monday through Friday only. No construction or construction-related work shall occur on the weekends or holidays.	During construction	ISD	
8	There shall be no idling of construction or construction-related vehicles on the property or street prior or post working hours. Out of respect for the neighbors, construction personnel shall not play loud music or engage in loud conversations prior, during, or post the allowed construction hours.	During construction	ISD	
9	Rodent baiting/control shall be undertaken as-needed.	During construction	ISD	
Site				
10	Landscaping shall be installed and maintained in compliance with the American Nurserymen's Association Standards;	CO & Perpetual	Plng. / ISD	
11	All mechanical equipment shall be screened from the view of the street and from abutting properties.	CO & Perpetual	Plng. / ISD	
12	All venting shall be painted or wrapped to match the color of the portion of the house from which it protrudes.	CO & Perpetual	Plng. / ISD	
13	All garbage and recycling shall be screened from the view of the street and abutting properties.	CO & Perpetual	Plng. / ISD	
14	The Applicant shall ensure that all water drainage from the flat-roofed rear addition shall be directed <u>away from</u> the right abutting property.	CO & Perpetual	Plng. / ISD	
15	All materials to be used for landscaping, driveways, sidewalks, parking, fencing and similar shall be submitted to Planning Staff for their review and approval prior to installation.	Prior to installation and CO	Plng. / ISD	
16	One parking space shall be removed from the proposal such that there are only two parking spaces provided on-site. The location of the former parking space shall be used to add more landscaping.	BP (to be shown on submitted plans)	Plng. / ISD	
Public Safety				
17	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
18	As per City regulations, there shall be no grills or similar cooking/heating equipment allowed on any decks or porches at any time.	Perpetual	FP/ISD	
19	All smoke detectors shall be hard-wired.	CO	Fire Prevention / ISD	
Final Sign-Off				



20	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*
Elaine Severino
Daniel Evans
Josh Safdie

Attest, by City Planner: _____

Alexander C. Mello

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 _____

