



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2018-126
Site: 30 Franklin Street
Date of Decision: November 7, 2018
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: November 16, 2018

ZBA DECISION

Applicant Name: David Choi
Applicant Address: 25 Wellington Street, Arlington, MA 02476
Owner Name: Ibrahim Ibrahim
Owner Address: 30 Franklin Street, Somerville, MA 02145
Alderman: Matt McLaughlin

Legal Notice: Applicant, David Choi, and Owner, Ibrahim Ibrahim, seek a Special Permit under SZO §4.4.1 to alter a nonconforming structure by converting the existing single family into a two family, increasing the height to 2.5 stories, and constructing an addition to the house. RB Zone. Ward 1.

<u>Zoning District/Ward:</u>	1
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	September 7, 2018
<u>Date(s) of Public Hearing:</u>	11/7/18
<u>Date of Decision:</u>	November 7, 2018
<u>Vote:</u>	5-0

Appeal #ZBA 2018-126 was opened before the Zoning Board of Appeals in the Aldermanic Chambers at Somerville City Hall on November 7, 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 November 7, 2018 the Zoning Board of Appeals took a vote.



DESCRIPTION:

The Applicant proposes to convert the existing structure into a two-family dwelling by adding onto the footprint and increase the height to 2.5 stories. A small portion of the existing house is proposed to be demolished on the left side that is currently on the property line. The proposal also includes the demolition of two of the garage bays to be replaced with landscaping.

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 area, landscaped area, pervious area, front yard setback, and left side yard setback.

The proposal will impact the following nonconforming dimensions: landscaped area, pervious area, front yard setback, and left side yard setback. The landscaped area and pervious area will be improved to become conforming due to the demolition of a portion of the garage being replaced with landscaped area. The current dimension for the left side yard is 0 feet and is proposed to be improved to five feet due to the demolition of a portion of the main dwelling structure. The front yard setback is 12 feet and will remain unchanged; however the front façade will be altered to include a traditional open front porch. These alterations 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 “[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.”

The total increase in gross floor area (GFA) will be greater than 25%. The existing GFA is 2,347 sf and the proposal is to add 1,642 sf to increase the GFA to 3,989s.f, or 70% of the existing structure. The footprint of the proposed addition will conform to all dimensional requirements of the 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%).”

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/use. The proposal will allow for the structure to create a new residential unit in a manner that is sensitive to the character of the neighborhood. The proposal has been designed with setbacks that minimally impact the neighbors.

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 lessen congestion in the streets; to protect health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to conserve the value of land and buildings; to preserve the historical and architectural resources of the City; 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 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 parcel is located in the East Somerville neighborhood within a Residence B district. The surrounding area has a medium density level and is predominantly composed of single, two-, and multi-family dwellings. Broadway, located two blocks north, has a variety of commercial, retail, and office uses as well as access to public transportation.

Impacts of Proposal (Design and Compatibility): The design of the proposed structure will emulate that of a traditional 2.5 story gable end Somerville style house.

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.

<u>SomerVision Summary</u>	<u>Existing</u>	<u>Proposed</u>
Dwelling Units:	1	2

DECISION:

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Danielle Evans, Elaine Severino, and Anne Brockelman. Upon making the above findings, Richard Rossetti made a motion to approve the request for a Special Permit with Site Plan Review and Variance. Elaine Severino seconded the motion. 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
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1	Approval is for an addition and conversion into a two-family. 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>September 7, 2018</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>October 3, 2018</td> <td>Plans submitted to OSP (A0, A0.1, A0.3, A2, A2.1, A3, A3.1, A4, A4.1, A5, A5.1, A6, A6.1, A7, A8, A9, A10, A11, A12, A13, and A14)</td> </tr> <tr> <td>October 5, 2018</td> <td>Plans submitted to OSP (A0.2)</td> </tr> <tr> <td>October 8, 2018</td> <td>Plans submitted to OSP (A1)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	September 7, 2018	Initial application submitted to the City Clerk's Office	October 3, 2018	Plans submitted to OSP (A0, A0.1, A0.3, A2, A2.1, A3, A3.1, A4, A4.1, A5, A5.1, A6, A6.1, A7, A8, A9, A10, A11, A12, A13, and A14)	October 5, 2018	Plans submitted to OSP (A0.2)	October 8, 2018	Plans submitted to OSP (A1)
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	October 5, 2018				Plans submitted to OSP (A0.2)									
October 8, 2018	Plans submitted to OSP (A1)													
Any changes to the approved site plan or elevations/use that are not <i>de minimis</i> must receive SPGA approval.														
Pre-Construction														
1	The Applicant must contact the Engineering Department to obtain a street address prior to a building permit being issued.	BP	Eng.											
2	The proposed basement finished floor elevation shall not be less than is 1 foot above the Seasonal High Ground Water elevation. The seasonal high ground water elevation shall be determined by a Massachusetts certified soil evaluator and stated on a signed soil test pit log.	BP	Eng.											
3	The Applicant shall complete the Site Plan Review Checklist and supply the information to the Engineering Office. The plans must comply with the City's Stormwater Management Policy.	BP	Eng.											
4	The Applicant shall submit a proposed drainage report, stamped by a registered PE in Massachusetts that demonstrates compliance with the City's stormwater policy.	BP	Eng.											
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 1st to April 1st and there is a list of streets that have additional opening restrictions.	BP	Eng											



6	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.	BP	Eng.	
7	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				
8	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.	
9	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	
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	
Design				
11	Applicant shall provide final material samples for siding, trim, windows, brackets, and doors to Planning Staff for review and approval prior to the issuance of a building permit.	BP	Plng.	
12	A second window shall be added on the third level of the front elevation.	BP	Plng.	
13	Brackets shall be added underneath the front gable end.	BP	Plng.	
Site				
14	Landscaping shall be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD	
Miscellaneous				



15	Gas and electric meters shall not be 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	ISD	
16	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	PIng.	
17	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	PIng.	
18	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 / PIng.	
19	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				
20	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
21	Any transformers should be located as not to impact the historic building or landscaped area, and shall be fully screened.	Electrical permits & CO		
22	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	PIng.	
Final Sign-Off				
23	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	PIng.	



Construction Impacts				
	For the convenience of and respect for the neighborhood, during the construction phase, construction work shall not begin prior to <u>7:30am</u> and shall finish no later than <u>5pm</u> Monday through Friday. There shall be no construction or construction-related work performed on weekends or holidays.	During Construction	ISD	
Design				
	All new siding will be cedar.	CO	Plng.	
Site				
	The entire driveway must be of a permeable paver material.	CO	Plng.	
	The white fence along the right property line shall be removed.	CO	Plng.	



Attest, by the Zoning Board of Appeals:

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

