



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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**MAYOR**

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EXECUTIVE DIRECTOR

PLANNING DIVISION  
**ZONING BOARD OF APPEALS MEMBERS**  
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DANIELLE EVANS  
ELAINE SEVERINO  
JOSH SAFDIE  
ANNE BROCKELMAN, (ALT.)

**Case #: ZBA 2018-112**  
**Site: 27 Gilman Street**  
**Date of Decision:** November 28, 2018  
**Decision:** *Petition Approved with Conditions*  
**Date Filed with City Clerk:** December 4, 2018

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**ZBA DECISION**

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**Applicant Name:** Jason Sachs & Elif Soyer  
**Applicant Address:** 27 Gilman Street, Somerville, MA 02143  
**Owner Name:** Jason Sachs & Elif Soyer  
**Owner Address:** 27 Gilman Street, Somerville, MA 02143  
**Alderman:** Matthew McLaughlin

Legal Notice: Applicants/Owners, Jason Sachs & Elif Soyer, seek special permits under §4.4.1 of the SZO to alter a non-conforming structure by converting a two-family to a three-family. Parking relief under Article 9. RB zone. Ward 1.

<u>Zoning District/Ward:</u>	1
<u>Zoning Approval Sought:</u>	§4.4.1 and Article 9
<u>Date of Application:</u>	August 14, 2018
<u>Date(s) of Public Hearing:</u>	10/3, 10/17, 10/18, 10/24, 11/7, 11/28
<u>Date of Decision:</u>	November 28, 2018
<u>Vote:</u>	4-0

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Appeal #ZBA 2018-112 was opened before the Zoning Board of Appeals in the Aldermanic Chambers at Somerville City Hall on November 28, 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 28, 2018 the Zoning Board of Appeals took a vote.



**DESCRIPTION:**

The Applicant proposes adding a third unit to the property. The unit would be contained in a rear addition to the principal structure. This rear addition runs perpendicular to the driveway. The trigger for the special permit is parking relief. One additional bedroom is being added to the property, and will be in the new third unit. This triggers the need for 1.5 spaces of parking relief.

**FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1):**

**II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1 & Article 9):**

*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." Further, Section 4.4.1 of the SZO 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."*

**Under §4.4.1 of the SZO**

Section 4.4.1 of the SZO allows for legally-existing, non-conforming one- and two-family residences to be enlarged by Special Permit as long as the proposed changes do not create a situation that is more detrimental to the site or surrounding neighborhood than current conditions.

In considering a special permit under §4.4.1 of the SZO, the Board finds that the alterations proposed would not be substantially more detrimental to the site or neighborhood than the existing structure. The site is currently challenged in terms of its design, style and massing. The Board finds that, as part of this project, the existing site can be cleaned up and visual improvements added to the entirety of the existing principal structure and accessory, cement block structure.

**Under Article 9 of the SZO**

The non-conformity impacted by the Applicant’s proposal is parking. Under existing conditions, the locus is able to provide only one (1) parking space yet three (3) are required. By finishing the storage space to create a third unit, one addition bedroom will be added. This increases the required parking count by 1.5 spaces. The Applicant needs 1.5 spaces of parking relief. The parking table and formula are below:

Unit #	Existing Bdr	Req. Parking	Proposed Bdr	Req. Parking
Unit 1	1	1.5	1	1.5
Unit 2	1	1.5	1	1.5
Unit 3	n/a	n/a	1	1.5



Total: 3.0

Total: 4.5

Formula: *New parking requirement – Old parking requirement = new spaces needed*

27 Gilman Street: 4.5 – 3.0 = **1.5** spaces of relief needed

**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 Board finds that 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 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 Board also finds that the proposal is consistent with the purpose of the RB district, which is, “[t]o 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.” The proposed alteration does not change the existing residential use of the building, it adds an additional residential unit.

**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:* This Gilman Street neighborhood and surrounding area contains one-, two-, three, and multi-family structures of varying sizes and styles.

*Impacts of Proposal (Design and Compatibility):* The main structure is particularly large compared to its nearest, gable-fronted neighbors and for the parcel itself. However, the Applicant is not proposing to increase the GFA of the structure. Currently unused space that runs perpendicular to the driveway would be converted into a third residential unit.

**5. Housing Impact:**

Will not create affordable housing units.

**6. SomerVision Plan:**

Generally 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. This property is in need of an exterior upgrade as regards the structures and landscaping. This project will provide such an upgrade, as conditioned.



**DECISION:**

Present and sitting were Members Orsola Susan Fontano, 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. Anne Brockelman seconded the motion. The Zoning Board of Appeals voted **4-0** to **APPROVE** the request **WITH CONDITIONS**. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes
1	Approval is to	BP/CO	ISD/Plng.	
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>August 14, 2018</td> <td>Application submitted to the City Clerk's Office</td> </tr> </tbody> </table>			
Date (Stamp Date)	Submission			
August 14, 2018	Application submitted to the City Clerk's Office			
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. This information shall be posted to be easily readable from the Somerville Community Path as well as from 41 Thorndike Street.	During Construction	ISD	
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	Construction shall occur from 7:30am – 5:00pm Monday-Friday <u>ONLY</u> . There shall be no construction or construction-related work allowed on the 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. The building shall be re-sided and vinyl siding will not be permitted.	BP	Plng./ISD	
<b>Site</b>				
6	The property shall be re-landscaped. All landscaping materials including those used for plantings, hardscape and fencing shall first be submitted to and approved by Planning Staff prior to ordering or installation. The overgrown trees at the front of the house shall be removed and replaced or properly trimmed.	Prior to ordering/installation / CO	Plng./ISD	
7	The existing chain link fencing shall be replaced with a wood or metal fence that is first reviewed and approved by Planning Staff.	Prior to ordering/installation / CO	Plng./ISD	



8	All bituminous material and/or cement shall be removed from the site and be replaced with pervious pavers, pea stone or similar. All materials to be used shall be submitted to Planning Staff for their review and approval prior to ordering/installation.	Prior to ordering/installation / CO	Plng./ISD	
9	The existing cement block structure shall be re-skinned. Materials used shall be submitted to Planning Staff for their review and approval prior to ordering/installation.	Prior to ordering/installation / CO	Plng./ISD	
<b>Miscellaneous</b>				
10	Granting of the applied for use or alteration does <u>not</u> include the provision for short term rental uses, such as AirBnB, VRBO, or the like. Separate approvals are needed for the aforementioned uses.	Perpetual	ISD / Plng.	
<b>Public Safety</b>				
11	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
12	Per Somerville fire safety regulations, grills, barbecues, chimineas and the like are NOT permitted on decks or porches.	Perpetual	FP/ISD	
13	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	Plng.	
<b>Final Sign-Off</b>				
14	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  
Josh Safdie  
Anne Brockelman

Attest, by the Administrative Assistant:

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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 \_\_\_\_\_

