



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
JOSEPH A. CURTATONE
MAYOR

MICHAEL F. GLAVIN
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.)
POOJA PHALTANKAR, (ALT.)

Case #: ZBA 2016-96
Site: 117-119 Highland Avenue
Date of Decision: January 18, 2017
Decision: Petition Approved with Conditions
Date Filed with City Clerk: February 1, 2017

ZBA DECISION

Applicant Name:	Nicholas Ciano
Applicant Address:	2 Savin Street, Burlington, MA 01803
Property Owner Name:	Giannina Ciano
Property Owner Address:	119 Highland Avenue, Somerville, MA 02143
Agent Name:	Adam Dash, Esq.
Agent Address:	48 Grove Street, Suite 304, Somerville, MA 02144

Legal Notice: Applicant, Nicholas Ciano, and Owner, Giannina Ciano, seek Special Permits under §4.4.1** of the SZO which include substantially altering a non-conforming property by demolishing and re-building rear additions; Special Permits under Article 9 for parking relief; Special Permit to increase the number of dwelling units from 2 units to 5 units.

<u>Zoning District/Ward:</u>	RC zone/Ward 3
<u>Zoning Approval Sought:</u>	§4.4.1 & Article 9
<u>Date of Application:</u>	August 18, 2016
<u>Date(s) of Public Hearing:</u>	January 18, 2017
<u>Date of Decision:</u>	January 18, 2017
<u>Vote:</u>	5-0

Appeal #ZBA 2016-96 was opened before the Zoning Board of Appeals at Somerville City Hall on January 18, 2017. Notice of the Public Hearing was given to persons affected and was published and posted, all as required by



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722
www.somervillema.gov

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:

The Applicant proposes demolishing the rear ell and rebuilding in a similar style and on largely the same footprint. The Applicant proposes increasing the number of units to five.

FINDINGS FOR SPECIAL PERMIT (SZO §7.11, & §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 §7.11 of the SZO and allows for a comprehensive analysis of the project with respect to the required Special Permits.

The Board finds that the information provided by the Applicant does not conform to the requirements of §9.13 and of the SZO and, therefore, cannot be analyzed at this time.

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 existing property is currently conforming with all setbacks, FAR, building height and other dimensionals. Currently, this structure is listed as a 3-unit on the assessor's site. The application states that it is currently a 2-unit structure. Irrespective of whether it is two or three units, the Applicant requires a Special Permit in order to increase the number of dwelling units to five (5). Multi-unit structures are permissible in the RC zone.

In the RC zone, the lot area per dwelling unit requirement is 875. Given the size of the property, this proposal allows for 2,210 square feet per unit, well over the minimum for this zone.

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."*

In order to increase the number of units on the property, the Applicant must obtain a Special Permit from the ZBA to do so as per the SZO use table found in §7.11.

The increase in units is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes but are not limited to, promoting "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 provide adequate light and air; to conserve the value of land and buildings."

The proposal to construct a multi-unit residential structure is consistent with the purpose of the RC district which is "to establish and preserve a district for multi-family residential and other compatible uses which are of particular use and convenience to the residents of the district."



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."*

Highland Avenue is a vibrant, major thoroughfare that is filled with two-, three-, and multi-unit residential structures along with varying types of commercial enterprises. What is unusual, however, is to have a Greek Revival structure still extant in this part of the City and in such a prominent location. Given the varied styles, eras and designs of the built environment in this part of the City, the proposed project, being very similar in overall design, scale, and massing to the existing ell, is found to be compatible with the site and surrounding area. Staff finds that the proposed improvements to the building will provide a needed facelift to the existing property and will result in an improved visual experience for future residents of the building as well as for residents of this neighborhood.

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

The proposal will not add to the City's stock of affordable housing.

7. 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, transform key opportunity areas, preserve and expand an integrated, balanced mix of safe, affordable and environmentally sound rental and homeownership units for households of all sizes and types from diverse social and economic groups; and, make Somerville a regional employment center with a mix of diverse and high-quality jobs. The areas in the SomerVision map that are designated as enhance and transform should most significantly contribute towards the SomerVision goals that are outlined in the table below. The areas marked as conserve are not expected to greatly increase the figures in the table since these areas are not intended for large scale change.*

This project contributes to SomerVision metrics by adding three additional residential units to the City's housing stock.



DECISION:

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Danielle Evans, Elaine Severino and Josh Safdie. 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 for the demolition of a rear ell and its subsequent reconstruction based on the design approvals rendered by the Historic Preservation Commission (HPC) outlined in the attached Certificate of Appropriateness.	BP/CO	ISD/Plng.									
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>8/18/2016</td> <td>Application and plans submitted to City Clerk's office</td> </tr> <tr> <td>10/27/2016</td> <td>Existing plan sets submitted to OSPCD</td> </tr> <tr> <td>11/30/2016</td> <td>Revised exterior renderings submitted to OSPCD</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	8/18/2016	Application and plans submitted to City Clerk's office	10/27/2016	Existing plan sets submitted to OSPCD	11/30/2016	Revised exterior renderings submitted to OSPCD
	Date (Stamp Date)				Submission							
	8/18/2016				Application and plans submitted to City Clerk's office							
10/27/2016	Existing plan sets submitted to OSPCD											
11/30/2016	Revised exterior renderings submitted to OSPCD											
Any changes to this Special Permit must first be reviewed by Planning Staff to determine whether the changes are <i>de minimis</i> in nature. If they are not <i>de minimis</i>, then additional SPGA relief shall be required.												
Pre-Construction												
2	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									
3	The Applicant must contact the Engineering Department to obtain street addresses for all of the units prior to a building permit being issued	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	New sanitary connection flows over 2,000 GPD require a removal of infiltration and/or inflow by the Applicant. This will be achieved by submitting a mitigation payment, established by the City Engineers Office, to the City based on the cost per gallon of I/I to be removed from the sewer system and a removal ratio of 4:1. If a different ratio of removal or mitigation payment amount is adopted by the Board of Aldermen prior to the Applicant receiving a Certificate of Occupancy, payment will be adjusted to the BOA rate. The Applicant shall work with Engineering and meet this condition before a certificate of occupancy is issued.	BP	Eng.	
7	Applicant shall provide final material samples for siding, trim, windows, and doors to Preservation and Planning Staff for review and approval <u>prior to the issuance of a building permit.</u>	BP	Plng.	
Construction Impacts				
8	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	
9	All construction materials and equipment must be stored onsite.	During Construction	ISD	
10	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.	
11	Approval is subject to the Applicant's and/or successor's right, title and interest in the property.	Cont.	Plng.	Deed submitted & application form signed
12	Construction hours shall be Monday through Friday 7:30am – 5:00pm. There shall be no weekend construction work.	During Construction	ISD	
Design				
13	The design and materials used in the new building shall follow the HPC's Certificate of appropriateness exactly.	CO / Final sign off	ISD/Plng. Staff	
14	All venting shall be painted or covered to match the portion of the building from which they exit.	CO / Final sign off	ISD/Plng. Staff	
15	Air-conditioning condensers shall be screened with vegetation.	CO / Final sign off	ISD/Plng. Staff	
16	Any fencing installed on the property shall be made of wood and the style, height and design of such shall be reviewed and approved by planning staff prior to installation.	CO / Final sign off	ISD/Plng. Staff	
Site				
21	Landscaping shall be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD	



22	If stored outside, all trash and recycling receptacles shall be screened from the public way.	Perpetual	Plng. / ISD	
23	The driveway shall be made of permeable pavers.	Perpetual / CO	Plng. / ISD	
24	Per the ZBA meeting of 1/18/2017, the Applicant shall present a final landscaping plan that replaces parking spots 7 & 6 at the rear of the property with landscaping.	Perpetual/CO	ISD/Plng	
Public Safety				
25	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
26	All fire alarms shall be hard-wired.	CO	FP	
27	The building shall be sprinkled.	CO	FP	
28	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.	
Miscellaneous				
29	No Certificate of Occupancy shall be issued until the OSPCD Housing Division has confirmed that: (for Condominium Projects) the Condominium Documents have been approved and the Developer has agreed to a form of Deed Rider for the Affordable Unit(s), or (for Rental Projects) the Developer has agreed to and executed a Memorandum of Understanding for Monitoring of the Affordable Unit(s).	CO	Housing	
Final Sign-Off				
30	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
Elaine Severino
Josh Safdie

Attest, by the Administrative Assistant:

Dawn M. Pereira

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 _____

