



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2019-36
Site: 156 Hudson Street
Date of Decision: August 7, 2019
Decision: *Approved with Conditions*
Date Filed with City Clerk: August 12, 2019

ZBA DECISION

Site: 156 Hudson Street

Applicant Name: North America Development
Applicant Address: 93 Broadway, Somerville, MA 02145
Owner Name: Hudson and Lisa Santana
Owner Address: 409 Norfolk Street, Cambridge, MA 02139
City Councilor: Mark Niedergang

Legal Notice: Applicant, North America Development, and Owners, Hudson and Lisa Santana, seek a special permit under SZO §4.4.1 to alter a nonconforming structure by constructing an addition, adding a third story, and converting it into a two-family dwelling. A special permit for parking relief is also being sought under SZO §9.13. RB Zone. Ward 5.

<u>Zoning District/Ward:</u>	RB Zone. Ward 5
<u>Zoning Approval Sought:</u>	SZO §4.4.1 and §9.13
<u>Date of Application:</u>	March 28, 2019
<u>Date(s) of Public Hearing:</u>	6/5/19, 6/19/19, 7/17/19, and 8/7/19
<u>Date of Decision:</u>	August 7, 2019
<u>Vote:</u>	4-0

Case number ZBA 2019-36 was opened before the Zoning Board of Appeals in the 3rd floor Community Room at the Visiting Nurse Association on 259 Lowell Street. 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 August 7, 2019, the Zoning Board of Appeals took a vote.



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I. PROJECT DESCRIPTION

The proposal is to construct a rear addition, finish the basement, and construct an additional story atop the existing structure. The structure will become a three story mansard style structure. Various site improvements are also proposed including a landscaping overhaul and widening the driveway in the rear to create an additional parking spot.

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 dimensional requirements for front yard setback, right side yard setback, and frontage.

The proposal will impact the nonconforming dimension of the right side yard setback. The current dimension is 2.8 feet and the proposal to construct an additional story will maintain that same dimension. Ten feet is required for a three-story structure in the RB district. 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 "*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%).*"

The total increase in gross floor area (GFA) will be greater than 25%. The existing GFA is 2,285 s.f and the proposal is to add 925 s.f that will increase the GFA to 3,210 s.f, or 40% of the existing structure.

In considering a special permit under §4.4 of the SZO, the Board finds that the alterations/use proposed would not be substantially more detrimental to the neighborhood than the existing structure/use. The proposal has been designed with setbacks that minimally impact the neighbors and the requirements for number of dwelling units, lot area per dwelling unit, ground coverage, landscaped area, pervious area, floor area ratio (FAR), building height, rear yard setback, and left 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	3 BR	2 spaces	3 BR	2 spaces
Unit #2	--	--	3 BR	2 spaces
Total	2 spaces		4 spaces	

The site currently provides only one parking space for the single family dwelling. Therefore, the site is nonconforming with respect to the number of required off-street parking spaces as two are currently required. For sites with a nonconforming number of parking spaces, SZO 9.4.2 only requires a proposal to provide the number of required spaces for what is being added to the site. The proposal is to add a three-bedroom dwelling unit, which will increase the number of required parking spaces to four. The proposal is to provide one additional space on the site rather than the two additional spaces required. 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 required 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 protect health; to secure safety from fire, panic and other dangers; to conserve the value of land and buildings; to preserve the historical and architectural resources of the City; 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 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 southern side of Hudson Street on the block between Cedar Street and Lowell Street. Hudson Street is a residential street and nearby structures includes the Highland Avenue Fire Station as well as single and two-family structures.



Impacts of Proposal (Design and Compatibility): The predominant roof style of nearby structures is gable-end. There are nearby structures that include three and four stories. The proposed mansard style of the additional story will be of a character that matches the existing roof. The proposal also includes appropriate window trim details on the new story and will be integrated with existing windows. Given the surrounding area and the proposal maintaining the mansard style, the Board finds that the proposal is compatible with the characteristics of the built and unbuilt surrounding area. In response to an abutters concern about morning shadow impact, the plans were revised to reduce the massing of the roof in the rear of the structure and now include a small balcony off of a bedroom. In response to the ZBA’s comments at the July 17, 2019 meeting, the Applicant was able to add a landscaping buffer between the parking spaces and the rear lot line. Additional windows were not able to be added to the right side elevation because the building code prohibits new window openings within three feet of a lot line.

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.

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

III. DECISION:

Present and sitting were, Susan Fontano, Danielle Evans, Anne Brockelman, and Drew Kane (alt.). Upon making the above findings, Danielle Evans made a motion to approve the request for a Special Permit. Drew Kane seconded the motion. The Zoning Board of Appeals voted **4-0** to **APPROVE** the request **WITH CONDITIONS**. The following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	Approval is for the construction of an additional story, finishing the basement, and constructing a rear addition. This approval is based upon the following application materials and the plans submitted by the Applicant: <table border="1" style="width: 100%; margin-top: 10px;"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>March 28, 2019</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>July 18, 2019</td> <td>Modified plans submitted to OSPCD (G0.1, site plan, L1.0, Z1.1, AX1.1, AX2.1, A1.1, and A2.1)</td> </tr> </tbody> </table> Any changes to the approved site plan or elevations/use that are not <i>de minimis</i> must receive SPGA approval.	Date (Stamp Date)	Submission	March 28, 2019	Initial application submitted to the City Clerk’s Office	July 18, 2019	Modified plans submitted to OSPCD (G0.1, site plan, L1.0, Z1.1, AX1.1, AX2.1, A1.1, and A2.1)	BP/CO	ISD/Pln g.	
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Pre-Construction										



2	The Applicant must contact the Engineering Department to obtain a street address prior to a building permit being issued.	BP	Eng.	
3	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.	
4	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.	
5	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.	
Construction Impacts				
6	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.	
7	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	
8	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	
Design				
9	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.	
10	An exterior light and electrical receptacle is required for the first (or all) level of the porch and an electrical receptacle is required for the second level (if there is no access to the ground).	Final sign off	Wiring Inspector	
Site				
11	Landscaping shall be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD	
Miscellaneous				



12	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	
13	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	Plng.	
14	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	Plng.	
15	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.	
16	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				
17	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
18	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.	
Final Sign-Off				
19	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:

Susan Fontano, *Chair*
Danielle Evans, *Clerk*
Anne Brockelman
Drew Kane (Alt.)

Attest, by Planner:

Alexander 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 _____

