



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

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Case #: ZBA 2016-112
Site: 102 Morrison Avenue
Date of Decision: December 7, 2016
Decision: Petition Approved with Conditions
Date Filed with City Clerk: December 19, 2016

ZBA DECISION

Applicant Name:	Paul Lavelle
Applicant Address:	194 Waltham Street, Lexington, MA 02421
Property Owner Name:	Paul Lavelle
Property Owner Address:	194 Waltham Street, Lexington, MA 02421
Agent Name:	N/A

<u>Legal Notice:</u>	Applicant/Owner Paul Lavelle seeks a Special Permit under §4.4.1 to build an exterior stair for existing unenclosed decks at the rear of a 3-family.
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<u>Zoning District/Ward:</u>	RA zone/Ward 6
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	September 1, 2016
<u>Date(s) of Public Hearing:</u>	December 7, 2016
<u>Date of Decision:</u>	December 7, 2016
<u>Vote:</u>	5-0

Appeal #ZBA 2016-112 was opened before the Zoning Board of Appeals at Somerville City Hall on December 7, 2016. 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:

The proposal is to build dimensionally-compliant exterior stairs to access each of the rear decks.

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."*

Nature of Application: RA - Residential

There will be no change to the existing structure or any of the existing non-conformities. However, the structure is currently nonconforming with respect to the following dimensional requirements:

Lot Area: 4,419sf (under the required 10,000sf)
Street Frontage: 40' (under the required 50')
Floor Area Ratio: 0.86 (over the required 0.75)
Building Height: 3-story (over the required 2-1/2 stories maximum)
Yards: Front: 10.9' (under the required 15')
Side: 3.3' & 9.7' (under the required 10' minimum & 20' combined)
Rear: compliant at 32.9' at stairs (20' minimum required)

Section 4.4.1 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."

In considering a special permit under §4.4 of the SZO, the Board finds that the proposed exterior stair addition would not be substantially more detrimental to the neighborhood than the existing structure.

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 secure safety from fire, panic and other dangers; to provide adequate light and air; to adequately protect the natural environment; and, to protect and promote a housing stock that can accommodate the diverse household sizes and life stages of Somerville residents at all income levels, paying particular attention to providing housing affordable to individuals and families with low and moderate incomes.

The proposal is consistent with the purpose of the district, which is, "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."



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 majority of the surrounding properties are 2-1/2 story residential properties with gable ends facing Morrison Avenue. The properties on either side of the subject property are a 3-story 3-family to the east side (almost duplicative of the subject property), and a larger footprint 3-story multi-family structure to the west.

Impacts of Proposal (Design and Compatibility): There are no alterations to the structure that will be readily visible from the street. The stair is as small as possible to retain light and air access for the existing rear decks and is oriented to leave as much usable open space in the rear yard. The appearance of the rear of the structure was considered in the design as the stair will be visible from the Somerville Community Path.

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, 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.*

<u>SomerVision Summary</u>	<i>Existing</i>	<i>Proposed</i>
<i>Dwelling Units:</i>	3	3
<i>Affordable Units:</i>	0	0
<i>Commercial Sq. Ft.:</i>	0	0
<i>Estimated Employment:</i>	0	0
<i>Parking Spaces:</i>	2	2
<i>Publicly Accessible Open Space:</i>	0	0



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						
	Approval is for the exterior rear stairs connecting the existing decks. This approval is based upon the following application materials and the plans submitted by the Applicant: <table border="1" data-bbox="246 674 886 911"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>September 1, 2016</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>October 21, 2016</td> <td>Modified plans submitted to OSPCD (T1, Certified Plot Plan, Z1, A1, & A2)</td> </tr> </tbody> </table> Any changes to the approved site plan that are not <i>de minimis</i> must receive SPGA approval.	Date (Stamp Date)	Submission	September 1, 2016	Initial application submitted to the City Clerk's Office	October 21, 2016	Modified plans submitted to OSPCD (T1, Certified Plot Plan, Z1, A1, & A2)	BP/CO	ISD/Png.	
Date (Stamp Date)	Submission									
September 1, 2016	Initial application submitted to the City Clerk's Office									
October 21, 2016	Modified plans submitted to OSPCD (T1, Certified Plot Plan, Z1, A1, & A2)									
Construction Impacts										
	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	Png.							
	Approval is subject to the Applicant's and/or successor's right, title and interest in the property.	Cont.	Png.	Deed submitted & application form signed						
	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							
	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										
	An exterior light and electrical receptacle is required for all levels of the decks.	Final sign off	Wiring Inspector							
Miscellaneous										



	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				
	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
	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.	
	The Applicant shall provide notice of intent to strictly comply with applicable State and Federal regulations regarding air quality including without limitation continuous dust control during demolition and construction.	CO	Plng/OSE	
Final Sign-Off				
	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 _____

