



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

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Case #: ZBA 2019-61
Site: 8 Sycamore Street
Date of Decision: December 11, 2019
Decision: Petition Approved with Conditions
Date Filed with City Clerk: December 20, 2019

ZBA DECISION

Applicant Name: Creative Property Solutions, LLC
Applicant Address: 180 North Street Somerville, MA 02144
Owner Name: Eight Sycamore Trust
Owner Address: c/o Lauren Monty, Trustee 83 Mallard Point Road, Merrimack, NH
Agent Name: Rich Di Girolamo
Agent Address: 424 Broadway Somerville, MA 02145

Legal Notice: Applicant, Creative Property Solutions, LLC, and Owner, Eight Sycamore Trust, seek Special Permits under §4.4.1 of the SZO to alter a non-conforming property including increasing the GFA by more than 25% and under §7.11 to change from 3 to 5 residential units. Parking relief under Article 9 for number of spaces and providing compact spaces. RC zone. Ward 4.

Zoning District/Ward: RC/Ward 4

Zoning Approval Sought: SP §4.4.1, §7.11, §9

Date of Application: June 10, 2019

Date(s) of Public Hearing: September 18, 2019, October 2, 2019, October 16, 2019, November 6, 2019
November 20, 2019 December 11, 2019

Date of Decision: December 11, 2019

Vote: 5-0

Appeal #ZBA 2019-61 was opened before the Zoning Board of Appeals at Somerville City Hall on **September 18, 2019**. 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 December 11, 2019, the Zoning Board of Appeals took a vote.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722
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DESCRIPTION: The proposal is to convert the property from a three-family to a five-family house. To do this, requires demolishing the garage, finishing the basement, and building a back addition.

FINDINGS FOR SPECIAL PERMITS (§4.4.1, §7.11, §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."*

The Applicant needs several permits to execute this project. A Special Permit is required to establish 5 units in the RC district. Another Special Permit is required to increase the GFA by more than 25% and altering a nonconforming structure due to finishing the basement and the rear addition. Lastly, parking relief is required. The Applicant is proposing a parking area for 5 vehicles (including compact spaces), one per unit, but nine are required.

The structure is currently nonconforming with respect to the right-side setback. Section 4.4.1 states that "[l]awfully existing nonconforming structures other than one- and two-family dwellings may be enlarged, extended, renovated or altered only by special permit authorized by the SPGA in accordance with the procedures of Article 5." The proposed addition is outside of setbacks but requires a Special Permit because it expands the floor area greater than 25% and is an alteration on a structure that is a three-family.

In considering a special permit under §4.4 and §7.11 of the SZO, the Board find that the alterations and use proposed would not be substantially more detrimental to the neighborhood than the existing structure and use. This is a large lot and the addition is contextual with the existing structure and building form of the neighborhood. These types of development have been typical of larger homes on and near Highland Avenue. The proposal has been designed with conforming setbacks that minimally impact the neighbors.

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 less than six. There current parking requirement is 5, the proposed parking requirement is 9, five spaces are being provided so relief of four spaces is needed. 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 Applicant must be able to demonstrate that granting the requested special permit would not cause detriment to the surrounding neighborhood through any of the criteria as set forth under SZO §9.13, which are as follows:

- 1) increase in traffic volumes;
- 2) increased traffic congestion or queuing of vehicles;
- 3) change in the type(s) of traffic;
- 4) change in traffic patterns and access to the site;
- 5) reduction in on-street parking;



6) unsafe conflict of motor vehicle and pedestrian traffic.

The Board finds that the proposal will not increase traffic volumes or congestion nor changes to the type of traffic. The addition of two residential units will not create an impact in the neighborhood.

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 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 lessen congestion in the streets; to preserve the historical and architectural resources of the City.

The Board finds that the proposal 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."

In considering a special permit under §9.13 of the SZO the SPGA the Board finds the proposal consistent with the purposes set forth in Section 9.1. Staff has proposed a condition to identify a location for bike parking on the site.

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."*

The Board finds that the surrounding neighborhood is a mix of building types including detached houses and multiplexes. The property is one parcel off of Highland Avenue. Sycamore Street connected Highland Avenue to Broadway in the northbound direction so it sees slightly more traffic than a typical residential street.

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

The Board finds that the proposal will not create an adverse impact on the existing 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.*



The Board finds that the project complies with the SomerVision plan by adding a modest number of dwelling units and also providing space for lift assistants if needed by a new owner/tenant.

8. Impact on Affordable Housing: *In conjunction with its decision to grant or deny a special permit for a structure of four or more units of housing, the SPGA shall make a finding and determination as to how implementation of the project would increase, decrease, or leave unchanged the number of units of rental and home ownership housing that are affordable to households with low or moderate incomes, as defined by HUD, for different sized households and units.*

The Board finds that there is no impact on the existing affordable housing stock of the City of Somerville nor are their affordable units proposed as part of this project.

DECISION:

Present and sitting were Members Orsola Susan Fontano, Danielle Evans, Anne Brockelman, Elaine Severino, and Drew Kane. Josh Safdie was absent. Upon making the above findings, Danielle Evans 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 conversion from 3 to 5 units, rear addition, and finished basement. 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>June 10, 2019</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>(December 3, 2019)</td> <td>Modified plans submitted to OSPCD (A-000, Plot Plan, L1, A-020, EX-100, A-021, A-101, A-102, A-103, A-300, A-301, A-1, A-2)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission
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Any changes to the approved site plan, elevations, and use) that are not <i>de minimis</i> must receive SPGA approval.						
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 Applicant must go to the HPC for review of the garage demolition prior to a building permit.	BP	Plng/ HPC			



4	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.	
5	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.	
6	The Applicant shall submit a subdivision plan to combine the lots prior to a building permit.	BP	Plng	
7	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.	
8	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	
9	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.	
10	The Applicant shall develop a demolition plan in consultation with the City of Somerville Inspectional Services Division for the garage. 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				
11	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	
12	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				
13	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.	



14	The ledger board should run around the perimeter of the home at the same height in its entirety including the rear addition.	BP	Plng	
15	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				
16	Landscaping shall be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD	
17	All new sidewalks will be installed by the Applicant in accordance with the specifications of the Highway Superintendent. Specifically, all driveway aprons shall be concrete;	CO	Plng.	
Miscellaneous				
19	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	
20	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.	
21	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.	
22	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.	
23	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				
24	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	



25	Per Somerville fire safety regulations, grills, barbecues, chimineas and the like are NOT permitted on decks or porches.	Perpetual	FP/ISD	
Final Sign-Off				
26	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.	
27	Construction shall be limited to Monday through Friday 7:30am to 5pm. No weekend construction or construction related work shall occur.	ISD	CO	

Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chairman*
 Danielle Evans, *Clerk*
 Anne Brockelman
 Elaine Severino
 Josh Safdie
 Drew Kane, *Alternate*

Attest, by the Administrative Assistant:

Karen Reynolds



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 _____

