



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2018-144
Site: 9 Taylor Street
Date of Decision: January 23, 2019
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: February 11, 2019

ZBA DECISION

Applicant Name: Walter Tauro
Applicant Address: 9 Taylor Street, Somerville, MA 02145
Owner Name: Walter Tauro
Owner Address: 9 Taylor Street, Somerville, MA 02145

Legal Notice: Applicant and Owner, Walter Tauro, seeks Special Permits under §4.4.1 of the SZO to alter a non-conforming property by created an upward extension of the non-conforming right side yard setback. Parking relief under Article 9 of the SZO.*
*Zone is RB and Ward is 3.

<u>Zoning District/Ward:</u>	RB zone. Ward 3.
<u>Zoning Approval Sought:</u>	SZO §4.4.1 and Article 9
<u>Date of Application:</u>	October 22, 2018
<u>Date(s) of Public Hearing:</u>	12/12, 1/23
<u>Date of Decision:</u>	January 23, 2019
<u>Vote:</u>	5-0

Case # ZBA 2018-144 was opened before the Zoning Board of Appeals in the Aldermanic Chambers at Somerville City Hall on December 12, 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 January 23, 2019 the Zoning Board of Appeals took a vote.



I. DESCRIPTION:

The proposal includes the following:

- Construct a rear addition within the non-conforming right yard setback (**special permit**)
- Increase the number of units from two (2) to three (3)
- Increase the Gross Floor Area (GFA) by more than 25% (**special permit**)
- Demolish existing garage and install two surface parking spaces in its stead
- Relief for two (2) parking spaces (**special permit**)

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

In order to grant a special permit, the SPGA must make certain findings and determinations as outlined in §4.4.1 of the SZO. This section of the report goes through §4.4.1 in detail.

1. Information Supplied:

Board finds that the information provided by the Applicant conforms to the requirements of §4.4.1 of the SZO.

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."*

Section 4.4.1 of the SZO

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 SPGA must find that such extension, enlargement, renovation or alteration is not substantially more detrimental to the neighborhood than the existing nonconforming building. In making the finding that the enlargement, extension, renovation or alteration will not be substantially more detrimental, the SPGA may consider, without limitation, impacts upon the following: traffic volumes, traffic congestion, adequacy of municipal water supply and sewer capacity, noise, odor, scale, on-street parking, shading, visual effects and neighborhood character."

Regarding the right yard setback

The required right side yard setback in the RA zone is 8 feet. The proposed addition is 7 ½' from the right property line, thus a special permit is required for a ½ foot of relief. The Applicant has stepped in the rear addition from the right façade of the existing structure in order to create a physical and visual separation between the two portions of the house.

Regarding the increase in GFA

Section 4.4.1 of the SZO requires that a special permit be sought when an applicant proposes an increase of 25% or more of Gross Floor Area (GFA). The rear addition that is proposed in order to accommodate the new third unit is designed such that the visual impact from the street will be minimized due to the addition being stepped in from the right and left facades of the main house. The additional massing at the rear of the building is offset by the removal of the two-bay cement block garage.



Article 9 of the SZO

Section 9.13 of the SZO addresses parking requirements per dwelling unit and provides a mechanism for relief from providing the required number of parking spaces on a property if the Special Permit Granting Authority (SPGA) determines that certain thresholds are met. The breakdown for parking relief for 9 Taylor Street appears immediately below:

Dwelling Area	Existing Bdrs.	Parking Req.	Dwelling Area	Proposed Bdrs.	Parking Req.
Unit 1	4	2.0	Unit 1	4	2.0
Unit 2	4	2.0	Unit 2	4	2.0
Unit 3	n/a	n/a	Unit 3	2	1.5
Total: 4.0			Total: 5.5		

Formula:

*new parking requirement – old parking requirement = # of spaces of relief needed**

5.5 spaces – 4.0 spaces = 1.5 spaces **(this is rounded to two (2) spaces)**

**When this result is a negative number or >1, no parking relief is needed. The result of this formula is then compared against the number of spaces that the applicant proposes to provide on the site. If this number is greater than the number of spaces of relief needed, then no special permit for parking relief is required.*

Under existing conditions, the property provides two (2) parking spaces, both in the garage. Under the proposal, the garage will be demolished, with surface spaces installed in its stead. One additional parallel space is proposed, however, it cannot be counted as a legal parking space as a minimum of 20 feet of maneuvering space cannot be provided for to the front, side or rear of the space.

Regardless of the above, the Applicant requires relief for two (2) parking spaces.

The Board finds that providing relief for two parking spaces would not impose an undue burden on the surrounding neighborhood.

Pursuant to Section 9.13 of the SZO, the Board provides the following assessment of this project against the following categories:

1. Increase in traffic volumes

The density on this site will increase from two residential units to three residential units. There exists the possibility of additional vehicles using this site and surrounding streets to enter and exit the property once the project is complete. Taken independently, an increase of one residential unit and a minimum of one car associated with each, the Board does not find would constitute any significant increase in traffic volumes

2. Increased traffic congestion or queuing of vehicles

As noted above, the Board does not find that the increase of one residential unit on the site will create traffic congestion or queuing of vehicles – either entering or exiting the site or the immediate area. People leave and return for work and errands at different times during the day.



3. Change in the type(s) of traffic

As the use of the property is remaining residential, a change in the types of traffic is not anticipated. The neighborhood can expect some up-tick in construction-related traffic during the active construction period on the site. However, this type of traffic will be limited to the project duration

4. Change in traffic patterns and access to site

The traffic pattern on Taylor Street will remain as it does today. Access to the site will be from the same direction as current.

5. Reduction in on-street parking

Because one additional residential unit is being added to the property, it is fair to say that there may be an increase in the number of vehicles used by residents of the site and, consequently, there may or may not be a need for some of the residents and their guests to use on-street parking.

6. Unsafe conflict of motor vehicle and pedestrian traffic

The Board anticipates that the traffic volume entering and leaving this property will remain largely the same, despite the increase of one residential unit on the property.

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 purposes of the RB zone which are "[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 two-to-three unit proposal is consistent with what is allowed in the RB zone from a site density perspective.

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 proposal, as conditioned, will provide visual upgrades to this property both on the house and in terms of landscaping. Of further benefit is that a condition of this approval requires the removal of all bituminous material and concrete from the site and its replacement with pervious material. This will improve the permeability of the parcel.

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

The proposal will not add to the existing stock of affordable housing.

6. SomerVision:

The proposal will improve the visual appearance of an existing property and will add one more dwelling units to the City's housing stock. The permeability of the parcel will also be improved.



III.DECISION:

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, 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. Elaine Severino seconded the motion. The Zoning Board of Appeals voted **5-0** to **APPROVE** the request **WITH CONDITIONS**. The following conditions were attached:



#	Condition	Timeframe for Compliance	Verified (initial)	Notes
1	Approval is for two (2) parking spaces of relief, linear extension of the non-conforming right side yard setback, and an increase in GFA of 25% or more.	BP/CO	ISD/PIng.	
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>October 22, 2019</td> <td>Application submitted to City Clerk's office.</td> </tr> </tbody> </table> <p>Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval. Whether or not a change is <i>de minimis</i> in nature must be determined by the Planning Office.</p>			
Date (Stamp Date)	Submission			
October 22, 2019	Application submitted to City Clerk's office.			
Engineering				
2	The Applicant/Owner must obtain a street address for the new unit from the Engineering department prior to the issuance of a building permit	BP	ISD/Engineering	
3	Prior to the issuance of a building permit, the Applicant shall submit full engineering plans to the Engineering Department for their review and approval.	BP	ISD/PIng/Eng.	
4	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	Engineering/ISD	
Design				
5	All materials, including, but not limited to windows, exterior finishes, siding, and similar shall be submitted to, reviewed and approved by Planning Staff prior to the issuance of a building permit.	BP	ISD/PIng	
6	The existing structure shall be re-sided so that there is a cohesive appearance between the existing structure and the rear addition.	CO	ISD/PIng	
Construction Impacts				
7	The Applicant shall, at his 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	
8	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/ISD	



9	The name(s) and contact information of all entities working on the site shall be posted in an area easily-visible from the public way for the passing public to read.	During Construction	ISD	
10	Construction shall be limited to M-F 7:30am – 5:00pm. No weekend construction or construction-related work shall occur.	During Construction	ISD	
Public Safety				
11	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
12	All exterior lighting on the site shall be downcast and shall not cast light onto surrounding properties in any fashion.			
13	In accordance with City of Somerville ordinances, no grills, barbeques, chimineas or the like shall be allowed on decks and porches. These requirements shall be written into any rental agreements or condo documents. Proof of the inclusion of this language shall be shown to Planning Staff prior to the issuance of a CO.	CO/Perpetua l	ISD/PIngF P	
Site				
14	The small area of land between the front façade of the house and the sidewalk shall be re-landscaped. A complete landscaping plan that includes plant types, number, and their locations shall be submitted to Planning Staff for their review and approval prior to the issuance of a Building Permit. The plan shall ensure that the concreted foundation is masked with year-round greenery.	BP	ISD/PIng	
15	The rear yard of the property shall also be re-landscaped. A complete landscaping plan that includes plant types, number, and their locations shall be submitted to Planning Staff for their review and approval prior to the issuance of a Building Permit.	BP	ISD/PIng	
16	All plantings and their locations along with all hardscaping materials, design and location for driveways, walkways, fencing, etc., shall first be reviewed and approved by Planning Staff prior to the issuance of a building permit.	BP	ISD/PIng	
17	No vents shall exit on the Taylor Street façade of the structure. All venting, pipes, conduits and the like shall be painted the same color as the exterior of the structure from which they protrude.	CO	ISD/PIng	
18	Utility meters shall not be installed on the front façade of the building (Taylor Street façade).	CO	ISD/PIng	
19	All bituminous material shall be removed from the site.	CO	ISD/PIng	
20	The driveway shall be re-constructed using pervious pavers, brick, or similar per the review and approval of Staff.	CO	ISD/PIng	
21	All materials for hardscaping shall be submitted to Planning Staff for their review and approval prior to the issuance of a building permit	BP	ISD/PIng	
22	Vinyl siding, trim, fencing, or decking material shall not be used on this site	CO	ISD/PIng	
23	All mechanicals shall be screened from view from the public way. All screening materials shall be reviewed and approved by Planning Staff prior to installation	CO	ISD/PIng	



24	The location of mechanicals (such as AC condensers) shall be first reviewed and approved by the Zoning Review Planner prior to their installation.	BP	ISD	
25	Garbage and recycling shall be stored out-of-view from the public way and shall be screened. Screening material and storage location shall first be reviewed and approved by Planning Staff.	CO	ISD	
26	The existing chain-link fencing shall be removed and shall be replaced with fencing approved by Planning Staff. Chain-link and vinyl fencing shall not be allowed.	CO	ISD/Plng	
Final Sign-Off				
27	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, *Clerk*
Elaine Severino
Richard Rossetti
Josh Safdie
Anne Brockelman (Alt.)

Attest, by the Administrative Assistant:

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 _____

