



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

GEORGE J. PROAKIS  
EXECUTIVE DIRECTOR

PLANNING DIVISION

**ZONING BOARD OF APPEALS MEMBERS**

ORSOLA SUSAN FONTANO, *CHAIR*  
DANIELLE EVANS, *CLERK*  
ELAINE SEVERINO  
JOSH SAFDIE  
ANNE BROCKELMAN  
DREW KANE, (*ALT.*)

**Case #: ZBA 2018-175**  
**Site: 96 Wheatland Street**  
**Date of Decision: June 19, 2019**  
**Decision: *Approved with Conditions***  
**Date Filed with City Clerk: June 28, 2019**

---

**ZBA DECISION**

---

**Site:** 96 Wheatland Street  
**Applicant / Owner Name:** Xia Li  
**Applicant / Owner Address:** 333 Country Club Road, Newton Center, MA 02459  
**City Councilor:** Jesse Clingan

Legal Notice: Applicant / Owner, Xia Li, seeks a special permit under SZO §4.4.1 to alter a nonconforming structure to construct a rear addition and a special permit under SZO §9.13 for parking relief. RB Zone. Ward 4.

Zoning District/Ward: RB Zone. Ward 4.  
Zoning Approval Sought: SZO §4.4.1 and SZO §9.13  
Date of Application: December 6, 2018  
Date(s) of Public Hearing: 5/15, 6/5, 6/19  
Date of Decision: June 19, 2019  
Vote: 5-0

*\*The Legal Notice was re-advertised for the June 19, 2019 hearing.*

---

Case number # **ZBA 2018-175** was opened before the Zoning Board of Appeals in the Council Chambers. 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 June 19, 2019, the Zoning Board of Appeals took a vote.



## **I. PROJECT DESCRIPTION**

The proposal is to construct a rear three-story addition that will add one bedroom to each unit, which will result in all three of the units having three bedrooms. The proposal will also demolish the first story of an existing bay on the left elevation, which will allow vehicular access deeper into the driveway to allow one set of two tandem parking spaces. The plans also show improved and added landscape areas.

## **II. 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."*

#### *Article 4: Nonconforming Uses and Structures*

The structure is currently nonconforming with respect to the following dimensional requirements: lot area, lot area per dwelling unit, front yard setback, and right side yard setback.

The proposal will impact the nonconforming dimension of the right side yard setback. The existing structure is 3.5 feet from the right property line and the proposed addition will be 7.75 feet from the right property line. The proposal also includes opening what is currently an enclosed front porch, which will occur within the right side yard but will not change its dimension. The requirement for a three-story structure in the RB district is 10 feet. Opening the front porch will also alter the nonconforming front yard setback. The current front yard dimension is 8.4 feet where 15 feet is required and will not change. These ~~this~~ alterations 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 “[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.”

In considering a special permit under §4.4 of the SZO, the Board finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The proposal will allow for a modest addition and improved landscaping and permeability. The proposal has been designed with setbacks that minimally impact the neighbors and the requirements for 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 Standards*

	Existing		Proposed	
Unit #1	2 BRs	1.5 spaces	3 BRs	2 spaces
Unit #2	2 BRs	1.5 spaces	3 BRs	2 spaces
Unit #3	2 BRs	1.5 spaces	3 BRs	2 spaces
<b>Total</b>	<b>5 spaces (rounded up from 4.5)</b>		<b>6 spaces</b>	

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. The locus is currently nonconforming with respect to the number of required off-street parking spaces as five spaces are required and only one is provided in the driveway. The proposal increases the parking requirement by one space and will not add any zoning compliant parking spaces. However, demolishing the first story of the bay in the driveway allows a second car deeper into the driveway, which makes it possible to have two cars park in tandem allowing the driveway to accommodate two cars. Since one additional parking space is required and the proposal will not add any new zoning compliant spaces, the proposal requires one space of parking relief.

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 provide for and maintain the uniquely integrated structure of uses in the City; to lessen congestion in the streets; to protect health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to conserve the value of land and buildings; to adequately protect the natural environment; 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 RB 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 northwest side of Wheatland Street on the block between Derby Street and Mystic Avenue. This is a residential street that contains mostly 2.5 and three-story structures. A four-story 17 dwelling unit building has been approved across from the site on the vacant lot at the corner of Mystic Avenue and Wheatland Street.

*Impacts of Proposal (Design and Compatibility):* The footprint of the addition will be indented behind the existing structure, which helps the addition visually appear smaller and subordinate to the existing structure. The addition will be three stories tall and will be compatible with the existing building and the surrounding neighborhood. The completion of this project will significantly enhance the aesthetics of this site, which has long been neglected.

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.

**III.DECISION:**

Present and sitting were, Susan Fontano, Danielle Evans, Josh Safdie, Anne Brockelman, Elaine Severino, and Drew Kane. 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 the construction of a rear addition. 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>December 6, 2018</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>May 30, 2019</td> <td>Plans submitted to OSPCD (S-1, EX1, EX2, A1-A6,* with an adjustment to the labels on page A3 to indicate existing and proposed SP-1, and SP-2)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission
Date (Stamp Date)	Submission					
December 6, 2018	Initial application submitted to the City Clerk’s Office					
May 30, 2019	Plans submitted to OSPCD (S-1, EX1, EX2, A1-A6,* with an adjustment to the labels on page A3 to indicate existing and proposed SP-1, and SP-2)					
Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.						
<b>Construction Impacts</b>						
2	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.			



3	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	
4	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	
<b>Design</b>				
5	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.	
<b>Miscellaneous</b>				
6	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	
<b>Public Safety</b>				
7	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
<b>Final Sign-Off</b>				
8	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, *Chairman*  
Danielle Evans, *Clerk*  
Josh Safdie  
Elaine Severino  
Anne Brockelman  
Drew Kane (Alt.)

Attest, by 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 \_\_\_\_\_

