



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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EXECUTIVE DIRECTOR

PLANNING DIVISION

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ANNE BROCKELMAN, (ALT.)

**Case #: ZBA 2016-100**  
**Site: 22 Woodbine Street**  
**Date of Decision: September 7, 2016**  
**Decision: Petition Approved with Conditions**  
**Date Filed with City Clerk: September 21, 2016**

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**ZBA DECISION**

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<b>Applicant Name:</b>	Derick Snare
<b>Applicant Address:</b>	158 Central Street, Somerville, MA 02145
<b>Property Owner Name:</b>	Michael LoPresti
<b>Property Owner Address:</b>	67 Prospect Street, Somerville, MA 02143
<b>Agent Name:</b>	N/A

<u>Legal Notice:</u>	Applicant, Derick Snare, and Owner, Michael LoPresti, seek a Special Permit under §4.4.1 of the SZO to substantially alter a non-conforming structure by razing the existing building and constructing a 2-family residential structure.
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<u>Zoning District/Ward:</u>	RA zone/Ward 5
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	August 17, 2016
<u>Date(s) of Public Hearing:</u>	September 7, 2016
<u>Date of Decision:</u>	September 7, 2016
<u>Vote:</u>	5-0

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Appeal #ZBA 2016-100 was opened before the Zoning Board of Appeals at Somerville City Hall on September 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 Applicant proposes to raze the existing building and construct a two-family residence. The Applicant will retain a portion of the right, rear non-conformity of the existing structure in order to be able to rebuild after razing the current structure.

**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 §4.4.1 of the SZO. This section of the report goes through §4.4.1 in detail.*

**1. Information Supplied:**

The Board finds that the information provided by the Applicant conforms to the requirements of §4.4.1 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."***

*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, 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 §4.4.1 of the SZO, the Board finds that the new structure proposed would not be substantially more detrimental to the neighborhood than the existing structure. Woodbine Street is a private way consisting of several worker cottages of similar vintage massing and form as the existing structure in question.
- When accessed off of Lowell Street, Woodbine Street begins with a parking area located between two commercial / light industrial cement block buildings (see photos). In addition to the worker's cottages, Woodbine presents two 2-family structures and one 3-family building along with yet another commercial/light industrial building. Woodbine Street parallels the VNA building on Lowell Street.
- Woodbine Street is located in the RA zone which allows for one- and two-family residences. The proposal to increase 22 Woodbine by one unit is in keeping with the purposes of the district and is compatible with other structures on the street and in surrounding neighborhoods. Despite the increase in number of bedrooms due to the increase in unit number, parking considerations are moot because Woodbine Street is a private way.
- The Board finds that the addition of one more unit to the street will not create a substantial up-tick in traffic nor change the traffic pattern. Woodbine is located a short walk from Medford Street and Highland Avenue and the various bus routes on each. Moreover, Woodbine is located next to the Somerville Community Path

which runs through to Davis Square and beyond, allowing for residents to walk and bike to other parts of the city in lieu of driving.

- The Board finds that, though the new structure will be one story higher than the existing and approximately 1,000 square feet of living space will be added to the parcel, the increases in height and massing to achieve these net gains are not substantially more detrimental to the neighborhood than the existing conditions. Staff further finds that the design and form of the replacement structure is in general keeping with the overall character of 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 to add an additional unit to the property at 22 Woodbine Street is in keeping with the purposes of the RA district which is, as stated in §6.1.1 of the SZO, "...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."***

Based on the findings noted in item 2 ("Compliance with Standards") above, in considering a special permit under §4.4.1 of the SZO, Staff finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure.

**6. 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.

**7. SomerVision:**

The proposal will add one more unit to the stock of available rental housing in the City.



**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						
1	Approval is for the construction of a 2-family structure, building off of an existing non-conformity.	BP/CO	ISD/PIng.							
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>August 4, 2016</td> <td>Application submitted to City Clerk's Office</td> </tr> <tr> <td>August 23, 2016</td> <td>Landscaping sketch submitted to OSPCD</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	August 4, 2016	Application submitted to City Clerk's Office	August 23, 2016	Landscaping sketch submitted to OSPCD
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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.										
<b>Construction Impacts</b>										
2	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							
3	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	ISD/PIng.							
4	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. Construction equipment shall NOT be stored on City property.	During Construction	T&P/ ISD							
5	The Applicant shall file a demolition plan with the Inspectional Services Division and have said plan approved and abutters properly noticed before commencing demolition.	BP	T&P/ ISD/Lights & Lines							
<b>Design</b>										



6	Hardie Plank shall be used for cladding and shall be reviewed and approved by Planning Staff prior to installation.	CO	Planning Staff / ISD	
7	A seamed, metal roof shall be used for roofing material and shall be reviewed and approved by Planning Staff prior to installation.	CO	Planning Staff / ISD	
8	Decking shall be constructed of composite material which shall be reviewed and approved by Planning Staff prior to installation.	CO	Planning Staff / ISD	
9	Windows shall be two-over-one and shall be shall be reviewed and approved by Planning Staff prior to installation.	CO	Planning Staff / ISD	
10	The Applicant/Owners shall comply with all terms agreed to with the Historic Preservation Commission (HPC) as voted at their August 16, 2016 regular meeting and as included in the Memorandum of Agreement (MOA).	CO	ISD/Planni ng Staff	
11	Any changes to the design, style, massing, form, elements, and materials of the shed dormers shall be submitted to and approved by Planning Staff (or, as necessary, the ZBA) prior to their execution on the building.	CO	Planning Staff / ISD	
<b>Site</b>				
12	All utilities shall be buried, including electrical lines.	CO	Lights & Lines/ISD	
13	All final building materials shall be reviewed and approved by Planning Staff PRIOR TO their installation.	CO	ISD/Planni ng	
14	The property is to be a family residence. The Applicant/Owners shall be required to maintain the amount of landscaped and pervious area (at a minimum) going forward. The general landscaping plans submitted by the homeowner shall suffice for the purposes of this Special Permit as the Owner wishes to maintain and re-distribute at-will the existing plantings which had belonged to the Owner's grandmother.	CO	ISD/Planni ng	
<b>Public Safety</b>				
15	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO/Perpetua l	FP	
16	All smoke detectors shall be hard-wired.	CO	Fire Prevention / ISD	
17	All exterior lighting shall be downcast and shall not shine onto abutting properties in any way.	CO	ISD/Planni ng	
<b>Final Sign-Off</b>				
18	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 \_\_\_\_\_

