



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

GEORGE J. PROAKIS, AICP
EXECUTIVE DIRECTOR

PLANNING DIVISION

ZONING BOARD OF APPEALS MEMBERS

ORSOLA SUSAN FONTANO, *CHAIRMAN*
DANIELLE EVANS, *CLERK*
ANNE BROCKELMAN
ELAINE SEVERINO
JOSH SAFDIE
DREW KANE, *ALTERNATE*

Case #: ZBA 2019-126
Site: 75-77 Woods Avenue
Date of Decision: December 11, 2019
Decision: Petition Approved with Conditions
Date Filed with City Clerk: December 17, 2019

ZBA DECISION

Applicant Name: Kneeland Construction
Applicant Address: 407R Mystic Ave., Suite 34B, Medford, MA
Owner Name: Lorraine Clark
Owner Address: 77 Woods Ave., Somerville, MA

Legal Notice: Applicant, Kneeland Construction, and Owner, Lorraine Clark, seek a Special Permit under §4.4.1 of the SZO to alter a non-conforming structure by increasing the height of part of the roof and adding dormers on either side. RA zone. Ward 7.

Zoning District/Ward: RA, Ward 7
Zoning Approval Sought: SP §4.4.1
Date of Application: October 24, 2019
Date of Public Hearing: December 11, 2019
Date of Decision: December 11, 2019
Vote: 5-0

Appeal #ZBA 2019-126 was opened before the Zoning Board of Appeals at Somerville City Hall on December 11, 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.



DESCRIPTION: 75-77 Woods Avenue is a non-conforming 3,200sf parcel in an RA zone occupied by an existing non-conforming 2-1/2-story 2-family residential structure.

FINDINGS FOR SPECIAL PERMITS (§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."*

To make alterations within the setbacks of a nonconforming structure requires a Special Permit under 4.4.1. The Applicant is proposing a change of roofline and a dormer which affects the nonconforming left yard setback.

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 find that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure as it will only affect the left sideyard. This roofline is typical in Somerville although it does not extend the entire length of the 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 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 promote the health, safety, and welfare of the inhabitants of the City of Somerville; and to conserve the value of land and buildings.

The Board finds that 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."*



The surrounding neighborhood are primarily 2-family dwelling units just like this one with shallow pitched roofs and enclosed porches.

The Board finds that this proposal would make this house unique on the block. It will keep the peaked roof but will be a different pitch than the existing home it abuts.

5. 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 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, and 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. 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 proposal will comply with SomerVision by allowing homeowners to also make minor modifications to their property.

6. 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 the proposal will have no impact on the existing or future affordable housing stock of Somerville.

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 new roofline and dormers. 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>October 24, 2019</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>(December 2, 2019)</td> <td>Modified plans submitted to OSPCD (Plot Plan, A-01, A-02, A-03, A-04, A-05, A-06)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	October 24, 2019	Initial application submitted to the City Clerk's Office	(December 2, 2019)	Modified plans submitted to OSPCD (Plot Plan, A-01, A-02, A-03, A-04, A-05, A-06)
	Date (Stamp Date)				Submission					
October 24, 2019	Initial application submitted to the City Clerk's Office									
(December 2, 2019)	Modified plans submitted to OSPCD (Plot Plan, A-01, A-02, A-03, A-04, A-05, A-06)									
Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.										
Construction Impacts										
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	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										
4	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. No vinyl siding shall be permitted.	BP	Plng.							
Site										
5	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										
6	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.							
7	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										



8	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
Final Sign-Off				
9	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*
 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 _____

