



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

PLANNING DIVISION

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Case #: ZBA #2012-48
Site: 119 Central Street
Date of Decision: August 1, 2012
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: August 3, 2012

ZBA DECISION

Applicant Name:	Jason Reed
Applicant Address:	210 Summer Street, Somerville, MA 02145
Property Owner Name:	Jason Reed
Property Owner Address:	210 Summer Street, Somerville, MA 02145
Agent Name:	N/A

Legal Notice: Applicant and Owner Jason M. Reed seeks a Special Permit under SZO §4.4.1 to increase the height of a one-story attached shed by one additional story at the rear of an existing nonconforming two-family structure.

<u>Zoning District/Ward:</u>	RA zone/Ward 5
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	June 12, 2012
<u>Date(s) of Public Hearing:</u>	7/11 & 8/1/12
<u>Date of Decision:</u>	August 1, 2012
<u>Vote:</u>	5-0

Appeal #ZBA 2012-48 was opened before the Zoning Board of Appeals at Somerville City Hall on July 11, 2012. 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 two hearings of deliberation, the Zoning Board of Appeals took a vote.



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DESCRIPTION:

The Applicant is proposing to increase the height of a one-story attached shed by one additional story at the rear of an existing nonconforming two-family structure. This addition will not affect any of the rear façade windows. The roof of the addition will be located beneath the primary roof of the existing structure. This is the only alteration which necessitates a Special Permit. The Applicant also intends to restore the open front porch on the front façade and renovate the existing deck on the south side of the building. However, these alterations are allowed as-of-right because they are located on conforming sides of the property with sufficient setbacks. The Applicant also plans to convert the southern corner of his lot from asphalt into grass, which will increase the landscaped area at the property from 28% to 48%.

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 Permit.
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."

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. There shall be minimal impacts to the surrounding neighborhood. The addition will not increase the footprint of the house or expand the nonconforming nature of the rear yard setback. The character of the original house will remain intact. Furthermore, the Applicant plans to undertake other as-of-right measures to beautify and enhance the existing structure. These proposed alterations include restoring the original corner-open porch on the front side of the existing structure, removing the over-scaled wooden deck structure on the south side of the building and providing a more modest metal deck and egress stairs, restoring window/door and corner trim to original scale suggestive of former Italianate detailing, reducing parking area size by approximately 900 square feet and replacing it with grass/yard/garden area, improving the condition of existing site fencing, and painting and otherwise refurbishing the existing building. For all these reasons, the Board finds that the proposal would not be detrimental to abutters or the surrounding area.

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 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 provide adequate light and air; to conserve the value of land and buildings; to preserve the historical and architectural resources of the City; to adequately protect the natural environment; and to encourage the most appropriate use of land throughout the City."

The proposal is also consistent with the purpose of the RA district (6.1.1. RA - Residence Districts), 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."



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The project is compatible with the characteristics of the surrounding area. The Applicant is proposing to increase the height of a one-story attached shed by one additional story at the rear of an existing nonconforming two-family structure. The addition will be in keeping with the rest of the property and will not expand the footprint of the building or increase the existing nonconformity. The property will remain a 2½ story, two-family residential use which is consistent with the surrounding neighborhood. The other proposed alterations will beautify and enhance the property. Converting approximately 900 square feet of asphalt into grass/garden/yard will add more pervious surface and landscaped area to the property which will decrease stormwater runoff. The addition of more green space will also be compatible with the playground situated adjacent to the proposed yard.

5. Adverse Environmental Impacts: The proposed use, structure or activity will not constitute an adverse impact on the surrounding area resulting from: 1) excessive noise, level of illumination, glare, dust, smoke, or vibration which are higher than levels now experienced from uses permitted in the surrounding area; 2) emission of noxious or hazardous materials or substances; 3) pollution of water ways or ground water; or 4) transmission of signals that interfere with radio or television reception.

No adverse environmental impacts are anticipated from this proposal. No new noise, glare, smoke, vibration, nor emissions of noxious materials nor pollution of water ways or ground water nor transmission of signals that interfere with radio or television reception are anticipated as part of the proposal. Furthermore, the conversion of the asphalt parking lot will add more pervious surface and landscaped area to the property which will decrease stormwater runoff, which will yield beneficial results for the property and the surrounding area.

6. Vehicular and Pedestrian Circulation: The circulation patterns for motor vehicles and pedestrians which would result from the use or structure will not result in conditions that create traffic congestion or the potential for traffic accidents on the site or in the surrounding area.

The proposed alterations to the circulation patterns for motor vehicles at the site will be a great improvement to the existing situation. The Applicant is proposing to design the three parking spaces at the site to be back-in angled parking spaces. This would make it safer for cars entering and exiting the site, as well as for pedestrians and cyclists traveling along Central Street. Vehicles entering the site would have to greatly slow down to back into the spaces, leading to a safer interaction between vehicles, cyclists, and pedestrians in this area. By backing into the on-site parking spaces, vehicles leaving the subject property would have greatly improved sight lines to merge with traffic.



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DECISION:

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Scott Darling and Josh Safdie with Danielle Evans recused. Upon making the above findings, Susan Fontano made a motion to approve the request for a special permit. Scott Darling 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	<p>Approval is to alter a non-conforming structure under SZO §4.4.1 to increase the height of a one-story attached shed by one additional story at the rear of an existing nonconforming two-family structure. This approval is based upon the following application materials and the plans submitted by the Applicant:</p> <table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>(June 4, 2012)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>March 29, 2012 (June 27, 2012)</td> <td>Certified Plot Plan</td> </tr> <tr> <td>(July 5, 2012)</td> <td>Proposed and Existing Site Plans</td> </tr> <tr> <td>(July 5, 2012)</td> <td>Proposed and Existing Elevations – North (F1A, F1B); Front (F2A, F2B); South (F3A, F3B); Rear (F4A, F4B)</td> </tr> <tr> <td>(July 5, 2012)</td> <td>Perspective of Proposed Addition (G), and Photos</td> </tr> </tbody> </table> <p>Any changes to the approved site plans, elevations, or use that are not <i>de minimis</i> must receive SPGA approval.</p>	Date (Stamp Date)	Submission	(June 4, 2012)	Initial application submitted to the City Clerk's Office	March 29, 2012 (June 27, 2012)	Certified Plot Plan	(July 5, 2012)	Proposed and Existing Site Plans	(July 5, 2012)	Proposed and Existing Elevations – North (F1A, F1B); Front (F2A, F2B); South (F3A, F3B); Rear (F4A, F4B)	(July 5, 2012)	Perspective of Proposed Addition (G), and Photos	BP/CO	ISD/Plng.	
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2	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													
3	The Applicant shall meet the Fire Prevention Bureau's requirements.	CO	FP													



4	New siding type and color, roofing, trim and materials of the new addition shall match or be complimentary to the rest of the existing structure.	CO	Plng.	
5	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	
6	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.	



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Attest, by the Zoning Board of Appeals:

Herbert Foster, *Chairman*
Orsola Susan Fontano, *Clerk*
Richard Rossetti
T.F. Scott Darling, III, Esq.
Josh Safdie (Alt.)

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 _____



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