



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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PLANNING DIVISION

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BRANDY BROOKS (ALT.)

Case #: ZBA # 2013-70
Site: 7 Greene Street
Date of Decision: November 6, 2013
Decision: Petition Approved with Conditions
Date Filed with City Clerk: November 15, 2013

ZBA DECISION

Applicant Name:	Creative Property Solutions, LLC
Applicant Address:	180 North Street, Somerville, MA 02144
Property Owner Name:	Creative Property Solutions, LLC
Property Owner Address:	180 North Street, Somerville, MA 02144
Agent Name:	Richard G. DiGirolamo, Esq.
Agent Address:	424 Broadway, Somerville, MA 02145

Legal Notice: Applicant and Owner, Creative Property Solutions LLC, seek a Special Permit under SZO §4.4.1 to alter the left side façade of a nonconforming dwelling due to the by-right addition of one dwelling unit. These alterations include the addition of a shed dormer, skylights and modifications to the rear deck.

<u>Zoning District/Ward:</u>	RB zone/Ward 2
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	October 7, 2013
<u>Date(s) of Public Hearing:</u>	November 6, 2013
<u>Date of Decision:</u>	November 6, 2013
<u>Vote:</u>	5-0

Appeal #ZBA 2013-70 was opened before the Zoning Board of Appeals at Somerville City Hall on November 6, 2013. 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.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
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www.somervillema.gov

DESCRIPTION:

The Applicant, Creative Property Solutions LLC, proposes to alter the side façade of a nonconforming dwelling due to the by-right addition of one dwelling unit. These alterations include the addition of a shed dormer, skylights and modifications to the rear deck.

A new shed dormer will be centrally located on the roof plane and will extend 8'-10". The dormer will be composed of two windows with panels above to be consistent with the window/panel component on the second floor. Three new skylights will also be added to this roof plane; two will be located toward the rear of the structure (right side of shed dormer) while one will be located toward the front portion of the structure (left side of shed dormer). An existing porch, located on the second floor at the rear of the structure will become partially enclosed and a third story deck will be constructed above this existing deck. Additionally, a second door will be added to the front porch to access the second by-right dwelling unit. One unit will compose the first floor and basement while the second unit will compose the second and third floors. The proposed floor area ratio (FAR) upon completion of this project will be 0.91.

Currently, there is no curb cut or driveway for this parcel. Since the additional dwelling unit will make the addition of two parking spaces necessary, a new curb cut and driveway will be created on the left side of the dwelling and will extend to the rear of the parcel. The driveway and two additional parking spaces will be composed of asphalt. A third parking space will also be added, which will be located behind the structure and this stall will be composed of a pervious material. Both the landscape and pervious area requirements will be maintained to be conforming at 28% and 35%, respectively.

Additional by-right modifications to this structure include an enlarged gable dormer and skylights on the opposite roof plane. This façade will also have alterations to the fenestration pattern and both new and enlarged windows will be installed in the basement as this space will now have living space for unit one, which would include dining and living rooms, kitchen and a study. This level will also have direct access to the parking, which, in combination with the significant change in grade at the rear of the lot, is why living space located in the basement of this dwelling is an ideal solution.

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."

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 alterations, which include the addition of a shed dormer, skylights and modifications to the rear deck, would enable the interior plan of the structure to better accommodate the additional by-right dwelling unit. The dormer would look onto the adjacent parking lot and not directly into another structure. The parking requirement would be met and one additional space would be added, while still meeting both the landscape and pervious area requirements.

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 protect health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to avoid undue concentration of population; to conserve the value of land and buildings; to preserve the historical and architectural resources of the City; to encourage the most appropriate use of land throughout the City; to encourage housing for persons of all income levels; and to preserve and increase the amenities of the municipality.”

The proposal is consistent with the purpose of the Residence B district, §6.1.2, 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.”

The proposal, which includes the addition of a shed dormer, skylights and modifications to the rear deck, is compatible with the site and the neighborhood, would enable the interior plan of the structure to better accommodate the additional by-right dwelling unit. The dormer would look onto the adjacent parking lot and not directly into another structure. The parking requirement would be met and one additional space would be added, while still meeting both the landscape and pervious area requirements.

5. 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 addition of a curb cut and driveway will alter the vehicle and pedestrian circulation pattern slightly as vehicles would now be able to enter and exit to and from the new driveway. However, as the curb cut and driveway are proposed to 9' in width, there should be minimal, if any, impact to the site and neighborhood, and, therefore, would not result in conditions that create traffic congestion or the potential for traffic accidents.



DECISION:

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Danielle Evans and Elaine Severino. Upon making the above findings, Susan Fontano made a motion to approve the request for a Special Permit. Richard Rossetti 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 seek a Special Permit to alter the left side façade of a nonconforming dwelling due to the by-right addition of one dwelling unit. These alterations include the addition of a shed dormer, skylights and modifications to the rear deck. 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 7, 2013)</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>July 3, 2013 (October 28, 2013)</td> <td>Plot plan submitted to OSPCD</td> </tr> <tr> <td>August 7, 2013 (October 28, 2013)</td> <td>Floor and elevation plans, existing and proposed, submitted to OSPCD (EX-100, EX-300, A-100, A-101, & A-300)</td> </tr> <tr> <td>August 7, 2013 (October 30, 2013)</td> <td>Site plan submitted to OSPCD (A-010)</td> </tr> <tr> <td>October 29, 2013 (October 30, 2013)</td> <td>Landscape plan submitted to OSPCD</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	(October 7, 2013)	Initial application submitted to the City Clerk’s Office	July 3, 2013 (October 28, 2013)	Plot plan submitted to OSPCD	August 7, 2013 (October 28, 2013)	Floor and elevation plans, existing and proposed, submitted to OSPCD (EX-100, EX-300, A-100, A-101, & A-300)	August 7, 2013 (October 30, 2013)	Site plan submitted to OSPCD (A-010)	October 29, 2013 (October 30, 2013)	Landscape plan 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.																
Construction Impacts																
2	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													
Design																
3	New siding type and color, roofing, trim and materials of the addition shall match or be complimentary to the rest of the existing structure.	BP	Plng.													



4	An exterior light and electrical receptacle is required for the first (or all) level of the porch and an electrical receptacle is required for the second level (if there is no access to the ground).	Final sign off	Wiring Inspector	
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.	
Public Safety				
6	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
Final Sign-Off				
7	The Applicant shall install a dry wall at the low point of the driveway. The plans shall be reviewed and approved by the Engineering Department.	Prior to BP	Engineering	
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:

Herbert Foster, *Chairman*
Orsola Susan Fontano, *Clerk*
Richard Rossetti
Danielle Evans
Elaine Severino

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 _____

