



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

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Case #: ZBA 2014-29
Site: 204 Summer Street
Date of Decision: May 7, 2014
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: May 12, 2014

ZBA DECISION

Applicant Name:	Laura Baring-Gould
Applicant Address:	204 Summer Street, Somerville, MA 02143
Property Owner Name:	Laura Baring-Gould
Property Owner Address:	204 Summer Street, Somerville, MA 02143
Agent Name:	N/A

Legal Notice: Applicant and Owner, Laura Baring-Gould, seeks a Special Permit under SZO §4.4.1 to alter a nonconforming structure to by adding a second story and rear addition to convert the structure to a three-family dwelling and a Special Permit under §9.13.a to provide relief from 1 parking space. RB zone. Ward 3.

<u>Zoning District/Ward:</u>	RB zone/Ward 3
<u>Zoning Approval Sought:</u>	§4.4.1 & §9.13.a
<u>Date of Application:</u>	April 3, 2014
<u>Date(s) of Public Hearing:</u>	May 7, 2014
<u>Date of Decision:</u>	May 7, 2014
<u>Vote:</u>	5-0

Appeal #ZBA 2014-29 was opened before the Zoning Board of Appeals at Somerville City Hall on May 7, 2014. 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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DESCRIPTION:

The proposal is to convert the structure into a three-family and build an additional floor on the structure. There would also be an addition in the rear of the structure that is approximately 16 feet by 10 feet that would be three-stories. There would be two, 2-bedrooms and one 1-bedroom unit. The entrances to two of the units would be off of Summer Street and the entrance to the third unit would continue to be in the rear; however, the unit would now have a door facing Lowell Street. A Solar World Panel System would be located on the roof. The façade would include altering door and window locations and would be painted. A community commemorative mural that exists on the Lowell Street side of the building will be restored and involve the community. The garage will be refurbished and the site will be improved with landscaping and pervious pavers. There will be three parking spaces onsite.

FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1 & §9.13):

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."*

The alteration to the nonconforming structure requires a Special Permit under SZO §4.4.1. 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 structure is nonconforming in terms of lot size, ground coverage, landscaped area, front yard setback, side yard setback and street frontage. The ground coverage is 58% and the proposed is slightly higher at 62%; the requirement is 50%. The front yard setback of the existing structure is 2.5 feet and the second story addition will be setback 8 feet from the front property line. The side yards are currently conforming at 0.3 and 3.3 feet and the second story addition will be setback the required 8 feet. The landscaped area will be improved over the existing conditions and there will be a planter in the front yard that will be visible from the street.

The remaining dimensions of the proposal are conforming. The property has sufficient lot area per dwelling unit to have a third unit and the use is allowed by-right.

The use of the property as a three-family will require a Special Permit under §9.13.a to provide relief from 1 parking space. The two-family required 3 parking spaces and only 2 were on the site. The additional unit requires 2 parking spaces for a total of 4 spaces and 3 will be provided onsite. Bicycle parking will be provided in the garage.

In considering a special permit under §9.13 of the SZO the Applicant must be able to demonstrate that granting the requested special permit would not cause detriment to the surrounding neighborhood through any of the criteria as set forth under SZO §9.13, which are as follows:

- 1) increase in traffic volumes;
- 2) increased traffic congestion or queuing of vehicles;
- 3) change in the type(s) of traffic;
- 4) change in traffic patterns and access to the site;
- 5) reduction in on-street parking;
- 6) unsafe conflict of motor vehicle and pedestrian traffic.



The Zoning Board finds that offering one parking space per unit will not be a detriment to the neighborhood for any of the criteria above per the parking memo provided. In fact providing additional parking will likely attract residents with multiple cars that will add to traffic congestion, traffic volumes, and increased traffic patterns and access to the site.

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 providing for and maintaining the uniquely integrated structure of uses in the City and conserving the value of land and buildings.

The proposal is also consistent with the purpose of the Residence B district in establishing a three-family dwelling.

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. The site will provide sufficient parking for a three-family and not increase the traffic hazards and general nuisances found in §9.13.

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 will improve the overall appearance of the building and site. The converted masonry commercial building will use cues from other similarly converted buildings in the City to keep the form of the structure but add detailing to signal its conversion to residential. The units will have front doors that face the street along Summer Street and Lowell Street so that they will be visible and in logical locations. The addition will conform to the setback requirement except for the front yard setback. The rooftop will take a distinctive form to support the solar panels. Although unique for a residential district, the design works well with the industrial nature of the structure. The dilapidated garage will be restored and the site will be improved with landscaping and a pervious driveway and walkway next to the house.



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 the alteration of a nonconforming structure and parking relief to add a third unit. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/PIng.									
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>April 3, 2014</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>April 28, 2014</td> <td>Modified plans submitted to OSPCD (A1.0 Ground Floor Plan, A1.1 1st floor plan, A1.2 2nd floor plan, A2.1-A2.3 Elevations, L1.1 Landscape Plan, S1.2 Site Plan,)</td> </tr> <tr> <td>July 16, 2012</td> <td>Plans submitted to OSPCD (Plot Plan)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	April 3, 2014	Initial application submitted to the City Clerk's Office	April 28, 2014	Modified plans submitted to OSPCD (A1.0 Ground Floor Plan, A1.1 1st floor plan, A1.2 2 nd floor plan, A2.1-A2.3 Elevations, L1.1 Landscape Plan, S1.2 Site Plan,)	July 16, 2012	Plans submitted to OSPCD (Plot Plan)
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July 16, 2012	Plans submitted to OSPCD (Plot Plan)											
Any changes to the approved (site plan or elevations/use) that are not <i>de minimis</i> must receive SPGA approval.												
Pre-Construction												
2	The Applicant must contact the Engineering Department to obtain a street address prior to a building permit being issued.	BP	Engineering									
3	The Applicant will be required to demonstrate that the updated project plans meet the current City of Somerville stormwater policy. Utility, grading, and drainage plans must be submitted to the Engineering Department for review and approval.	BP	Eng.									
4	The Applicant shall develop a demolition plan in consultation with the City of Somerville Inspectional Services Division. Full compliance with proper demolition procedures shall be required, including timely advance notification to abutters of demolition date and timing, good rodent control measures (i.e. rodent baiting), minimization of dust, noise, odor, and debris outfall, and sensitivity to existing landscaping on adjacent sites.	Demolition Permitting	ISD									
Construction Impacts												



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	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				
7	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				
8	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards.	Perpetual	Plng. / ISD	
Traffic & Parking				
9	The Applicant/Owner shall meet Traffic and Parking's requirement after reviewing the parking memo.	CO	T & P	
Public Safety				
10	The Applicant or Owner shall install a sprinkler system and updated electrical system.	CO	FP	
11	To the extent possible, all exterior lighting must be confined to the subject property, cast light downward and must not intrude, interfere or spill onto neighboring properties.	CO	Plng.	
Final Sign-Off				
12	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 _____

