



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

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Case #: ZBA # 2012-80
Site: 23-25-27 Village Street
Date of Decision: October 17, 2012
Decision: Petition Approved with Conditions
Date Filed with City Clerk: October 23, 2012

ZBA DECISION

Applicant Name:	Adele Naude Santos
Applicant Address:	27 Village Street, Somerville, MA 02143
Property Owner Name:	Adele Naude Santos
Property Owner Address:	27 Village Street, Somerville, MA 02143
Agent Name:	Andrew Bram, Bicknell & Smith
Agent Address:	26 Brighton Street, Belmont, MA 02478

Legal Notice: Applicant and Owner Adele Naude Santos, seeks a Special Permit under SZO §4.4.1 to alter an existing nonconforming structure, including adding a second story to an existing building, as part of adding a second dwelling unit to the property.

<u>Zoning District/Ward:</u>	RC zone/Ward 2
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	September 18, 2012
<u>Date(s) of Public Hearing:</u>	October 17, 2012
<u>Date of Decision:</u>	October 17, 2012
<u>Vote:</u>	5-0

Appeal #ZBA 2012-80 was opened before the Zoning Board of Appeals at Somerville City Hall on October 17, 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 one hearing of deliberation, the Zoning Board of Appeals took a vote.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722
www.somervillema.gov

DESCRIPTION:

The Applicant is proposing to renovate the former Firefly Press building and turn this second principal structure into a second dwelling unit at the property. The Applicant would add a second story onto the Firefly Press building, raising its total height to 23 feet 2 inches, which is slightly lower than the adjacent structures at 21 Village Street. The first floor of the renovated building would contain a kitchen, living room, dining area, and a full bathroom. The center portion of the first floor would be pulled inward to create a private outdoor patio area partially covered by the cantilevered portions of the second floor and enclosed with a chain link fence along the driveway. A planter bed that would run the length of this chain link fencing would allow for evergreen climbing vines and flowering perennials to climb the fence and create a natural vegetative barrier. Four sets of doors from various rooms on the first floor would open out into this private patio area. At the rear of the first floor a two space carport would be carved out of the existing building.

The second floor would contain two bedrooms with two full on-suite bathrooms. Both of the bedrooms would also have access to private terrace spaces that would be on top of the first floor. One terrace would be located at the front of the structure towards Village Street and the other would be located on top of the carport at the rear of the structure. Each bedroom would cantilever out towards the interior of the property over the private outdoor patio space on the first floor. There would be no windows that would face the property at 21 Village Street as all windows would look out towards the interior or rear of the subject property, or towards Village Street. An asphalt driveway would be installed to reach from the front of the property to the rear carport. The existing fence and gate that run between the two existing structures would be moved forward to the front of the arcade towards Village Street. Two additional parking spaces would be retained at the front of the property between the fence and Village Street. A grass-crete walkway would be installed from Village Street all the way back to the carport. On the exterior of the structure, stucco would be applied over the existing concrete block façade of the building. When completed, the renovated Firefly Press building would add 1,148 square feet of new living space to the property.

FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1 & §5.1):

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 or use at the property. The privacy of the residences on either side of the subject property will be maintained as all of the new windows for the Firefly Press building will look out towards the interior or rear of the property, or towards Village Street. No new windows are being proposed for the façade that faces 21 Village Street. Additionally, the Applicant is only extending the building's existing nonconforming right side yard setback higher to mimic the height of the existing adjacent structure at 21 Village Street, which is still in conformance with height limitations for the RC district. Furthermore, the Applicant will be maintaining compliance with several other requirements of the RC zoning district including ground coverage at 42% (maximum is 70% for the RC district), landscaping at 46.7% (minimum 25% required), pervious area at 46.7% (minimum 30% required), and Floor Area Ratio at 0.30 (2.0 is the maximum). The Applicant is also complying with the nonconforming parking requirements of the zoning ordinance by providing one additional parking space for the additional dwelling unit at the property. Upon completion of the addition, the property will still be a mixed use site with an architectural office/studio, but it will now contain two dwelling units instead of just one. The end result of this proposal is consistent with surrounding neighborhood and therefore there are no anticipated negative impacts as a result of this project.



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 lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to conserve the value of land and buildings; to encourage the most appropriate use of land throughout the City; and to encourage housing for persons of all income levels."

The proposal is also consistent with the purpose of the district (6.1.3. RC - Residence Districts), which is, "To establish and preserve a district for multi-family residential and other compatible uses which are of particular use and convenience to the residents of the district."

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 project is compatible with the characteristics of the surrounding area. The proposed changes to the existing Firefly Press building still respect and maintain the property's history as a more light industrial use and character. However, the proposed new use of the Firefly Press building is completely compatible with the surrounding neighborhood which is predominantly residential. The privacy of the residences on either side of the subject property will be maintained as all of the new windows for the Firefly Press building will look out towards the interior or rear of the property, or towards Village Street. No new windows are being proposed for the façade that faces 21 Village Street. Additionally, the Applicant is only extending the building's existing nonconforming right side yard setback higher to mimic the height of the existing adjacent structure at 21 Village Street, which is still in conformance with height limitations for the RC district. Upon completion of the addition, the property will still be a mixed use site with an architectural office/studio, but it will now contain two dwelling units instead of just one. The end result of this proposal is consistent with surrounding neighborhood and therefore there are no anticipated negative impacts as a result of this project.

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 project. When the Applicant purchased the property in 2004, the site contained some environmental issues as were noted in the submitted environmental reports. These environmental issues have since been addressed and the property needs no additional environmental cleanup. For the proposed project the Applicant is simply extending the building's existing nonconforming right side yard setback higher to mimic the height of the existing adjacent structure at 21 Village Street, which is still in conformance with height limitations for the RC district. Upon completion of the addition, the property will still be a mixed use site with an architectural office/studio, but it will now contain two dwelling units instead of just one. The end result of this proposal is consistent with surrounding neighborhood and therefore there are no anticipated negative impacts as a result of this project.



DECISION:

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Danielle Evans and Josh Safdie. 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	<p>Approval is to alter an existing nonconforming structure, including adding a second story to an existing building, under SZO §4.4.1 as part of adding a second dwelling unit to the property. 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>(September 18, 2012)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>November 30, 2005 (October 10, 2012)</td> <td>Plot Plan</td> </tr> <tr> <td>October 3, 2012 (October 4, 2012)</td> <td>23-27 Village Street Plan Set (Pages 1 – 27)</td> </tr> </tbody> </table> <p>Any changes to the approved site plans or elevations that are not <i>de minimis</i> must receive SPGA approval.</p>	Date (Stamp Date)	Submission	(September 18, 2012)	Initial application submitted to the City Clerk's Office	November 30, 2005 (October 10, 2012)	Plot Plan	October 3, 2012 (October 4, 2012)	23-27 Village Street Plan Set (Pages 1 – 27)	BP/CO	ISD/PIng.	
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October 3, 2012 (October 4, 2012)	23-27 Village Street Plan Set (Pages 1 – 27)											
2	The Applicant will be required to demonstrate that the 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.									
3	The electric, telephone, cable TV and other such lines and equipment shall be placed underground from the source or connection. The utilities plan shall be supplied to the Wiring Inspector before installation.	Installation of Utilities	Wiring Inspector									
4	All construction materials and equipment must be stored on-site. 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									
5	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP									



6	The Applicant or Owner shall the maintain the existing fence and gate height and location between the two existing structures or, if relocated, bring this nonconforming fence and gate into compliance by installing a new six (6) foot high (or lower) fence and gate system.	CO	Plng.	
7	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	
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
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 _____

