



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

MICHAEL F. GLAVIN  
EXECUTIVE DIRECTOR

PLANNING DIVISION

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JOSH SAFDIE (ALT.)  
BRANDY BROOKS (ALT.)

**Case #: ZBA 2014-25**  
**Site: 10 Beech Street**  
**Date of Decision: May 7, 2014**  
**Decision: Petition Approved with Conditions**  
**Date Filed with City Clerk: May 12, 2014**

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**ZBA DECISION**

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<b>Applicant Name:</b>	Ten Beech, LLC
<b>Applicant Address:</b>	21 Sagamore Road, Arlington, MA 02476
<b>Property Owner Name:</b>	Ten Beech, LLC
<b>Property Owner Address:</b>	21 Sagamore Road, Arlington, MA 02476
<b>Agent Name:</b>	Richard G. DiGirolamo, Esq.
<b>Agent Address:</b>	424 Broadway, Somerville, MA 02145

Legal Notice: Applicants and Owners, Ten Beech LLC, seek a Special Permit under SZO §4.4.1 to alter a nonconforming two-family structure to create a by-right third unit, which includes an addition, a gable roof, and various alterations to the windows and doors that compose each façade. The Applicants also seek Special Permits under SZO §9.13.b to modify parking design standards to create tandem and compact parking spaces. RB zone. Ward 3.

<u>Zoning District/Ward:</u>	RB zone/Ward 3
<u>Zoning Approval Sought:</u>	§4.4.1 & §9.13.b
<u>Date of Application:</u>	March 17, 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 2014-25 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.

### **DESCRIPTION:**

The Applicant proposes to add a third floor with a gable roof to the existing structure as well as an addition along Beech Street for a by-right third unit. The Pitman Street façade has entrances to units one and two as well as a ten foot curb cut for access to 6 compact (8' x 16') and tandem parking spaces. The Beech Street façade is composed of a private patio entrance for Unit One and the main entrance for Unit Three is located within the new addition, a tower, which features a front porch. Each unit has two entrances as well as a patio and/or a private green space.

Units one and two are approximately 1600 square feet with three bedrooms while unit three is approximately 1950 square feet with four bedrooms. Each unit would be composed of a living/dining room, kitchen, and bath on the first floor. The second floor would be two bedrooms and a bath, and the third floor would be a master suite. Unit three also has a fourth bedroom on the third floor. The basement is for mechanicals and storage.

### **FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1 & §9.13.b):**

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."

Under SZO §4.4.1, an existing nonconforming structure- other than a single or two-family dwelling- may be altered only by Special Permit. The addition of a by-right third unit creates a multi-unit dwelling and any exterior change to a multi-unit structure requires Special Permit approval. Therefore, the proposed changes to the exterior of the building, which includes the gable roof third floor addition and three-story addition along Beech Street, requires a 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 changes proposed will substantially rehabilitate the structure, add diversity to the neighborhood through three family-sized dwelling units, and enhance both the Pitman and Beech streetscapes by creating a more defined presence at this prominent corner hillside location. The addition of architectural features, such as porches, doors and windows, as well as private outdoor spaces, such as patios or green space, will serve to activate the streetscape as well as create visual interest for pedestrians. Other than the right side yard nonconforming 6' setback, the proposal would comply with the remaining setbacks, ground coverage (31%), landscaping (36%) pervious area (39%), and floor area ratio (0.92).

Under SZO §9.13.b, parking lots, which are areas designed to park six or more vehicles, may request to modify parking areas and design standards; therefore, a Special Permit is required to approve tandem parking as well as compact spaces (8' x 16').

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 addition of one unit to this rehabilitated structure would likely not increase traffic volumes as the proposal meets the parking requirement and the site is nearby Somerville Avenue and Porter Square which offers public transit options. The proposal meets the parking requirement of six on-site parking spaces; there should be no traffic congestion as a result of this project. There would be no change in the type of traffic as a result of this application as the use of the structure is proposed to remain. The existing curb cut is to remain so access to the site will remain consistent and the use shall remain residential, so there should be no change in traffic patterns. The existing curb cut is approximately 8' and this proposal would enlarge this to 10'. This addition of two feet would not result in the loss of on-street parking, nor unsafe conflicts in traffic.

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 protect health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to conserve the value of land and buildings; and to encourage the most appropriate use of land throughout the City."

The proposal is consistent with the purpose of the RB 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."

The proposal will substantially rehabilitate the structure, add diversity to the neighborhood through three family-sized dwelling units, and enhance both the Pitman and Beech streetscapes by creating a more defined presence at this prominent corner location. The addition of architectural features, such as the porches, doors and windows, as well as private outdoor spaces, such as patios or green space, will serve to activate the streetscape as well as create a visual interest for pedestrians.

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 proposal complies with SZO §9.1 as the project promotes traffic safety by storing vehicles off the street; allows for an orderly ingress and egress; will protect adjoining lots from nuisances and hazards with a fence and through addressing the stormwater runoff.

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 is residential and composed of a combination of single, two-, three, and multi-unit dwellings. Conwell Park and Rite Aid are located nearby along Somerville Avenue as well as restaurants and other commercial uses. A majority of the surrounding buildings are 2½ or three stories in height, consisting of gable-end and double triple-decker type structures. The shadow study illustrates that minimal, if any additional shadow will be presented by the additional massing of the proposed structure.



The design of the structure will positively impact the Pitman and Beech streetscapes due to the high style architectural detail, addition of front porches, and on-site parking. The proposed structure is contextual with the neighborhood, as several adjacent buildings are also three stories in height, and appropriately anchors this prominent hillside corner with a larger building mass.

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.

The proposal will not present an adverse impact on the surrounding area. Conditions regarding storm water will ensure there is not more run-off that what currently exists.

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 proposal will not negatively impact vehicular and pedestrian circulation. The proposal meets the parking requirement and will locate six parking spaces on-site. The additional two feet of curb cut will not affect the pedestrian circulation, but will better articulate the driveway location. The tandem and compact spaces will not alter the circulation.



**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 a Special Permit to alter a nonconforming two-family structure to create a by-right third unit, which includes an addition, a gable roof, and various alterations to the windows and doors that compose each façade. The Applicants also seek Special Permits to modify parking design standards to create tandem and compact parking spaces. 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>(March 17, 2014)</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>March 12, 2014 (April 28, 2014)</td> <td>Plans submitted to OSPCD (A-000, Z-001, A-100, A-101, A-102, A-300, A-301, &amp; A-301)</td> </tr> <tr> <td>December 13, 2013 (April 28, 2014)</td> <td>Shadow Study</td> </tr> <tr> <td>September 9, 2013 (April 28, 2014)</td> <td>Plot Plan</td> </tr> <tr> <td>March 11, 2014 (April 28, 2014)</td> <td>Civil Plans (C-1, C-2, &amp; C-3)</td> </tr> <tr> <td>April 11, 2014 (April 28, 2014)</td> <td>Landscape Plan</td> </tr> <tr> <td>July 15, 2013 (April 28, 2014)</td> <td>Existing Conditions (EX-0, EX-1, &amp; EX-2)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	(March 17, 2014)	Initial application submitted to the City Clerk’s Office	March 12, 2014 (April 28, 2014)	Plans submitted to OSPCD (A-000, Z-001, A-100, A-101, A-102, A-300, A-301, & A-301)	December 13, 2013 (April 28, 2014)	Shadow Study	September 9, 2013 (April 28, 2014)	Plot Plan	March 11, 2014 (April 28, 2014)	Civil Plans (C-1, C-2, & C-3)	April 11, 2014 (April 28, 2014)	Landscape Plan	July 15, 2013 (April 28, 2014)	Existing Conditions (EX-0, EX-1, & EX-2)
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Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.																				
<b>Pre-Construction</b>																				
2	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.																	



3	The Applicant shall submit a proposed drainage report, stamped by a registered PE in Massachusetts that demonstrates compliance with the City's stormwater policy.	BP	Eng.	
<b>Construction Impacts</b>				
4	The applicant shall post the name and phone number of the general contractor at the site entrance where it is visible to people passing by.	During Construction	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	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	
<b>Design</b>				
7	Applicant shall provide final material samples for siding, trim, windows/doors, and architectural details to Planning Staff for review and approval prior to construction. The Applicant shall not propose vinyl or plastic materials.	BP	Plng.	
8	The Applicant shall submit a mock-up of the decorative grill in the frieze which shall include the exterior sheathing to which the feature is affixed.	BP	Plng.	
9	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	
<b>Site</b>				
10	The Applicant shall install three trees on-site, near Pitman and Beech streets to serve as street trees in accordance with SZO §10.6.1 and §10.6.2. One shall be located next to the driveway, one at the corner of Beech and Pitman streets, and one near the lot line closest to Somerville Ave.	CO	Plng. / ISD	
11	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	
12	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.	
13	The Applicant shall have a six foot fence the length and width of the driveway. The Applicant shall have a four foot fence between the proposed building and the adjacent structure along Somerville Avenue. There should be an appropriate transition between these two heights.	CO	Plng.	



<b>Traffic &amp; Parking</b>				
14	Tandem parking spaces shall be deeded as a pair to each residential unit. These spaces shall not be divided so that one tandem space is owned or used by a different unit than the other tandem space.	CO	Plng.	
<b>Public Safety</b>				
15	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
16	Any transformers should be located as not to impact the building or landscaped area, and shall be fully screened.	Electrical permits & CO		
17	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.	
<b>Final Sign-Off</b>				
18	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 \_\_\_\_\_

