



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

PLANNING DIVISION

ZONING BOARD OF APPEALS MEMBERS

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JOSH SAFDIE (ALT.)

Case #: ZBA # 2012-20

Site: 25 Clyde Street

Date of Decision: August 15, 2012

Decision: *Petition Approved with Conditions*

Date Filed with City Clerk: August 23, 2012

ZBA DECISION

Applicant Name:	Ryan Guthrie
Applicant Address:	80 Flanders Road, Westborough, MA 01581
Property Owner Name:	Stateside Realty Group, LLC
Property Owner Address:	80 Flanders Road, Westborough, MA 01581
Agent Name:	Richard G. DiGirolamo, Esq.
Agent Address:	424 Broadway, Somerville, MA 02145

Legal Notice: Applicant Ryan Guthrie and Owner Stateside Realty Group LLC, seeks a Special Permit under SZO §4.4.1, a Variance under SZO §8.5.I, and a Variance under SZO §9.5 for a comprehensive renovation of an existing two and one-half story 1850's cottage at the front of the property, removal of a metal garage at the rear of the property, and construction of a new two story two unit addition extending from the rear of the cottage.

<u>Zoning District/Ward:</u>	RB zone/Ward 5
<u>Zoning Approval Sought:</u>	§4.4.1, §8.5.I & §9.5
<u>Date of Application:</u>	May 18, 2012
<u>Date(s) of Public Hearing:</u>	6/6, 6/20, 7/11, 8/1 & 8/15/12
<u>Date of Decision:</u>	August 15, 2012
<u>Vote:</u>	5-0 (all 3 votes)

Appeal #ZBA 2012-20 was opened before the Zoning Board of Appeals at Somerville High School Auditorium on June 6, 2012. Notice of the Public Hearing was given to persons affected and was published and posted, all as



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required by M.G.L. c. 40A, sec. 11 and the Somerville Zoning Ordinance. After four hearings of deliberation, the Zoning Board of Appeals took a vote.

DESCRIPTION:

The proposed plans call for a comprehensive renovation of the existing two and one half story 1850's workers cottage located at the front of the lot, removal of the metal garage at the rear, and construction of a new two-story, two-unit addition to the cottage that extends from the rear of the existing building. Site improvements include removal of asphalt paving, replacement of chain link fencing with wood fencing, and extensive landscaping.

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.

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 "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."

The proposal is consistent with the purpose of the district, 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 is designed to be compatible with the characteristics of the surrounding area and is consistent with the Design Guidelines for Residence Zones as laid out in SZO §5.1.5.B. as follows:

1. *Buildings should be generally of the same size and proportions as those existing in the neighborhood.*



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The proposed addition has been designed as a two-story structure with a pitched roof in keeping with the character of the surrounding neighborhood and preventing the new addition from dominating the existing historic workers cottage.

2. *Use of traditional and natural materials is strongly encouraged (e.g. wood clapboard, wood shingles, brick).*

The Applicant proposes to re clad the existing workers cottage with wood cedar clapboard siding. The same cedar clapboard siding will be used for the addition in the back as well.

3. *Additions to existing structures should be consistent with the architecture of the existing structure in terms of window dimensions, roof lines etc.*

The proposed addition has been designed to compliment the existing historic workers cottage following rehabilitation of the original building as planned. Windows, siding, color, and roof materials will be of unified style throughout the finished building.

4. *Although additions should not clash with or be incompatible to the existing structure, it is acceptable and even desirable for the new construction to be distinguishable from the existing building, perhaps by maintenance of design elements of the original building that would otherwise be lost (e.g. false rakes, fasciae, and the like).*

Following guidance from the Somerville Historic Preservation Commission, the new addition has been designed to compliment the design of the existing historic workers cottage following rehabilitation of the original building as planned.

5. *Where practical, new or infill building construction should share the same orientation to the street as is common in the neighborhood. When not contrary to any other zoning law, front and side yards should be of similar dimensions as those typical in the area.*

Entryways for the new dwelling units that will be part of the rear addition have been oriented toward the front of the property in similar fashion to the principal entrance of the existing historic workers cottage.

6. *Driveways should be kept to minimal width (perhaps a maximum of twelve (12) feet), and be designed so that no vehicle parked on the drive may straddle the public sidewalk in any way. Low barriers or plantings may be required to separate the parking area from the pedestrian space.*



The 14 foot wide driveway has been designed to remain unobstructed and provide access for fire fighting and rescue concerns according to requirements of the Deputy Chief of Fire Prevention.

7. *Transformers, heating and cooling systems, antennas, and the like, should be located so they are not visible from the street or should be screened.*

Air conditioning units have been located within the narrow side setback areas between the building and the side lot lines and will be further obscured from view by a 6' wooden fence and landscaping on both sides of the building (see West and East elevations, page A4 of the Site Elevations).

8. *Sites and buildings should comply with any guidelines set forth in Article 6 of this Ordinance for the specific base or overlay zoning district(s) the site is located within.*

There are no design guidelines or requirements for the RB Zone established in Article 6 of the Somerville Zoning Ordinance.

FINDINGS FOR VARIANCE (SZO §8.5.I):

In order to grant a Variance the Board must make certain findings and determinations as outlined in §5.5.3 of the SZO. The Applicant is asking for a Variance (SZO §5.5) from Section 8.5.I. of the SZO for the rear addition to extend within the 20 foot rear yard setback area to 8' - 2.5" from the rear property line.

1. *"There are special circumstances relating to soil conditions, shape, or topography of land or structures which especially affect such land or structures but not affecting generally the zoning district in which it is located, causing substantial hardship, financial or otherwise."*

The subject property, 25 Clyde Street, is on the State Register as a Local Historic District as of 3/11/1985, and in the National Register of Historic Places both individually and as part of the Somerville National Register Multiple Resource Area as of 9/18/1989.

The Applicant asserts hardship has been created due to the historic status of both the workers cottage and lot located within the Clyde-Murdock Historic Area, requiring preservation of the existing cottage, and subsequent requirement for unobstructed access to the proposed rear units by the Somerville Fire Department.

The Board finds that there are special circumstances relating to the existing structure but not affecting generally the zoning district in which it is located causes a substantial hardship, financial or otherwise, for this property.

2. *"The variance requested is the minimum variance that will grant reasonable relief to the owner, and is necessary for a reasonable use of the building or land."*

The Applicant indicated that a Variance to reduce the required rear yard setback from 20 to 8.2 feet is required to maintain the location and footprint of the existing original historic workers cottage with subsequent 19th century additions while providing three off-street parking spaces and a 14 foot wide means of access as deemed necessary by the Somerville Fire Department.



The Board finds that this Variance is the minimum Variance necessary to allow for a reasonable use of the property, based upon the additionally submitted materials at the hearing on August 15, 2012.

3. *“The granting of the variance would be in harmony with the general purpose and intent of this Ordinance and would not be injurious to the neighborhood or otherwise detrimental to the public welfare.”*

The Applicant indicated the following response to this question in their application: The required rear yard setback is twenty feet, the current rear yard setback is 2.0 feet, and the proposed rear yard setback is 8.2 feet. The proposed rear yard setback of 8.2 feet will allow for the creation of three off-street parking spaces on the lot and a 14' wide fire lane for access to the proposed additional units.

The proposal provides one parking space per unit and a parking study drafted by Design Consultants, Inc. and submitted by the Applicant determined that the project would have little to no impact on the parking in the neighborhood.

The Board finds that this requested Variance would be in harmony with the general purpose and intent of this ordinance and would not be injurious to the neighborhood or detrimental to the public welfare.

FINDINGS FOR VARIANCE (SZO §9.5):

In order to grant a Variance the Board must make certain findings and determinations as outlined in §5.5.3 of the SZO. Section 9.5 of the SZO requires that one and two bedroom dwelling units provide 1.5 on-site parking spaces per unit. The proposal for three (3) total dwelling units would require five (5) parking spaces. The Applicant is asking for a Variance (SZO §5.5) from Section 9.5 of the SZO to provide only three of the required five on-site parking spaces.

1. *“There are special circumstances relating to soil conditions, shape or topography of land or structures which especially affect such land or structures but not affecting generally the zoning district in which it is located, causing substantial hardship, financial or otherwise.”*

The subject property, 25 Clyde Street, is on the State Register as a Local Historic District as of 3/11/1985, and in the National Register of Historic Places both individually and as part of the Somerville National Register Multiple Resource Area as of 9/18/1989.

The Applicant asserts hardship has been created due to the historic status of both the workers cottage and lot located within the Clyde-Murdock Historic Area, requiring preservation of the existing cottage, and subsequent requirement for unobstructed access to the proposed rear units by the Somerville Fire Department.

Planning Staff supports a finding that special circumstances relating to the existing structure but not affecting generally the zoning district in which it is located causes a substantial hardship, financial or otherwise, for this property.

2. *“The variance requested is the minimum variance that will grant reasonable relief to the owner, and is necessary for a reasonable use of the building or land.”*

The Applicant indicated that a Variance to reduce the number of required parking spaces from five to three is required to maintain the location and footprint of the existing original historic workers cottage with subsequent 19th century additions and to provide three off-street parking spaces and a 14 foot wide means of access as deemed necessary by the Somerville Fire Department.

Three residential units and one dedicated parking space for each unit is a reasonable use and number of parking spaces for this type of development in this area of the City. Although Section



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9.5 of the SZO requires that one and two bedroom dwelling units provide 1.5 on-site parking spaces per unit, the Board finds that the Variance requested is the minimum Variance needed to grant reasonable relief to the owner, and is necessary for a reasonable use of the building or land.

3. *“The granting of the variance would be in harmony with the general purpose and intent of this Ordinance and would not be injurious to the neighborhood or otherwise detrimental to the public welfare.”*

The Applicant indicated the following response to this question in their application: The required rear yard setback is twenty feet, the current rear yard setback is 2.0 feet, and the proposed rear yard setback is 8.2 feet. The proposed rear yard setback of 8.2 feet will allow for the creation of three off-street parking spaces on the lot and a 14' wide fire lane for access to the proposed additional units.

The proposal provides one parking space per unit and a parking study drafted by Design Consultants, Inc. and submitted by the Applicant determined that the project would have little to no impact on the parking in the neighborhood.

The Board finds that this requested Variance would be in harmony with the general purpose and intent of this ordinance and would not be injurious to the neighborhood or detrimental to the public welfare.



DECISION:

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Danielle Evans and Scott Darling. Upon making the above findings, Susan Fontano made a motion to approve the request for a Variance for parking. Scott Darling seconded the motion. Upon making the above findings, Susan Fontano made a motion to approve the request for a Variance for rear yard setback. Scott Darling seconded the motion. 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 requests. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes										
1	<p>Approval is for the comprehensive renovation of the existing two and one half story 1850's workers cottage located at the front of the lot, removal of the metal garage at the rear, and construction of a new two-story, two-unit addition to the cottage that extends from the rear of the building.. This approval is based upon the following application materials and the plans identified below:</p> <table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>March 6, 2012</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>May 18, 2012</td> <td>Revised application submitted to the City Clerk's Office</td> </tr> <tr> <td>May 16, 2012 (May 18, 2012)</td> <td>Existing Site Plan (L1) Proposed Site Plan (L2) Landscape Plan (L3) Site Photos (A1) Proposed 3D Vies (A2-3) Site Elevations (A4) Cottage Floor Plans (A5-6) Cottage Elevations (A7) Addition Floor Plans (A9-11) Addition Elevations (A12-15)</td> </tr> <tr> <td>May 24, 2012</td> <td>Fire Prevention – Parking Site Plan (1-3)</td> </tr> </tbody> </table> <p>Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.</p>	Date (Stamp Date)	Submission	March 6, 2012	Initial application submitted to the City Clerk's Office	May 18, 2012	Revised application submitted to the City Clerk's Office	May 16, 2012 (May 18, 2012)	Existing Site Plan (L1) Proposed Site Plan (L2) Landscape Plan (L3) Site Photos (A1) Proposed 3D Vies (A2-3) Site Elevations (A4) Cottage Floor Plans (A5-6) Cottage Elevations (A7) Addition Floor Plans (A9-11) Addition Elevations (A12-15)	May 24, 2012	Fire Prevention – Parking Site Plan (1-3)	BP/CO	ISD/Plng.	
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May 24, 2012	Fire Prevention – Parking Site Plan (1-3)													
2	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements as illustrated on the Fire Prevention – Parking Site Plan.	CO	FP											



3	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	
4	All electric, telephone, cable TV and other such lines and shall be routed underground from their source or connection to the structure. The utilities plan shall be supplied to the Wiring Inspector before installation.	Installation of Utilities	Wiring Inspector	
5	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	
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.	
7	The Applicant or Owner shall install a six (6) foot high wooden fence along the entire rear property line with the design/style of the fence to be approved by the Historic Preservation Commission.	CO	Plng.	



Attest, by the Zoning Board of Appeals:

Herbert Foster, *Chairman*
Orsola Susan Fontano, *Clerk*
Richard Rossetti
T.F. Scott Darling, III, Esq.
Danielle Evans

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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