



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

MICHAEL F. GLAVIN
EXECUTIVE DIRECTOR

PLANNING DIVISION

ZONING BOARD OF APPEALS MEMBERS

HERBERT F. FOSTER, JR., *CHAIRMAN*
ORSOLA SUSAN FONTANO, *CLERK*
RICHARD ROSSETTI
DANIELLE EVANS
ELAINE SEVERINO
JOSH SAFDIE (ALT.)

Case #: ZBA 2014-87
Site: 7 Durham Street
Date of Decision: November 5, 2014
Decision: Petition Approved with Conditions
Date Filed with City Clerk: November 13, 2014

ZBA DECISION

Applicant Name:	7 Durham Street, LLC
Applicant Address:	1979 Massachusetts Avenue, Cambridge, MA 02140
Property Owner Name:	7 Durham Street, LLC
Property Owner Address:	1979 Massachusetts Avenue, Cambridge, MA 02140
Agent Name:	Richard G. DiGirolamo, Esq.
Agent Address:	424 Broadway, Somerville, MA 02145

Legal Notice: Applicant and Owner, 7 Durham Street, LLC, seek a Special Permit per SZO §4.4.1 to alter a nonconforming structure to build a by-right 2-family structure and a Special Permit per SZO §9.13 to modify parking design standards. RB zone. Ward 2.

<u>Zoning District/Ward:</u>	RB zone/Ward 2
<u>Zoning Approval Sought:</u>	§4.4.1 & §9.13
<u>Date of Application:</u>	August 21, 2014
<u>Date(s) of Public Hearing:</u>	November 5, 2014
<u>Date of Decision:</u>	November 5, 2014
<u>Vote:</u>	5-0

Appeal #ZBA 2014-87 was opened before the Zoning Board of Appeals at Somerville City Hall on November 5, 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
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722
www.somervillema.gov

DESCRIPTION:

The proposal is to build a large addition to convert from a single family to a two-family. The addition will make the dwellings a townhouse style with a unit in the front and a unit in the back. With the addition, the new building will be 2 ½ stories with a side bay. The existing garage will be demolished. There will be four parking spaces in the rear of the building.

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."*

Per SZO §4.4.1, lawfully existing one- and two-family dwellings, which are nonconforming with respect to dimensional requirements, may be enlarged, expanded, renovated, or altered by special permit. The expansion of a nonconforming side yard requires a special permit. In addition, per SZO §9.13, modification of the parking area design standards can be requested. A narrow driveway requires relief.

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 promoting the health, safety, and welfare of the inhabitants of the City of Somerville; to lessen congestion in the streets; to protect health; to secure safety from fire, panic and other dangers; and to encourage housing for persons of all income levels.

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."

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 project complies with §9.1 because it will increase traffic safety by having vehicles exit forward facing and will therefore reduce hazards to pedestrians.

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 a mix of residential buildings, mostly two and three-families. Durham Street sits behind the intersection of Beacon and Washington Streets and has good access via walking, biking, and public transit to Harvard, Union Square, and Inman Square.



There are little to no impacts to the proposal. The building is unique in form but the same can be said of the existing cottage. It provides for a similar height to the rest of the streetscape while honoring the cottage form.

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.*

Vehicles will enter and existing the site forward facing. The project complies with the parking requirement.

6. Housing Impact: *Will not create adverse impacts on the stock of existing affordable housing.*

The proposal will replace 1 unit with 2 units. It can be assumed that the condition of this property made it affordable. However, 2, 3-bedroom units of modest size are proposed in place. These units can expand affordable housing options for families.

6. SomerVision Plan: *Complies with the applicable goals, policies and actions of the SomerVision plan, including the following, as appropriate: Preserve and enhance the character of Somerville’s neighborhoods, transform key opportunity areas, preserve and expand an integrated, balanced mix of safe, affordable and environmentally sound rental and homeownership units for households of all sizes and types from diverse social and economic groups; and, make Somerville a regional employment center with a mix of diverse and high-quality jobs. The areas in the SomerVision map that are designated as enhance and transform should most significantly contribute towards the SomerVision goals that are outlined in the table below. The areas marked as conserve are not expected to greatly increase the figures in the table since these areas are not intended for large scale change.*

<u>SomerVision Summary</u>	<i>Existing</i>	<i>Proposed</i>
<i>Dwelling Units:</i>	1	2
<i>Affordable Units:</i>	0	0

This project complies with the SomerVision plan by providing contextual housing within residential districts.



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 structure to build a by-right 2-family structure and a Special Permit to modify parking design standards. 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>September 21, 2014</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>(October 29, 2014)</td> <td>Modified plans submitted to OSPCD (A-000 Cover, C-1 Civil Plan, L-001 Landscape, Z-002 Site Context, A-010 Site Plan, A-100 Floor Plans, A-101 Floor Plans, A-102 Floor Plans, A-300 Elevations, A-301 Elevations, A-303 Renderings)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission
Date (Stamp Date)	Submission					
September 21, 2014	Initial application submitted to the City Clerk's Office					
(October 29, 2014)	Modified plans submitted to OSPCD (A-000 Cover, C-1 Civil Plan, L-001 Landscape, Z-002 Site Context, A-010 Site Plan, A-100 Floor Plans, A-101 Floor Plans, A-102 Floor Plans, A-300 Elevations, A-301 Elevations, A-303 Renderings)					
Any changes to the approved site plan and elevations that are not <i>de minimis</i> must receive SPGA approval.						
Pre-Construction						
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/reports must be submitted to the Engineering Department for review and approval.	BP	Eng.			
3	Applicant will obtain HPC approval for demolition of the garage.	BP	ISD/ Plng			
Construction Impacts						
4	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			



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	
Design				
6	Applicant shall provide final material samples for siding, trim, windows, and doors to Planning Staff for review and approval prior to construction. No vinyl siding shall be permitted.	BP	Plng.	
7	An exterior light and electrical receptacle is required for the first level of the porch.	Final sign off	Wiring Insp	
Site				
8	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD	
9	Parking spaces 1 & 2 shall be pervious pavers.	CO	Plng.	
Miscellaneous				
10	The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the building and all on-site amenities, including landscaping, fencing, lighting, parking areas and storm water systems, ensuring they are clean, well kept and in good and safe working order.	Cont.	ISD	
Public Safety				
11	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
12	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				
13	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.	
14	The project must adhere to the Somerville noise ordinance. Construction can only take place Monday – Saturday 7am-7pm.	CO	ISD	



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 _____

