



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

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Case #: ZBA # 2012-77
Site: 29 Elmwood Street
Date of Decision: October 17, 2012
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: October 23, 2012

ZBA DECISION

Applicant Name:	Charles Casassa
Applicant Address:	17 Elmwood Street, Somerville, MA 02144
Property Owner Name:	Casassa Realty Trust
Property Owner Address:	17 Elmwood Street, Somerville, MA 02144
Agent Name:	N/A

Legal Notice: Applicant Charles Casassa and Owner Casassa Realty Trust, seek a Special Permit under SZO §4.4.1 to alter a nonconforming structure, including adding a dormer on the left side of an existing single-family dwelling, and a Special Permit under SZO §9.13.a to modify parking requirements for relief from two parking spaces to convert the structure into a two-family dwelling.

<u>Zoning District/Ward:</u>	RB zone/Ward 7
<u>Zoning Approval Sought:</u>	§4.4.1 & §9.13.a
<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 2012-77 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.



DESCRIPTION:

The Applicant/Owner would like to convert the existing single-family dwelling into a two-family structure by putting an addition on the back of the building and adding dormers onto each side of the roof. The front of the house would be altered to have two doorways, one that would lead directly into the first floor unit (Unit # 1) and a second doorway that would open to a stairway that would lead the upstairs unit (Unit # 2). The entire house would be renovated on the inside. For Unit # 1, the existing footprint of the building would be used for a living room, dining area, and kitchen. A rear, one story addition to the first floor would add a master bedroom, a full bathroom, a guest bedroom/study, and a small deck at the rear of the unit. The addition would have five skylights that would let in a substantial amount of natural light.

The second floor and attic space would be renovated and combined into a second unit at the property. The first floor of Unit # 2 would have a kitchen, dining area, living room, a bedroom, and a full bathroom. A second means of egress would lead out from the kitchen and exit out on the left side of the building. The former attic space would be converted into the master suite for Unit # 2 with a full on-suite bathroom and a loft/study area at the top of the landing. A small, 7 foot long dormer would be added to the left side of the existing structure to provide the appropriate headroom for the stairway that would lead to the third floor. A larger, 14 foot long dormer would be added to the right side of the building to provide additional living space in the master suite. This dormer on the right side could be constructed as-of-right but is part of the overall project design. Two skylights would also be added to the left side of the third story to increase the natural light into the master suite. There would be no additional parking added to the site as part of this proposal. The Applicant/Owner would occupy Unit # 1 and Unit # 2 would be rented out for extra income.

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

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."

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 alterations to the roof through the additions of dormers and skylights will still be in keeping with the roof styles of other structures in the surrounding neighborhood. While the dormer on the right side would be as-of-right, the length of this dormer is less than 50% of the roof line which will keep the building a 2½ story structure. The overall height of the building will remain the same and the entire structure will be resided to result in a cohesive look even though 739 square feet of new livable space will be added to the building. Further, the proposed project will maintain all other zoning dimensional compliance at the property including setbacks, landscaping at 45%, pervious area at 44%, Floor Area Ratio at 0.54, and ground coverage at only 34%. Additionally, the requested parking relief from two required off-street parking spaces for this proposal should only have a minimal impact to abutters and the surrounding neighborhood. While the property currently only has one legal off-street parking space according to the Somerville Zoning Ordinance, the existing driveway at the property is almost 50 feet long and three vehicles could most likely be parked in a tandem fashion in the driveway. Three off-street parking spaces would meet the parking requirements for the proposal when completed and the Board is therefore anticipating minimal, if any, impacts to the on-street parking situation in the surrounding neighborhood as a result of this proposal.

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 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 in which the residential building is located, (6.1.2. RB - Residence Districts), 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.a of the SZO the SPGA may grant such a Special Permit only when consistent with the purposes set forth in Section 9.1 which establishes standards ensuring the availability and safe use of parking areas within the City, and this proposal is also consistent with these purposes.

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 alterations to the roof through the additions of dormers and skylights have been designed to be compatible with the built and unbuilt surrounding area. There are a number of other structures in the surrounding neighborhood that have small shed dormers and the Applicant is proposing reasonably small ones for this project as well. The dormer on the left side of the structure is only large enough to meet the headroom requirements for the stairway leading to the third floor. Additionally, while the dormer on the right side would be as-of-right, the length of this dormer is less than 50% of the roof line which will keep the building a 2½ story structure, which is the height of many buildings in the surrounding area. The project will create a two-family dwelling used for residential purposes which is consistent with the surrounding area.

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 project. 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 proposal. Additionally, by not paving more area at the rear of the property to provide additional parking spaces, the Applicant is preserving a substantial amount of landscaping and pervious area at the property. The project will create a two-family dwelling used for residential purposes which is consistent with the surrounding area.

6. Vehicular and Pedestrian Circulation: The circulation patterns for motor vehicles and pedestrians which would result from relief of two parking spaces for the subject property does not suggest a change in conditions that create traffic congestion or the potential for traffic accidents on the site or in the surrounding area.

The requested relief from the two additional required off-street parking spaces for this proposal should only have a minimal impact to abutters and the surrounding neighborhood. While the property currently only has one legal off-street parking space according to the Somerville Zoning Ordinance, the existing driveway at the property is almost 50 feet long and three vehicles could most likely be parked in a tandem fashion in the driveway. Three off-street parking spaces would meet the parking requirements for the proposal when completed and the Board is therefore anticipating minimal, if any, impacts to the on-street parking situation in the surrounding neighborhood as a result of this proposal.

The Traffic & Parking Department requested a Parking Memorandum that discussed the parking impacts of providing the two off-street parking spaces of relief for this proposal on the surrounding neighborhood’s on-street parking situation. The memorandum submitted by Design Consultants, Inc. dated October 15, 2012 was acceptable to the Traffic & Parking Department. In reviewing this memorandum, the Traffic & Parking Department had no



objections to the Applicant’s request for relief from two (2) required off-street parking spaces as part of this project. Traffic & Parking concurred that the surrounding neighborhood’s public parking supply can meet the demands of two (2) off-street parking spaces not being supplied by the project. However, there will be a slight increase in the traffic congestion and vehicle delay in this neighborhood due to this factor. Also, there will be a slight decrease in both pedestrian and vehicle safety as vehicles circulate the public ways of this neighborhood seeking available parking spaces. To alleviate this condition and promote a safe comprehensive transportation network in this neighborhood, traffic mitigation was required. Traffic & Parking recommended traffic mitigation in the form of two (2) Pedestrian Impact Recovery Systems to be purchased by the Applicant and delivered to Traffic & Parking. These traffic control devices will be installed along pedestrian corridors in the immediate area, thereby increasing pedestrian safety as a result of the slight increase in vehicle congestion and delay caused by not providing the two (2) off street parking spaces.

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. Danielle Evans 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 to alter a nonconforming structure, including adding a dormer on the left side of an existing single-family dwelling, under SZO §4.4.1 and for relief from two off-street parking spaces under SZO §9.13.a to convert the structure into a two-family dwelling. 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>(September 18, 2012)</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>September 26, 2012 (October 9, 2012)</td> <td>Plot Plan</td> </tr> <tr> <td>(October 9, 2012)</td> <td>Elmwood Street Addition & Renovation (Cover Sheet)</td> </tr> <tr> <td>September 17, 2012 (October 9, 2012)</td> <td>Existing and Proposed Floor Plans and Elevations (A.01 – A.04)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	(September 18, 2012)	Initial application submitted to the City Clerk’s Office	September 26, 2012 (October 9, 2012)	Plot Plan	(October 9, 2012)	Elmwood Street Addition & Renovation (Cover Sheet)	September 17, 2012 (October 9, 2012)	Existing and Proposed Floor Plans and Elevations (A.01 – A.04)
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Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.														
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	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	
4	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
5	The Applicant or Owner shall replace the tree in the backyard that is scheduled for removal with a new 3.5" caliper tree.	CO	PIng.	
6	New siding type and color, roofing, trim, and materials of the addition shall match or be complimentary to the rest of the existing structure.	CO	PIng.	
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	PIng.	
9	The Applicant shall purchase and deliver to the City's Traffic & Parking Department two (2) Pedestrian Impact Recovery Systems for the City to install at nearby intersections in the surrounding neighborhood to promote a safe transportation network.	CO	T&P	

Attest, by the Zoning Board of Appeals:

Herbert Foster, *Chairman*
Orsola Susan Fontano, *Clerk*
Richard Rossetti
Danielle Evans
Elaine Severino (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 _____

