



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2014-55
Site: 22-24 Hamlet Street
Date of Decision: August 20, 2014
Decision: Petition Approved with Conditions
Date Filed with City Clerk: August 25, 2014

ZBA DECISION

Applicant Name:	Boris Kuritnik & Alexander Kuritnik
Applicant Address:	187 Green Street, Jamaica Plain, MA 02130
Property Owner Name:	Boris Kuritnik & Alexander Kuritnik
Property Owner Address:	187 Green Street, Jamaica Plain, MA 02130
Agent Name:	Richard G. DiGirolamo, Esq.
Agent Address:	424 Broadway, Somerville, MA 02145

Legal Notice: Applicant and Owners, Boris & Alexander Kuritnik, seek a Special Permit per SZO §4.4.1 to expand a nonconforming structure and SZO §4.5.1 to expand a nonconforming use to enlarge an existing 4 unit building from 1 bedroom units to 3 bedroom units.

<u>Zoning District/Ward:</u>	RA zone/Ward 3
<u>Zoning Approval Sought:</u>	§4.4.1 & §4.5.1
<u>Date of Application:</u>	May 20, 2014
<u>Date(s) of Public Hearing:</u>	7/16, 8/6, 8/20/14
<u>Date of Decision:</u>	August 20, 2014
<u>Vote:</u>	5-0

Appeal #ZBA 2014-55 was opened before the Zoning Board of Appeals at Somerville City Hall on July 16, 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
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DESCRIPTION:

The proposal is to add a large addition to the rear of the property to make all four units 3-bedroom units. The addition will be a mansard to match the existing roof type. The shed will be demolished. The front of the property will be landscaped with hedges, lawn, and perennials. The rear of the property will have a small lawn, deciduous and coniferous trees, and permeable parking areas. The driveway will now lead to four parking spaces in the rear of the property. The site will have a board fence with a lattice topper on the side and rear lot lines.

FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1 & §4.5.1):

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 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 a lawfully existing nonconforming structure may be enlarged, extended, renovated, or altered by Special Permit. Section 4.5.3 of the SZO allows expansion of lawfully existing nonconforming uses by Special Permit. The addition requires a Special Permit under both sections because it is a structural change to a 4-family structure and an expansion of use.

No parking relief is required as part of this application. The current parking requirement is 6 spaces. The new parking requirement for 3 bedrooms is 8 spaces. Section 9.4 of the SZO requires additions to be compliant when the current parking layout is nonconforming. Two additional spaces are required and 4 are being provided. One will be for each unit. No visitor parking is required.

In considering a special permit under §4.4 and 4.5 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 I, 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 conserve the value of land and buildings; to preserve the historical and architectural resources of the City; and to encourage housing for persons of all income levels.

The purpose of the district is, "to establish and preserve quiet neighborhoods of one- and two-family homes, free from other uses except those which are both compatible with and convenient to the residents of such districts." This proposal is consistent with the intent for residential uses in the district and will maintain the existing four unit building.

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 immediate neighborhood is predominantly residential, with a mix of single- and two-family homes. The surrounding homes are typically 2½ story structures with gable/hip and mansard roofs and a variety of dormer types. The property does back up to a high rise residential structure owner by the Somerville Housing Authority.

There are little to no impacts to the proposal. The design is compatible with the neighborhood and existing property.

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.*

Post construction the site will be more conforming to the parking requirement than the current building.

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

The proposal will replace 1 bedroom units with 3 bedroom units. It can be assumed that the condition of this property and the size of the units (averaging 615 net square feet) made them affordable. However, 4, 3-bedroom units of modest size are proposed in place. These units can expand affordable housing options for families.

7. 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.*

Three bedroom units in this location versus one bedroom units will increase the diversity of housing type.



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 to expand a nonconforming structure and use to enlarge an existing 4 unit building from 1 bedroom units to 3 bedroom units. 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>May 20, 2014</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>(July 9, 2014)</td> <td>Modified plans submitted to OSPCD (A-000 Cover, Z-001 Site Context, SHD Shadow, Landscape Plan, Plan of Land Existing Conditions, Plan of Land Proposed Conditions, EX-100 Existing Plans, EX-101 Existing Plans, EX-300 Existing Elev, A-010 Site Plan, A-100 Basement & First Floor Plan, A-101 Second Floor & Roof Plans, A-111 Perspectives, A-300 Elev, A-301 Elev, A-303 Perspectives)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission
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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.			
Construction Impacts						
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 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				
5	Applicant shall provide final material samples for siding, trim, windows, and doors to Planning Staff for review and approval prior to construction.	BP	Plng.	
6	The pediment above the front doors shall be maintained.	CO	Plng.	
7	The dormer windows on the mansard addition shall match in detail to the existing structure. Detail plans to be submitted to Planning Staff for review.	BP	Plng.	
8	An exterior light and electrical receptacle is required for the first level of the porch.	Final sign off	Wiring Insp	
Site				
9	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards; and in accordance with SZO §10.2.2 and §10.6.2	Perpetual	Plng. / ISD	
10	Applicant will resubmit landscaping plan showing trash barrel area with screening.	CO	Plng.	
Miscellaneous				
11	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				
12	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
13	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				
14	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.	
15	The Applicant shall not start construction prior to 8:00am	Cont.	Plng.	
16	The Applicant shall work with certified arborist to conserve white pine prior to any paving on site. A summary of conservation efforts will be sent to Planning Staff for review.	BP	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 _____

