



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

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Case #: ZBA 2014-76
Site: 121 Hancock Street
Date of Decision: September 3, 2014
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: September 5, 2014

ZBA DECISION

Applicant Name:	Nardelli Enterprises, Inc.
Applicant Address:	267 N. Beacon Street, Brighton, MA 02135
Property Owner Name:	Mario Sorrenti
Property Owner Address:	P.O. Box 760687, Melrose, MA 02176
Agent Name:	Antonio Nardelli
Agent Address:	267 N. Beacon Street, Brighton, MA 02135

Legal Notice: Applicant Nardelli Enterprises Inc., and Owner, Mario Sorrenti, seek a Special Permit per SZO §4.4.1 to expand a nonconforming FAR by providing living area in the basement, a rear addition on a nonconforming side yard setback, new egress stairs on a conforming side yard, and window and door alterations. The Applicant also seeks an expansion of a nonconforming use per SZO §4.5.3 to finish the basement, unit count will be reduced from 6 to 4.

<u>Zoning District/Ward:</u>	RA Zone. Ward 5.
<u>Zoning Approval Sought:</u>	§4.4.1 & §4.5.3
<u>Date of Application:</u>	July 29, 2014
<u>Date(s) of Public Hearing:</u>	September 3, 2014
<u>Date of Decision:</u>	September 3, 2014
<u>Vote:</u>	5-0



Appeal #ZBA 2014-76 was opened before the Zoning Board of Appeals at Somerville City Hall on September 3, 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 proposal is to change the building from 6 to 4 units. The garage will be demolished and a rear addition will be added where the decks once stood. The fire escape on the right sideyard will be removed. The basement will be finished into Unit 1, accessed from Lexington Street. The other three units will be accessed from Hancock Street. Unit 2 will be on the first floor unit accessed from an existing front door. The second and third floor units will be accessed from a second existing front door. Units 3 & 4 will be townhome style units. One unit will be in the front of the house on Levels 2 & 3 and the other unit in the back half of the house on Levels 2 & 3. Unit 3 will have a new emergency egress on the left side of the home.

FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1 & §4.5.3):

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."*

According to SZO §4.4.1 lawfully existing nonconforming structures may be enlarged, extended, renovated or altered only by Special Permit. In addition, expansion, alteration, enlargement or extension of a lawfully existing nonconforming use shall be permitted only by Special Permit. The alterations to the envelope of the home including the rear addition, side egress, and increased FAR require a Special Permit. Although the home is going from 6 to 4 units, the expansion of living area for a nonconforming unit count also requires review.

In considering a special permit under §4.4 and 4.5 of the SZO, the Board finds that the alterations and use proposed would not be substantially more detrimental to the neighborhood than the existing structure and use.

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 secure safety from fire, panic and other dangers; to prevent the overcrowding of land; and to avoid undue concentration of population.

The proposal is achieving more consistency with the purpose of the district, which 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." By reducing the unit count from 6 to 4 units it will be more consistent with the neighborhood. The alterations to accommodate the unit count are contextual to the neighborhood.



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 one-, two-, and three-family units. The neighborhood has quick access to Davis Square either by Highland Avenue or the Community Path. The subject property is across the street from Lexington Park. It is assumed that improvements to the current condition of the property will benefit neighbors and users of the park.

There are little to no impacts to the proposal. The project will increase the density of the neighborhood and bring it more in context to the homes on the street. The alterations being done to the home are minor and are typical alterations to homes in the neighborhood.

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

The proposal will replace 6 units with 4 units. It can be assumed that smaller units made them more affordable. However, 4 units in a variety of sizes are proposed in place. These units can diversify the options for housing. The approval of the proposed project will also add 4 units back into the housing supply since the current structure is not habitable.

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.*

<u>SomerVision Summary</u>	<i>Existing</i>	<i>Proposed</i>
<i>Dwelling Units:</i>	6	4
<i>Affordable Units:</i>	0	0
<i>Commercial Sq. Ft.:</i>	0	0
<i>Estimated Employment:</i>	0	0
<i>Parking Spaces:</i>	2	2
<i>Publicly Accessible Open Space:</i>	0	0

The project complies with the SomerVision plan because it will further preserve the character of Somerville's neighborhoods.



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 the Special Permit per SZO §4.4.1 to expand a nonconforming FAR by providing living area in the basement, a rear addition on a nonconforming sideyard setback, new egress stairs on a conforming sideyard, and window and door alterations. The Applicant also seeks an expansion of a nonconforming use per SZO §4.5.3 to finish the basement, unit count will be reduced from 6 to 4. 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>July 29, 2014</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>(August 27, 2014)</td> <td>Modified plans submitted to OSPCD (Existing Plans - Site, Basement, First, Second, and Third Floor, Proposed Plans – Site, Ground (Basement), First, Second, Third, Side Egress, Proposed Rear Elevation, Landscape Plan)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	July 29, 2014	Initial application submitted to the City Clerk's Office	(August 27, 2014)	Modified plans submitted to OSPCD (Existing Plans - Site, Basement, First, Second, and Third Floor, Proposed Plans – Site, Ground (Basement), First, Second, Third, Side Egress, Proposed Rear Elevation, Landscape Plan)
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Any changes to the approved (site plan or elevations & use) that are not <i>de minimis</i> must receive SPGA approval.										
Affordable Housing										
2	The Applicant must go before the Condo Review Board since 2 rental units are being removed. Applicant shall contact the Housing Department for more information.	BP	Housing							
Pre-Construction										
3	The Applicant must contact the Engineering Department to obtain a street address prior to a building permit being issued.	BP	Eng.							
4	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.							



5	The Applicant shall develop a demolition plan for the garage in consultation with the City of Somerville Inspectional Services Division. Full compliance with proper demolition procedures shall be required, including timely advance notification to abutters of demolition date and timing, good rodent control measures (i.e. rodent baiting), minimization of dust, noise, odor, and debris outfall, and sensitivity to existing landscaping on adjacent sites.	Demolition Permitting	ISD	
Construction Impacts				
6	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	
7	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				
8	Applicant shall provide final material samples for siding, trim, windows, and doors to Planning Staff for review and approval prior to construction. The building shall be wood siding and/or shingles or cementitious material. No vinyl siding shall be permitted.	BP	Plng.	
Site				
9	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD	
10	The Applicant will install one additional tree on site or install a street tree on the Lexington Avenue frontage.	CO	Plng.	
11	The Applicant shall incorporate 2 U-shaped bicycle racks in the landscaping plan. The landscape plan will be submitted to Planning Staff for review and approval.	CO	Plng.	
Miscellaneous				
12	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				
13	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
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.	



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 _____

