



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

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JOSH SAFDIE (ALT.)

Case #: ZBA 2014-124
Site: 200 Highland Avenue
Date of Decision: April 15, 2015
Decision: Petition Approved with Conditions
Date Filed with City Clerk: April 16, 2015

ZBA DECISION

Applicant Name:	SBN, LLC
Applicant Address:	205 Walden Street, Cambridge, MA 02140
Property Owner Name:	SBN, LLC
Property Owner Address:	205 Walden Street, Cambridge, MA 02140
Agent Name:	Sarah Like Rhatigan, Esq.
Agent Address:	Trilogy Law, LLC, 12 Marshall Street, Boston, MA 02108

Legal Notice: Applicant and Owner, SBN, LLC, seek a Special Permit to make alterations to a nonconforming 4-family structure including changing fenestration, adding balconies and decks, and adding a garage door to interior parking on Spring Hill Terrace*.

<u>Zoning District/Ward:</u>	RC zone/Ward 3
<u>Date of Application:</u>	December 18, 2014
<u>Date(s) of Public Hearing:</u>	1/21, 2/4, 2/18, 3/4, 3/18, 4/1 & 4/15/15
<u>Date of Decision:</u>	April 15, 2015
<u>Vote:</u>	5-0

* The approved project does not include onsite parking.

Appeal #ZBA 2014-124 was opened before the Zoning Board of Appeals at Somerville City Hall on January 21, 2015. 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 seven hearings 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 renovate the four-family dwelling including alterations to the fenestration and addition of balconies and decks. The front entry for all of the units will be moved off of the façade that is directly on the sidewalk to the front façade that is setback from the sidewalk. There will be a canopy to mark the entry. Two balconies and three decks will be added to the structure. One of the balconies will be created by installing a gable dormer on the left side of the property. The other decks and balconies will be on existing flat roofs. The rear deck is ten feet deep and has an evergreen plant screen at its rear edge. Most of the rear one-story of the building would be used for storage.

Currently there is a one-, two-, three- and four-unit bedroom in the house. The proposal will convert the units to 2 two-bedrooms and 2 three-bedrooms.

FINDINGS FOR SPECIAL PERMIT:

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."*

The addition will alter the house along the nonconforming side and rear yards. The structure has only slight side yard setbacks at 0.3 and 1.1 feet and the requirement in the district is 10 feet for a three-story structure. The rear yard is 0.8 and the proposed deck railing will be setback from the rear property line, projecting 10 feet from the main body of the house. The required setback is 14 feet due to the shallow lot reduction.

This alteration to a nonconforming structure requires the Applicant to obtain special permits under §4.4.1 of the Somerville Zoning Ordinance (SZO). Section 4.4.1 states that "[l]awfully existing one-and two-family dwellings which are only used as residences, which are nonconforming with respect to dimensional requirements, may be enlarged, extended, renovated or altered by special permit granted by the SPGA in accordance with the procedures of Article 5."

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 addition has been designed with setbacks that minimally impact the neighbor and the lot area, lot area per dwelling unit, ground coverage, landscaped area, pervious coverage will not become more nonconforming as a result of this application. The floor area ratio and height will continue to be conforming to the requirements of the SZO.

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 maintaining the uniquely integrated structure of uses in the City.



The proposal is consistent with the purpose of the Residence C district, which is, “[t]o establish and preserve a district for multi-family residential and other compatible uses which are of particular use and convenience to the residents of the district.” The proposal alters the four-family structure to improve the interior and exterior use of the multi-family house.

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 will improve appearance of the house that currently has asphalt shingles and red brick on the front and vinyl siding and beige brick on the sides. The siding will be clapboards on the first three floors and cedar shingles on the half-story. The relocation of the main entry will be in a more appropriate location for all of the units. The existing front door and side doors that are located directly on the sidewalk will be removed. The entry will be marked with appropriately sized columns so that it is noticeable and attractive. The decks and balconies will add outdoor space for the units. The property is located next to the large open space in front of the Little Sisters of the Poor and a street on the opposite side. There are no buildings that are within close proximity to the proposed balconies and decks except for the single-family to the rear. There is a driveway located between the properties, which is a common setback distance between rear decks and structures in the City; however, the property owner was send notice of the hearing and can participate if the deck is a concern.

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

The number of units is not changing and these units are currently not restricted as affordable units through the City. The improvements to the four-family dwelling will likely increase the cost of living in the units. Although, the alterations proposed are unreasonable requests and will improve the usability of the space and appearance of the building.

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.*

This property is marked as an area to enhance and the proposal meets this goal.

<u>SomerVision Summary</u>	<i>Existing</i>	<i>Proposed</i>
<i>Dwelling Units:</i>	4	4
<i>Parking Spaces:</i>	0	0



DECISION:

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Danielle Evans , Elaine Severino and Josh Safdie. Upon making the above findings, Richard Rossetti made a motion to approve the request for a Special Permit. Elaine Severino 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	<p>Approval is for the alteration of a four-family house. This approval is based upon the following application materials and the plans submitted by the Applicant:</p> <table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>Dec 18, 2014</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>Dec 18, 2014</td> <td>Plans submitted to OSPCD (Sheet A-1-A-2 Existing Floor Plans, A-3-A-4 Existing Elevations,)</td> </tr> <tr> <td>Apr 8, 2015</td> <td>Plans submitted to OSPCD (Sheet A-5-A-6 Proposed Floor Plans, A-7-A-8 Proposed Elevations)</td> </tr> <tr> <td>Aug 6, 2014</td> <td>Plans submitted to OSPCD (Certified Plot Plan)</td> </tr> </tbody> </table> <p>Any changes to the approved elevations that are not <i>de minimis</i> must receive SPGA approval.</p>	Date (Stamp Date)	Submission	Dec 18, 2014	Initial application submitted to the City Clerk’s Office	Dec 18, 2014	Plans submitted to OSPCD (Sheet A-1-A-2 Existing Floor Plans, A-3-A-4 Existing Elevations,)	Apr 8, 2015	Plans submitted to OSPCD (Sheet A-5-A-6 Proposed Floor Plans, A-7-A-8 Proposed Elevations)	Aug 6, 2014	Plans submitted to OSPCD (Certified Plot Plan)	BP/CO	ISD/ Plng.	
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2	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											
3	Siding type and color, roofing, trim, and materials of the structure shall match or be complimentary on the entire structure.	CO	Plng.											
4	There shall be no mechanical equipment installed on the flat roof in rear yard.	Continuous	ISD											
5	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:

Orsola Susan Fontano, *Chairman*
Richard Rossetti, *Clerk*
Danielle Evans
Elaine Severino
Josh Safdie (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 _____

