



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

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Case #: ZBA 2014-118
Site: 25 Ivaloo Street
Date of Decision: January 7, 2015
Decision: Petition Approved with Conditions
Date Filed with City Clerk: January 9, 2015

ZBA DECISION

Applicant Name:	Richard Williams & Jeane Segal
Applicant Address:	25 Ivaloo Street, Somerville, MA 02143
Property Owner Name:	Richard Williams & Jeane Segal
Property Owner Address:	25 Ivaloo Street, Somerville, MA 02143
Agent Name:	N/A

Legal Notice: Applicant and Owner, Richard Williams and Jeane Segal, seek Special Permits under SZO§4.4.1 to alter a non-conforming structure to create a new single-family dwelling, and under SZO 9.13.a for one space of parking relief. RB zone. Ward 2.

<u>Zoning District/Ward:</u>	RB zone/Ward 2
<u>Zoning Approval Sought:</u>	§4.4.1 & §9.13.a
<u>Date of Application:</u>	December 3, 2014
<u>Date(s) of Public Hearing:</u>	January 7, 2015
<u>Date of Decision:</u>	January 7, 2015
<u>Vote:</u>	5-0

Appeal #ZBA 2014-118 was opened before the Zoning Board of Appeals at the Visiting Nurse Association on January 7, 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 one hearing of deliberation, the Zoning Board of Appeals took a vote.



DESCRIPTION:

Due to structural issues with regard to the existing foundation and framing system as well as the location of the water table at this low elevation, the Applicant proposes to essentially demolish the existing structure and rebuild a new single-family dwelling with three bedrooms and one parking space. This building would be two-story Mansard roof cottage with more ornate architectural detail than the current dwelling. The Applicant has received approval from the Historic Preservation Commission to demolish the building, as a result of the existing conditions.

The new building will be very similar to the existing but have a slightly larger footprint to incorporate a projecting circular bay at the corner of the site and a square bay along Harrison. The architectural detail will be enhanced to be consistent with the neighborhood. The ground coverage will increase slightly to 45.5% while the landscape and pervious area will be reduced slightly from 51% to 46%. The net floor area is 2,116 square feet with a 0.9 floor area ratio. The building height will remain the same at 26 feet while the setbacks will remain non-conforming. The front yard setback will remain at 8'; the rear setback will remain at 10'; the left side yard setback will also remain at 1.5' and the right side yard setback varies between 5' and 15' due to the shape of the parcel.

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."*

Under SZO §4.4.1, an existing single or two-family dwelling may alter a nonconformity through the granting of a Special Permit. As a portion of this building will be retained, the changes that are proposed are considered as alteration to a non-conforming structure.

Under SZO §9.13.a, as the existing parking situation is non-conforming, the project may request to modify the parking requirement. Three bedrooms require two parking spaces; therefore the Applicant requests a Special Permit for one space of parking 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. The changes proposed will rehabilitate this site through providing a more functional building. The addition of architectural features, such as the projecting circular and square bays, ornamental windows, and deck areas will serve to activate this unique corner.

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 protect health; to secure safety from fire, panic and other dangers; to provide adequate light and air; 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 consistent with the purpose of the RB district, §6.1.2, 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 parking situation is not proposed to change as a result of this proposal. The curb cut will remain at the same location and the parking space will be dimensionally compliant. There is no risk to circulation of the site, pedestrians, nor other vehicles.

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 combination of single and two-family homes as well as apartments and Cambridge is also within walking distance. The surrounding dwellings vary in height from two to four stories with gable, mansard, and flat roofs.

The new dwelling will enhance the streetscape through the contextual architectural detail as well as the projecting bays, decks, and landscaping. The footprint will increase slightly; however, the parking, height, and number of dwelling units will remain the same.

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.*

The proposal would not result in an adverse impact on the surrounding residential area. The site plan enhances the existing landscape and increases the contextual building features.

6. 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.*

The vehicular circulation is not proposed to change and the pedestrian circulation will be enhanced to include a walkway.

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	1
<i>Affordable Units:</i>	0	0



Parking Spaces:	1	1
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The subject proposal will preserve and enhance the character of Somerville’s neighborhood by retaining the form, massing, and number of dwelling units at the subject location. The new dwelling will incorporate appropriate architectural detail that is contextual to the neighbor and rehabilitate this parcel through creating a functional and energy efficient building that incorporates decks and landscaping.

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 Special Permits under SZO§4.4.1 to alter a non-conforming structure to create a new single-family dwelling, and under SZO 9.13.a for one space of parking relief. 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>(December 3, 2014)</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>October 28, 2014 (December 16, 2014)</td> <td>Plans submitted to OSPCD (A-0, A-01, A-2, A-3)</td> </tr> <tr> <td>March 1, 2011 (December 16, 2014)</td> <td>Plot plan submitted to OSPCD</td> </tr> <tr> <td>(December 16, 2014)</td> <td>Landscape plan & fencing details submitted to OSPCD</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	(December 3, 2014)	Initial application submitted to the City Clerk’s Office	October 28, 2014 (December 16, 2014)	Plans submitted to OSPCD (A-0, A-01, A-2, A-3)	March 1, 2011 (December 16, 2014)	Plot plan submitted to OSPCD	(December 16, 2014)	Landscape plan & fencing details submitted to OSPCD
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Any changes to the approved site plan or 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 must be submitted to the Engineering Department for review and approval.	BP	Eng.											



3	The Applicant shall develop a demolition plan 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				
4	The applicant shall post the name and phone number of the general contractor at the site entrance where it is visible to people passing by.	During Construction	Plng.	
5	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	
6	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				
7	Applicant shall provide final material samples for siding, trim, windows, and doors to Planning Staff for review and approval prior to construction.	BP	Plng.	
8	If required by building code, the ornamental windows on the non-conforming left side shall be removed or relocated and new plans shall be submitted to Planning Staff prior to receiving a Building Permit.	BP	Plng.	
9	An exterior light and electrical receptacle is required for the first (or all) level of the porch and an electrical receptacle is required for the second level (if there is no access to the ground).	Final sign off	Wiring Inspector	
Site				
10	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD	
11	The electric, telephone, cable TV and other such lines and equipment shall be placed underground from the source or connection. The utilities plan shall be supplied to the Wiring Inspector before installation.	Installation of Utilities	Wiring Inspector	
12	If damaged, new sidewalks will be installed by the Applicant in accordance with the specifications of the Highway Superintendent. Specifically, all driveway aprons shall be concrete;	CO	Plng.	
Public Safety				
13	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	



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14	Notification must be made, within the time period required under applicable regulations, to the Massachusetts Department of Environmental Protection (DEP) if there is any release of oil, hazardous materials, or regulated hazardous substances at the site. The City's OSE office, Fire Department and the Board of Health shall also be notified.	CO	OSE/FP/B OH	
15	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.	
16	The Applicant shall provide notice of intent to strictly comply with applicable State and Federal regulations regarding air quality including without limitation continuous dust control during demolition and construction.	CO	Plng/OSE	
Final Sign-Off				
17	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 _____

