



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2014-56-R1-9/2015
Site: 204 Morrison Avenue
Date of Decision: October 21, 2015
Decision: Revision Approved
Date Filed with City Clerk: October 29, 2015

ZBA DECISION

Applicant Name:	Ronald & Linde Dynneson
Applicant Address:	221 Morrison Avenue, Somerville, MA 02144
Property Owner Name:	Ronald & Linde Dynneson
Property Owner Address:	221 Morrison Avenue, Somerville, MA 02144
Agent Name:	N/A

Legal Notice: Applicants and Owners, Ronald and Linde Dynneson, seek a revision, SZO §5.3.8 to case ZBA 2014-56 to increase the amount of impervious area originally approved for the project. The original approval was for a Special Permit with Design Review under SZO §7.11.3.g for a change in use to a Historic Bed and Breakfast. The Applicants also received a Special Permit under SZO §4.4.1 to alter a non-conforming structure, which included the addition of dormers and an enlargement of the existing rear addition.

<u>Zoning District/Ward:</u>	RA zone/Ward 6
<u>Zoning Approval Sought:</u>	Revision to Special Permit #ZBA 2014-56
<u>Date of Application:</u>	September 17, 2015
<u>Date(s) of Public Hearing:</u>	10/7 & 10/21/15
<u>Date of Decision:</u>	October 21, 2015
<u>Vote:</u>	5-0

Appeal #ZBA 2014-56-R1-9/2015 was opened before the Zoning Board of Appeals at Somerville City Hall on October 7, 2015. Notice of the Public Hearing was given to persons affected and was published and posted, all as



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required by M.G.L. c. 40A, sec. 11 and the Somerville Zoning Ordinance. After two hearings of deliberation, the Zoning Board of Appeals took a vote.

DESCRIPTION:

Since the October 7, 2015, ZBA hearing, the Applicants have submitted a new proposal to address the concerns of Planning Staff and the ZBA. See **Fig. A** immediately below this explanatory text. The Applicants propose to increase the pervious paver area to coincide with the ZBA's request on October 7, 2015, to be flush with the rear line of the porch stairs located on the right side of the driveway. This will "square off" the paver area and will be completed forthwith. The Applicants propose to pave the handicapped parking space and the walkway from this space to the handicapped entry and to the patio with asphalt. This will be done forthwith.

The Applicants propose to leave the remaining 3 parking spaces and the patio area as gravel until spring, 2016. In the spring, the Applicants propose to complete the patio area with pavers as originally approved by under the 2014 Special Permit. The Applicants propose to either leave the remaining 3 parking spaces as gravel after Spring, 2016 or cover the spaces with pavers.

FINDINGS FOR REVISION TO SPECIAL PERMIT:

In order to grant a special permit with site plan review, the SPGA must make certain findings and determinations as outlined in §5.3.8 of the SZO. This section of the report goes through §5.3.8 in detail.

IV. Information Supplied: The information supplied is sufficient to evaluate the proposal.

- The Board finds that the information supplied is sufficient to evaluate the proposal.

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."

- A revision to a special permit is allowed if the final signoff and certificates of occupancy have not yet been issued which is the case for this project. Changes that are not *de minimis* must go back to the special permit granting authority for approval. The Board deems this revision to be greater than the *de minimis* requirements under §5.3.8 and the request is before the ZBA for a public hearing.
- The Board has determined that this October 13, 2015 revision to the pervious and impervious areas of the parcel to be substantial in nature and this site improvement work contributes to the overall support for the redevelopment of this property into an historic B&B.

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 October 13, 2015 revised plan shown in **Fig. A** (see Staff report) is consistent with the City's comprehensive plan, SomerVision. As one of the plan's policies is to protect neighbors from the adverse environmental impacts of decisions made by individual property owners, the Applicant's new proposal to keep the three parking spaces covered with pervious material and increase the use of pavers up the driveway helps meet this goal.



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 October 13, 2015 revised plan shown in **Fig. A** will increase the ability for storm water to naturally percolate into the ground. With only using asphalt for the handicapped parking space and the walkway to the handicapped entrance and patio, the heat island effect introduced in the prior set of plans will be diminished. The October 13, 2015 revised plan is more in keeping with a site housing an historic B&B.
- The Applicant installed a drywell without the required permits, reviews and inspections from the Engineering Department. While the intent of this drywell is to mitigate storm water impact, it is necessary that the Engineering Department review the drywell proposal, inspect the installation and determine the efficacy of its placement and construction to handle storm water volumes. After Staff spoke with Engineering, including the director, it was confirmed the Applicants must comply with the initial determinations in the 2014 ZBA decision which includes meeting with the Engineering Director to discuss the project, obtain the appropriate permits, inspections, and sign-offs. This requirement is underscored again in the Conditions section of this Staff Report.



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	Applicants and Owners, Ronald and Linde Dynneson, seek a revision, SZO §5.3.8 to case ZBA 2014-56 to increase the amount of impervious area originally approved for the project. The original approval was for a Special Permit with Design Review under SZO §7.11.3.g for a change in use to a Historic Bed and Breakfast. The Applicants also received a Special Permit under SZO §4.4.1 to alter a non-conforming structure, which included the addition of dormers and an enlargement of the existing rear addition. RA zone. Ward 6.	CO / BP	ISD/Plng.													
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Any changes to the approved site plan, elevations, & use that are not <i>de minimis</i> must receive SPGA approval.																
Use																
2	The Historic B&B use is contingent upon completion of the historic designation process, a vote of the Board of Alderman.	CO	Plng.													
Pre-Construction																



3	The Applicant will be required to demonstrate that the updated project plans meet the current City of Somerville storm water policy. Full site and civil plans must be submitted to the Engineering Department for review and approval.	Prior to CO	Eng.	
Construction Impacts				
4	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	
5	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				
6	New siding type and color, roofing, trim, and materials of the dormers and rear addition shall match or be complimentary to the existing historic structure.	BP	Plng.	
7	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				
8	Utility cords and equipment affixed to the historic building shall be painted to match the exterior or screened from view.	CO	Plng.	
9	The Applicant will accommodate bike parking in shed.	CO	Plng.	
Traffic & Parking				
10	The fencing that surrounds the parking area shall incorporate climbing vegetation to further mitigate view of vehicles.	In perpetuity	Plng./ISD	
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	The Applicant shall suppress the building with sprinklers.	CO	FP	
14	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.	
Additional Conditions				



15	The non-handicapped parking area shall remain gravel through the winter. It may remain gravel thereafter or covered with pervious pavers.	June 1, 2016	Plng. & ISD	
16	The Applicant shall meet with engineering staff and resolve all issues surrounding the non-permitted and non-inspected drywell.	CO	Eng., ISD, & Plng.	
17	The handicapped parking space and the path from this space to the handicapped entrance and to the patio will be paved forthwith.	CO	ISD & Plng.	
18	The Applicant shall meet with the Director of Engineering to discuss the storm water mitigation plan. Applicant shall obtain the proper permits, reviews and inspections required by Engineering.	Co	Eng., ISD, & Plng.	
19	The parking area may remain gravel or changed to pervious pavers, but this area shall never be covered by asphalt or similar.	Plng.	ISD	
20	Planning Staff shall work with Engineering to ensure Applicant compliance with storm water management concerns including drywell.	CO	Eng., ISD & Plng.	
Final Sign-Off				
21	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.	
22	As part of the Bed & Breakfast use, an on-site innkeeper/operator shall be present overnight and for breakfast (at a minimum) every day. The Applicant will submit letter notifying Staff of innkeeper prior to final Certificate of Occupancy.	CO	ISD/Plng.	

Attest, by the Zoning Board of Appeals:

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

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 _____

