



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
JOSEPH A. CURTATONE
MAYOR

PLANNING DIVISION

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JOSH SAFDIE (ALT.)

Case #: ZBA # 2011-96
Site: 15 Park Place
Date of Decision: January 18, 2012
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: January 25, 2012

ZBA DECISION

Applicant Name:	Vladimir Pezel & Aleksandra Pezel
Applicant Address:	11B Baldwin Street, Newton, MA 02458
Property Owner Name:	Vladimir Pezel & Aleksandra Pezel
Property Owner Address:	11B Baldwin Street, Newton, MA 02458
Agent Name:	Declan Keefe, Placetaylor, Inc.
Agent Address:	67 Dudley Street, Roxbury, MA 02135

Legal Notice: Applicants and Owners, Vladimir and Aleksandra Pezel, seek a Special Permit to alter a nonconforming structure under SZO §4.4.1 in order to convert a garage into a 2 ½ story single-family dwelling.

<u>Zoning District/Ward:</u>	RB zone/Ward 2
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	November 29, 2011
<u>Date(s) of Public Hearing:</u>	January 18, 2012
<u>Date of Decision:</u>	January 18, 2012
<u>Vote:</u>	5-0

Appeal #ZBA 2011-96 was opened before the Zoning Board of Appeals at Somerville High School Auditorium on January 18, 2012. 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.



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DESCRIPTION:

The proposal is to alter the garage to become a 2 ½ story single-family dwelling. The existing footprint of the garage is not proposed to change in order to convert the garage to a residence.

The total net square feet will be approximately 1,500. The first floor will contain a two-car parking garage, kitchen, bathroom and living room, and the second floor will contain three bedrooms and two bathrooms.

There will be a one-story deck at the entrance to the building that projects into the side yard.

The site will include a rounded permeable driveway/plaza with a walkway at the outer edge of the driveway to provide a clear pedestrian way from the street to the front door. The rest of the site will be landscaped. One existing tree on the site will be preserved and three other trees will be planted. There will be a small waste and recycling disposal area next to the driveway that will have a wood screen.

FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1 & §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."

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 proposal will bring the site into a productive use that is compatible with the surrounding residential neighborhood. The large amount of open space on the site will remain the same. The walls of the property that will be close to the property lines of the residential neighbors will not contain windows so privacy is not anticipated to be a concern.

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 conserving the value of land and buildings and encouraging the most appropriate use of land throughout the City. As a single-family house, the proposal is consistent with the purpose of the district, which is, "[t]o 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."

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 as designed would be compatible with the built surrounding area. The house has a modern design that includes elements of traditional 2 ½ story houses in Somerville such as a gable roof, clapboard siding, and simple ornamentation. The green building practices proposed will reduce the energy consumption from a typical single-family house as well as reduce the spillover of stormwater runoff onto neighboring properties. The large open space on the site will be retained and planted with trees and other vegetation to preserve the form of the built environment and provide an attractive, usable open space.



The required parking for the site is concealed in garages and the driveway/plaza area allows for visitor parking on a pervious surface. The windows have been designed to maximize the southern exposure.

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 will not have an adverse impact on the surrounding area resulting from excess noise, illumination, glare, dust, smoke or vibration. There will be no emissions of hazardous materials, pollution of ground water or transmission of signals from the single-family use. The Applicant found no records of 21E reports and there will be minimal disruption of soil because the structure will not have a basement. The rain catchment system, drywell, and pervious driveway proposed for the site will reduce water runoff from the site and prevent the alterations from negatively impacting the City's storm drainage system.

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 proposal will not result in a condition that creates traffic congestion or the potential for traffic accidents. The site currently does not have a curb cut and the proposal will designate 20 feet as a driveway entrance as opposed to the entire length of the side yard as is the current situation. This will make the pedestrian experience on the street safer. The driveway has been designed so that cars in the garage can back out and leave the site in a forward direction. A walkway from the street to the front door is proposed that will provide safe and clear access for pedestrians to the front door.



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DECISION:

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Danielle Evans and Scott Darling. Upon making the above findings, Susan Fontano made a motion to approve the request for a special permit. Scott Darling 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 nonconforming structure to construct an approx 1500 nsf single-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>Nov 29, 2011</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>Nov 14, 2011</td> <td>Plans submitted to OSPCD (Plot Plan)</td> </tr> <tr> <td>Nov 29, 2011</td> <td>Plans submitted to OSPCD (G01 Cover Page, 02 Existing Site Plan,)</td> </tr> <tr> <td>Jul 6, 2011</td> <td>Modified plans submitted to OSPCD (02 Proposed Site Plan, 03 Floor Plans, 04 S&W Elevations, N&E Elevations,)</td> </tr> </tbody> </table> <p>Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.</p>	Date (Stamp Date)	Submission	Nov 29, 2011	Initial application submitted to the City Clerk's Office	Nov 14, 2011	Plans submitted to OSPCD (Plot Plan)	Nov 29, 2011	Plans submitted to OSPCD (G01 Cover Page, 02 Existing Site Plan,)	Jul 6, 2011	Modified plans submitted to OSPCD (02 Proposed Site Plan, 03 Floor Plans, 04 S&W Elevations, N&E Elevations,)	BP/CO	ISD/Plng.	
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2	Applicant shall provide final material samples for siding, trim, windows and doors to the DRC during a public meeting and to the Planning Staff for review and approval prior to construction.	BP	Plng.											
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											
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											



5	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	
6	The rainwater runoff from the roof will be captured so that it does not fall onto neighboring properties.	CO	Plng./ISD	
7	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
8	Applicant will screen the trash/recycling area with fencing that blocks of the receptacles.	CO	Plng.	
9	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	
10	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	
11	There shall be no parking in the fire lane designated on Park Place.	Perpetual	T&P	
12	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards.	Perpetual	Plng. / ISD	
13	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
T.F. Scott Darling, III, Esq.
Danielle Evans

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 _____



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