



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA # 2013-80
Site: 200 Willow Avenue
Date of Decision: January 8, 2014
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: January 14, 2014

ZBA DECISION

Applicant Name:	Willow Somerville Realty Trust
Applicant Address:	70 Hampshire Street, Cambridge, MA 02139
Property Owner Name:	Willow Somerville Realty Trust
Property Owner Address:	70 Hampshire Street, Cambridge, MA 02139
Agent Name:	Brian Alyward, Esq./Smith, Levenson, Cullen & Aylward, PC
Agent Address:	9 Essex Green Drive, Peabody, MA 01960

Legal Notice: Applicant and Owner, Willow Somerville Realty Trust, seek a Special Permit under SZO §4.4.1 to make alterations to a non conforming structure by adding dormers and rear decks. RA Zone. Ward 6.

<u>Zoning District/Ward:</u>	RA zone/Ward 6
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	November 12, 2013
<u>Date(s) of Public Hearing:</u>	12/11/13 & 1/8/14
<u>Date of Decision:</u>	January 8, 2014
<u>Vote:</u>	5-0

Appeal #ZBA 2013-80 was opened before the Zoning Board of Appeals at Somerville City Hall on December 11, 2013. 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 two hearings of deliberation, the Zoning Board of Appeals took a vote.



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DESCRIPTION:

The proposal is to expand an existing dormer on the right side of the home and expand the rear decks. There are additional renovations being done at the same time including adding a dormer on the left side of the home, changing interior layouts/adding living area, and adding a parking space. The existing dormer on the right side of the home will be expanded from approximately 5' in width to 21'. There will be an 8'-10" dormer added to the left side of the home. The dormers are to accommodate a new layout of the third floor. The rear decks will be expanded to allow for outdoor space for each unit and egress. The site will be enhanced with front landscaping. After renovation the building will have an increased but still conforming FAR. There will be the same unit and bedroom count.

FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1):

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."

The applicant seeks a Special Permit under SZO §4.4.1 to alter an existing, non-conforming, structure by adding a dormer and expanding decks within the existing non-conforming side yard setback. The alterations within the home maintain the bedroom count, no additional parking is required.

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.

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.

The proposal is consistent 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."

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 subject property is located within a Residence A district between Davis and Ball Square. The building is located in a neighborhood with a mix of single, two, and three-family dwelling units with a moderate level of density. The dwelling is across the street from the Benjamin G. Brown School at 201 Willow Avenue.

There are little to no impacts of the proposal. Due to the addition of the rear decks, the narrow sideyard increases in nonconformity, but the added decks will provide outdoor space for each unit. The dormer will face the rear yard of homes facing Kidder Avenue.



5. 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 Applicant has proposed an additional parking space in the rear of the house to allow for a total of 3 spaces. Planning Staff has reviewed this proposal with the City Traffic Engineer. The parking space does not allow for adequate maneuvering space to reverse from the driveway. This maneuver will be more difficult in winter months when snow is present. In addition, it creates a situation where a person backing out of the space would not be able to see a car coming up the driveway. This could result in vehicle queuing on Willow Avenue.

Since there is no parking relief required as part of this application, Staff agrees with the recommendation of Traffic and Parking and has conditioned that this space is not built.



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 a Special Permit under SZO §4.4.1 to make alterations to a non conforming structure by adding dormers and rear decks. 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>November 12, 2013</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>January 8, 2014</td> <td>Modified plans submitted to OSPC (Plot Plan)</td> </tr> <tr> <td>November 3, 2013</td> <td>Modified plans submitted to OSPCD (A-1 Exist. 1st Floor Plan, A-2 Prop. 1st Floor Plan, A-3 Prop. Basement Plan, A-4 Exist. 2nd Floor Plan, A-5 Prop. 2nd Floor Plan, A-6 Exist. 3rd Floor Plan, A-7 Prop. 3rd Floor Plan, A-8 Exist. Front Elev., A-9 Right Elev., A-10 Left Elev., A-11 Rear Elev.)</td> </tr> <tr> <td>December 23, 2013</td> <td>Modified plans submitted to OSPCD (Plot Plan)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	November 12, 2013	Initial application submitted to the City Clerk's Office	January 8, 2014	Modified plans submitted to OSPC (Plot Plan)	November 3, 2013	Modified plans submitted to OSPCD (A-1 Exist. 1 st Floor Plan, A-2 Prop. 1 st Floor Plan, A-3 Prop. Basement Plan, A-4 Exist. 2 nd Floor Plan, A-5 Prop. 2 nd Floor Plan, A-6 Exist. 3 rd Floor Plan, A-7 Prop. 3 rd Floor Plan, A-8 Exist. Front Elev., A-9 Right Elev., A-10 Left Elev., A-11 Rear Elev.)	December 23, 2013	Modified plans submitted to OSPCD (Plot Plan)
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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 project plans meet the current City of Somerville stormwater policy. Utility, grading, and drainage plans/report must be submitted to the Engineering Department for review and approval.	BP	Eng.											
Construction Impacts														



3	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	
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	
Design				
5	Applicant shall provide final material and color samples for the infill siding if the entire building's siding is not being replaced to Planning Staff for review and approval prior to installation.	BP	Plng.	
Site				
6	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards.	Perpetual	Plng. / ISD	
Traffic & Parking				
7	The proposed parking space shall not be built. Applicant shall submit revised landscape plan for review and approval.	BP	Plng	
Miscellaneous				
8 7	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				
9 8	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
Final Sign-Off				
10 9	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 _____

