



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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EXECUTIVE DIRECTOR

PLANNING DIVISION

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JOSH SAFDIE (ALT.)

**Case #: ZBA #2012-82**  
**Site: 221 Willow Avenue, Unit #1**  
**Date of Decision: October 17, 2012**  
**Decision: Petition Approved with Conditions**  
**Date Filed with City Clerk: October 23, 2012**

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**ZBA DECISION**

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<b>Applicant Name:</b>	Paula Dowd
<b>Applicant Address:</b>	407 Highland Avenue, Somerville, MA 02144
<b>Property Owner Name:</b>	Frank & Barbara Pisano
<b>Property Owner Address:</b>	221 Willow Avenue, Unit #1, Somerville, MA 02144
<b>Agent Name:</b>	Jessica Aull
<b>Agent Address:</b>	15 Harrison Avenue, Cambridge, MA 02140

Legal Notice: Applicant Paula Dowd and Owners Frank and Barbara Pisano, seek a Special Permit under SZO §4.4.1 for relief from the provisions of SZO §8.5.E to finish a portion of the basement to add additional living space to an existing two-family residence.

<u>Zoning District/Ward:</u>	RA zone/Ward 6
<u>Zoning Approval Sought:</u>	§4.4.1 & §8.5.E
<u>Date of Application:</u>	September 18, 2012
<u>Date(s) of Public Hearing:</u>	October 17 2012
<u>Date of Decision:</u>	October 17, 2012
<u>Vote:</u>	5-0

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Appeal #ZBA 2012-82 was opened before the Zoning Board of Appeals at Somerville City Hall on October 17, 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.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143  
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## **DESCRIPTION:**

The existing unfinished basement space in the building is split into two storage areas, one for Unit # 1 and one for Unit # 2. The Applicant is proposing to finish a portion of the basement storage space for Unit # 1 to create additional living space in the dwelling. The existing unfinished storage space consists of concrete floors and walls with a ceiling height of 7'1". The proposal would take approximately half of the unfinished storage space for Unit # 1, about 188 square feet, and convert it into an exercise area and finished storage space. The basement walls and ceiling would be framed, insulated, and covered with sheetrock. Electrical outlets, recessed lighting, and a small storage closet would also be added to the space. A finished dividing wall with a door would be installed to separate the proposed finished basement space from the remainder of the unfinished basement storage area. There are no changes being proposed to the exterior of the building as all alterations would be internalized in the basement.

## **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 Permit.
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 does not find that the alterations proposed would be substantially more detrimental to the neighborhood than the existing structure. Construction impacts will be limited to the interior of the building and therefore no significant disruption to the neighborhood is anticipated during the renovation. This proposed living area would most likely not be noticeable to surrounding neighbors nor would it have any impact to the Willow Avenue streetscape as there are no changes being proposed to the exterior of the structure. The proposed additional living space in the basement would not appear to be detrimental to the immediate abutters or the surrounding area and therefore, there are no anticipated negative impacts from the proposal. The property will remain a 2½ story, two-family residential use which is consistent with the surrounding neighborhood.

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 provide for and maintain the uniquely integrated structure of uses in the City; to protect health; 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 also consistent with the purpose of the district (6.1.1 RA– Residence Districts), which is, "[t]o 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."



Minimal, if any, impacts are anticipated from the Applicant's proposal to finish a portion of the existing basement to create an exercise area and finished storage space for larger items. This proposed living area would most likely not be noticeable to surrounding neighbors nor would it have any impact to the Willow Avenue streetscape as there are no changes being proposed to the exterior of the structure. The proposed additional living space in the basement would not appear to be detrimental to the immediate abutters or the surrounding neighborhood. The property will remain a 2½ story, two-family residential use which is consistent with the surrounding neighborhood.

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.

No adverse environmental impacts are anticipated from this project. No new noise, glare, smoke, vibration, nor emissions of noxious materials nor pollution of water ways or ground water nor transmission of signals that interfere with radio or television reception are anticipated as part of the proposal. The property will remain a 2½ story, two-family residential use which is consistent with the surrounding neighborhood.



**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	<p>Approval is for relief under the provisions of SZO §4.4.1 and SZO §8.5.E. to finish a portion of the basement to create an exercise room (additional living space) in an existing two-family residence. 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>(September 18, 2012)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>August 9, 2011 (October 1, 2012)</td> <td>Plot Plan</td> </tr> <tr> <td>(October 1, 2012)</td> <td>Existing Basement Plan</td> </tr> <tr> <td>(October 1, 2012)</td> <td>Proposed Basement Plan</td> </tr> </tbody> </table> <p>Any changes to the approved plans that are not <i>de minimis</i> must receive SPGA approval.</p>	Date (Stamp Date)	Submission	(September 18, 2012)	Initial application submitted to the City Clerk's Office	August 9, 2011 (October 1, 2012)	Plot Plan	(October 1, 2012)	Existing Basement Plan	(October 1, 2012)	Proposed Basement Plan	BP/CO	ISD/PIng.	
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(October 1, 2012)	Proposed Basement Plan													
2	All construction materials and equipment must be stored on-site. 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											
3	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP											
4	The Applicant shall not use the finished basement space as a bedroom, sleeping area, or similar room type.	CO	FP/PIng.											



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.	
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Attest, by the Zoning Board of Appeals:

Herbert Foster, *Chairman*  
Orsola Susan Fontano, *Clerk*  
Richard Rossetti  
Danielle Evans  
Elaine Severino (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 \_\_\_\_\_

