



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

PLANNING DIVISION

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Case #: ZBA # 2011-95
Site: 26 Bartlett Street
Date of Decision: January 18, 2012
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: January 25, 2012

ZBA DECISION

Applicant Name:	Jesse Carreiro
Applicant Address:	26 Bartlett Street, Somerville, MA 02145
Property Owner Name:	Jesse Carreiro
Property Owner Address:	26 Bartlett Street, Somerville, MA 02145
Agent Name:	N/A

Legal Notice: Applicant & Owner, Jesse Carreiro, seeks a special permit to alter a nonconforming structure under SZO §4.4.1 to construct an approx 108 sf one-story addition to the rear of the structure.

<u>Zoning District/Ward:</u>	RA zone/Ward 5
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	May 29, 2011
<u>Date(s) of Public Hearing:</u>	1/4 & 1/18/12
<u>Date of Decision:</u>	January 18, 2012
<u>Vote:</u>	5-0

Appeal #ZBA 2011-95 was opened before the Zoning Board of Appeals at Somerville City Hall on January 4, 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 two hearings of deliberation, the Zoning Board of Appeals took a vote.



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DESCRIPTION:

The proposal is to expand the existing one-story rear portion of the house so that it is 4 ft 3 in by 12 ft 12 in. The space will be used to expand an existing kitchen. The roof will have a sloping roof and there will be lattice around the bottom of the addition to cover the structural beams. There will be no windows on the addition. The siding will match the material and color of the siding on the house.

The Applicant had originally submitted a proposal to remove the existing one-story portion of the rear structure and build a 13.5 by 8 foot addition in its place. This was the proposal described in the Dec 22, 2011 staff report but the Applicant has since scaled back the plan.

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 proposed addition is not anticipated to have negative impacts. The addition will only be approximately 12 sf larger than the existing one-story portion of the house. The new square footage will expand into the yard in an area that is currently paved and the remaining portion of the yard is adequately landscaped.

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 providing for and maintaining the uniquely integrated structure of uses in the City and the purpose of the RA district by making an alteration to a residential structure.

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 addition was designed to be compatible with the existing house. The addition will have a sloping roof and siding that will match the material and color of the house. There will not be any windows along the nonconforming side of the addition so privacy is not a concern.



DECISION:

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Scott Darling and Josh Safdie with Josh Safdie voting for Danielle Evans who was absent at the previous hearing. 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 expansion of a one-story rear portion of the house to be 4 ft 3 in by 12 ft 12 in. 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 21, 2011</td> <td>Plans submitted to OSPCD (Plot Plan)</td> </tr> <tr> <td>Jan 9, 2012</td> <td>Modified plans submitted to OSPCD (A-01 Floor Plan, A-02 Exterior Elevations, A-03 Wall Section)</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	Nov 29, 2011	Initial application submitted to the City Clerk's Office	Nov 21, 2011	Plans submitted to OSPCD (Plot Plan)	Jan 9, 2012	Modified plans submitted to OSPCD (A-01 Floor Plan, A-02 Exterior Elevations, A-03 Wall Section)	BP/CO	ISD/Plng.	
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2	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP									
3	The siding of the addition shall match the color and appearance of the siding on the house.	CO	Plng.									
4	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.
Josh Safdie (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 _____



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