



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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BRANDY BROOKS (ALT.)

Case #: ZBA # 2013-54
Site: 37 Alpine Street
Date of Decision: August 7, 2013
Decision: Petition Approved with Conditions
Date Filed with City Clerk: August 8, 2013

ZBA DECISION

Applicant Name:	David & Patricia Rances
Applicant Address:	37 Alpine Street, Somerville, MA 02144
Property Owner Name:	David & Patricia Rances
Property Owner Address:	37 Alpine Street, Somerville, MA 02144
Agent Name:	Stephen Doucet, Doucet Remodeling & Design, Inc.
Agent Address:	One Central Street, Stoneham, MA 02180

Legal Notice: Applicant and Owners, David and Patricia Rances, seek a Special Permit under SZO §4.4.1 to alter an existing one-family, nonconforming, dwelling to add an approximately 274 square foot second story addition including a dormer over an existing roof within the existing nonconforming side yard setback. RB Zone. Ward 5.

<u>Zoning District/Ward:</u>	RB zone/Ward 5
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	July 9, 2013
<u>Date(s) of Public Hearing:</u>	8/7
<u>Date of Decision:</u>	August 7, 2013
<u>Vote:</u>	5-0

Appeal #ZBA 2013-54 was opened before the Zoning Board of Appeals at Somerville City Hall on August 7, 2013. Notice of the Public Hearing was given to persons affected and was published and posted, all as required by M.G.L.



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c. 40A, sec. 11 and the Somerville Zoning Ordinance. After one (1) hearing of deliberation, the Zoning Board of Appeals took a vote.

DESCRIPTION:

Applicants and Owners, David and Patricia Rances, propose to construct a second story addition above an existing roof in the rear of the structure. The new addition will increase the net floor area of the dwelling by approximately 274 square feet. The proposed new net floor area of the subject dwelling is 1,440 square feet. Included in the proposed addition is the construction of an 18 feet long dormer on the right side roof. The proposed addition will be used as a master bedroom with a walk-in closet. The addition allows the homeowners to make other interior layout modifications. The structure will remain as a three-bedroom single family dwelling.

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."

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 to construct an approximately 274 square foot second story addition and a dormer in the rear of the property will allow the homeowners to modify the interior layout without a great deal of impact on their neighbors.

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 conserve the value of land and buildings; and to encourage the most appropriate use of land throughout the City".

The proposal is consistent with the purpose of the district, which is, "to 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 proposed alterations will be compatible with the built and unbuilt surroundings. The proposal to construct a second story addition and a dormer over an existing roof will not enlarge the foot print of the building. The Applicant has indicated on the Application that the new addition will give their home a more cohesive look.



DECISION:

Present and sitting were Members Herbert Foster, Richard Rossetti, Danielle Evans, Elaine Severino, and Brandy Brooks. Upon making the above findings, Richard Rossetti made a motion to approve the request for a Special Permit. Brandy Brooks 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								
	Approval is to alter an existing one-family, nonconforming, dwelling to add an approximately 274 square foot second story addition including a dormer over an existing roof within the existing nonconforming side yard setback. RB Zone. Ward 5. This approval is based upon the following application materials and the plans submitted by the Applicant: <table border="1" style="width: 100%; margin-top: 10px;"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>(July 9, 2013)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>July 18, 2013 (July 30, 2013)</td> <td>Modified elevations and floor plans submitted to OSPCD (A1, A2, A3, A4, and A5)</td> </tr> <tr> <td>June 24, 2013 (July 30, 2013)</td> <td>Certified Plot Plan</td> </tr> </tbody> </table> Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.	Date (Stamp Date)	Submission	(July 9, 2013)	Initial application submitted to the City Clerk's Office	July 18, 2013 (July 30, 2013)	Modified elevations and floor plans submitted to OSPCD (A1, A2, A3, A4, and A5)	June 24, 2013 (July 30, 2013)	Certified Plot Plan	BP/CO	ISD/PIng.	
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Design												
2	New siding type and color, roofing, trim, and materials of the addition shall match or be complimentary to the rest of the existing structure.	CO	PIng.									
Public Safety												
3	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP									
Final Sign-Off												
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	PIng.									



Attest, by the Zoning Board of Appeals:

Herbert Foster, *Chairman*
Richard Rossetti
Danielle Evans
Elaine Severino
Brandy Brooks (Alt.)

Attest, by the Senior Planner:

Lori Massa

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 _____

