



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

MICHAEL F. GLAVIN
EXECUTIVE DIRECTOR

PLANNING DIVISION

ZONING BOARD OF APPEALS MEMBERS

HERBERT F. FOSTER, JR., *CHAIRMAN*
ORSOLA SUSAN FONTANO, *CLERK*
RICHARD ROSSETTI
DANIELLE EVANS
ELAINE SEVERINO
JOSH SAFDIE (ALT.)
BRANDY BROOKS (ALT.)

Case #: ZBA # 2013-49
Site: 24 Arlington Street
Date of Decision: August 7, 2013
Decision: Petition Approved with Conditions
Date Filed with City Clerk: August 8, 2013

ZBA DECISION

Applicant Name:	Ivo Masci & Ida Masci
Applicant Address:	24 Arlington Street, Somerville, MA 02145
Property Owner Name:	Ivo Masci & Ida Masci
Property Owner Address:	24 Arlington Street, Somerville, MA 02145
Agent Name:	Richard G. DiGirolamo, Esq.
Agent Address:	424 Broadway, Somerville, MA 02145

Legal Notice: Applicants and Owners Ivo and Ida Masci, seek a Special Permit under SZO §4.4.1 to alter an existing, non-conforming, single-family dwelling by constructing an addition within the existing non-conforming rear yard setback. RB zone. Ward 1.

<u>Zoning District/Ward:</u>	RB District / Ward 1
<u>Zoning Approval Sought:</u>	Special Permit under SZO §4.4.1
<u>Date of Application:</u>	June 3, 2013
<u>Date(s) of Public Hearing:</u>	7/10, 8/7
<u>Date of Decision:</u>	August 7, 2013
<u>Vote:</u>	5-0

Appeal #ZBA 2013-49 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. c. 40A, sec. 11 and the Somerville Zoning Ordinance. After one (1) hearing of deliberation, the Zoning Board of Appeals took a vote.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722
www.somervillema.gov

DESCRIPTION:

Applicants and Owners, Ivo and Ida Masci, propose to construct a second story addition above two existing roofs in the rear of the property. The new addition will increase the net square footage of the building by approximately 600 square feet and will include the installation of new windows on the right, rear, and left facades of the structure. The proposed addition will be used to expand an existing kitchen on the 2nd floor.

The proposal also includes the relocation of the one allowed curb cut. The Somerville Zoning Ordinance (SZO §9.9.c) limits the amount of driveway curb cuts to one per street line in RA and RB districts. The Applicants/Owners will be closing the existing curb cut to the right of the structure and opening a new 18 foot wide curb cut to the left of the structure. The Applicants/Owners will use the relocated curb cut to access a new approximately 29 foot wide driveway. SZO §9.9.b allows two-way driveways to have a maximum width of 30 feet. The relocation of a curb cut can be done by-right without Special Permit approval; however will need approval and coordination from the Highway Superintendent.

The current landscaping is 25% of the parcel. When the curb cut is relocated the landscaping will increase to 33%. The current pervious area conforms to the SZO at 36%. Due to this existing conformity regarding pervious area, Staff has conditioned that the new driveway be pervious to remain in conformance with the SZO.

The dwelling is a single family dwelling with six bedrooms therefore two parking spaces need to be provided under SZO §9.5.1.a. There is currently one parking space on the site; therefore, by adding a two car driveway the Applicants/Owners will become conforming to parking requirements. Planning Staff notified the Applicants/Owners that if the dwelling became a two-family dwelling in the future a Variance will be needed for parking relief.

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 600 square foot second story addition in the rear of the property will allow the homeowners to expand their kitchen 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 addition is compatible with the existing and surrounding structures as this is a residential structure within a residential neighborhood.



DECISION:

Present and sitting were Members Herbert Foster, Richard Rossetti, Danielle Evans, Elaine Severino, and Josh Safdie. Upon making the above findings, Richard Rossetti made a motion to approve the request for a Special Permit. Elaine Severino 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 alter an existing, non-conforming, single family dwelling by constructing a second story addition above two existing roofs within the existing non-conforming rear yard setback. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/Plng.									
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>(June 3, 2013)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>October 9, 2012 (July 30, 2013)</td> <td>Modified Certified Plot Plan of Land submitted to OSPCD</td> </tr> <tr> <td>July 19, 2013 (July 30, 2013)</td> <td>Modified floor plans and elevations submitted to OSPCD (Drawing numbers X-1, 1, X-2, 2, X-3, 3, 4, and 5)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	(June 3, 2013)	Initial application submitted to the City Clerk's Office	October 9, 2012 (July 30, 2013)	Modified Certified Plot Plan of Land submitted to OSPCD	July 19, 2013 (July 30, 2013)	Modified floor plans and elevations submitted to OSPCD (Drawing numbers X-1, 1, X-2, 2, X-3, 3, 4, and 5)
	Date (Stamp Date)				Submission							
	(June 3, 2013)				Initial application submitted to the City Clerk's Office							
October 9, 2012 (July 30, 2013)	Modified Certified Plot Plan of Land submitted to OSPCD											
July 19, 2013 (July 30, 2013)	Modified floor plans and elevations submitted to OSPCD (Drawing numbers X-1, 1, X-2, 2, X-3, 3, 4, and 5)											
Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.												
Design												
2	New siding type and color, roofing, trim, and materials of the addition shall match that of the main structure.	CO	Plng.									
3	The addition shall be pulled back approximately six inches on the south facing wall from the proposed dimension aligning the addition to the existing setbacks on the structure.	CO	Plng.									
4	The addition shall be pulled back two feet on the east facing wall from the proposed dimension aligning the addition to the existing setbacks of the structure.	CO	Plng.									
5	The proposed driveway shall be constructed of a pervious material.	CO	Plng.									
During Construction												
6	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									



7	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	
Public Safety				
8	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
Final Sign-Off				
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*
Richard Rossetti
Danielle Evans
Elaine Severino
Josh Safdie (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 _____

