



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2014-39
Site: 23-25 Ashland Street
Date of Decision: June 4, 2014
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: June 10, 2014

ZBA DECISION

Applicant Name:	Chris Brand
Applicant Address:	23 Ashland Street, Somerville, MA 02144
Property Owner Name:	Chris Brand
Property Owner Address:	23 Ashland Street, Somerville, MA 02144
Agent Name:	N/A

Legal Notice: Applicant and Owner, Chris Brand, seeks a Special Permit under SZO §4.4.1 to alter a nonconforming 2-family by adding a 2-story front porch. Zone RB. Ward 5.

<u>Zoning District/Ward:</u>	RB zone/Ward 5
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	April 29, 2014
<u>Date(s) of Public Hearing:</u>	June 4, 2014
<u>Date of Decision:</u>	June 4, 2014
<u>Vote:</u>	5-0

Appeal #ZBA 2014-39 was opened before the Zoning Board of Appeals at the Visiting Nurse Association on June 4, 2014. 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.



DESCRIPTION:

The proposal is to add a two-story front porch that will be four feet deep. A small roof overhang is proposed to be on the second floor that will project approximately 18 inches over the porch. It will have the same roof shingles as are on the house and wood clapboards underneath. The railing and post material for the deck will be wrapped in a matte finished white Azek. The new window and door will be white and energy efficient.

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 property is nonconforming in terms of lot size, front yard setback and right side yard setback. The existing front landing is 4 feet in depth, greater than 3 feet high, and setback 6 feet from the front property line. The new porch will have the same depth and front yard setback as the existing landing. The porch will extend the length of the house and therefore also be within the nonconforming right side yard setback.

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 maintain the uniquely integrated structure of uses in the City and conserving the value of land and buildings.

The proposal is consistent with the purpose of the district, in allowing for an alteration to a two-family which is the district is intended for the preservation of two-family homes.

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 porch as been designed to be compatible with the existing structure and neighboring area. It is typical to have a two-story front porch of these proportions in the City. Front porches provide an amenity for residents and add interest for pedestrians along the street. The porch will not project beyond where the existing landing is today. There will continue to be a landscaped area between the sidewalk and the porch that will be 6 feet in depth.

5. Housing Impact: *Will not create adverse impacts on the stock of existing affordable housing.*

Adding a front porch to a two-family house should not impact the affordability of the units.



6. SomerVision Plan: *Complies with the applicable goals, policies and actions of the SomerVision plan, including the following, as appropriate: Preserve and enhance the character of Somerville’s neighborhoods, Transform key opportunity areas, Preserve and expand an integrated, balanced mix of safe, affordable and environmentally sound rental and homeownership units for households of all sizes and types from diverse social and economic groups; and, make Somerville a regional employment center with a mix of diverse and high-quality jobs.*

The proposal is compatible with the goal of SomerVision in preserving and enhancing the neighborhood by improving upon the appearance and quality of the living space in the two-family house.

DECISION:

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Danielle Evans and Elaine Severino with Josh Safdie absent. 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 the construction of a two story front porch. 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>April 29, 2014</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>April 3, 2014</td> <td>Plans submitted to OSPCD (Plot Plan)</td> </tr> <tr> <td>(May 30, 2014)</td> <td>Modified plans submitted to OSPCD (New Section, Existing Level Plan, Existing Ashland Elevation, New Plans, New Ashland Elevation)</td> </tr> </tbody> </table> <p>Any changes to the approved elevations that are not <i>de minimis</i> must receive SPGA approval.</p>	Date (Stamp Date)	Submission	April 29, 2014	Initial application submitted to the City Clerk’s Office	April 3, 2014	Plans submitted to OSPCD (Plot Plan)	(May 30, 2014)	Modified plans submitted to OSPCD (New Section, Existing Level Plan, Existing Ashland Elevation, New Plans, New Ashland Elevation)	BP/CO	ISD/ Plng.	
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2	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									
3	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									



4	The railings and posts shall be made of a material with a matte finish.	Final Signoff	Plng.	
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.	
6	An exterior light and electrical receptacle is required for the first (or all) level of the porch and an electrical receptacle is required for the second level (if there is no access to the ground).	Final sign Off	Wire Inspector	



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 _____

