



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

GEORGE J. PROAKIS  
EXECUTIVE DIRECTOR

PLANNING DIVISION  
**ZONING BOARD OF APPEALS MEMBERS**  
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DANIELLE EVANS, *CLERK*  
DREW KANE, (ALT.)  
ELAINE SEVERINO  
JOSH SAFDIE  
ANNE BROCKELMAN

**Case #: ZBA 2019-68**  
**Site: 17 Thordike Street**  
**Date of Decision:** September 4, 2019  
**Decision:** *Petition Approved with Conditions*  
**Date Filed with City Clerk:** September 18, 2019

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**ZBA DECISION**

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**Site:** 17 Thorndike Street

**Applicant Name:** Jake Stewart  
**Applicant Address:** 5 Fayette Park, Cambridge, MA 02139  
**Owner Name:** Kirsten Chervinsky  
**Owner Address:** 17 Thorndike Street, Somerville, MA 02144

**City Councilor:** Katjana Ballantine

**Legal Notice:** Applicant, Jake Stewart, and Owner, Kirsten Chervinsky, seek special permits under §4.4.1 of the SZO to enclose a portion of a first story existing porch within the right side yard setback. RB zone. Ward 7.

<u>Zoning District/Ward:</u>	RB zone, Ward 7.
<u>Zoning Approval Sought:</u>	SZO §4.4.1
<u>Date of Application:</u>	June 26, 2019
<u>Date(s) of Public Hearing:</u>	9/4
<u>Date of Decision:</u>	September 4, 2019
<u>Vote:</u>	5-0

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Case # ZBA 2019-67 was opened before the Zoning Board of Appeals in the 3<sup>rd</sup> Floor Community Room, Visting Nurses Association (VNA), 259 Lowell Street, Somerville, MA. 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. On September 4, 2019 the Zoning Board of Appeals took a vote.

**I. PROJECT DESCRIPTION**

- 1. **Subject Property:** The locus presents a 2 ½-story single-family structure located in the RB zoning district on a 3,876 square-foot lot.
- 2. **Proposal:** The Applicant proposes re-building the existing front porch and associated steps. During this process, the Applicant will enclose 68 square feet of front porch along the right elevation, thereby providing a small increase of interior usable space. The Applicant proposes building a 10x13-foot deck at the rear of the property. The trigger for special permitting is:

- enclosure of 68 square feet of porch within the right side yard setback.

3. **Green Building Practices:**

None listed on application.

**II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1 & Article 9):**

*In order to grant a special permit, the SPGA must make certain findings and determinations as outlined in §4.4.1 of the SZO. This section of the report goes through §4.4.1 in detail.*

1. **Information Supplied:**

The Board finds that the information provided by the Applicant is insufficient for the Board to make a determination according to the requirements of §4.4.1 of the SZO.

Though simple in general scope, no elevation drawings have been provided that show the existing and proposed conditions of this area of the structure requiring relief.

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."*

**Section 4.4.1 of the SZO**

***Section 4.4.1 states that "[l]awfully existing nonconforming structures other than one- and two-family dwellings may be enlarged, extended, renovated or altered only by special permit authorized by the SPGA in accordance with the procedures of Article 5. The SPGA must find that such extension, enlargement, renovation or alteration is not substantially more detrimental to the neighborhood than the existing nonconforming building. In making the finding that the enlargement, extension, renovation or alteration will not be substantially more detrimental, the SPGA may consider, without limitation, impacts upon the following: traffic volumes, traffic congestion, adequacy of municipal water supply and sewer capacity, noise, odor, scale, on-street parking, shading, visual effects and neighborhood character."***



**Right side yard setback**

Generally, a proposal to enclose 68-square feet of porch to gain additional indoor space appears to be minor in nature. The area to be enclosed rests 3.7 feet from the property line in a zone where a minimum 8-foot right side yard setback is required.

**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."***

In general terms, the proposal appears to be consistent with the purposes of the RB zone which are “[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."***

17 Thorndike is sited on a street that presents a mix of building types. Most are gable-fronted with a smattering of triple-decker styles. Several buildings show multiple additions that have been constructed over the years.

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

The proposal will not add to the existing stock of affordable housing.

**6. SomerVision:**

Relief to enclose 68 square feet of front porch will not have an impact on SomerVision.

**III. DECISION**

Present and sitting were Members Orsola Susan Fontano, Drew Kane (*Alt*), Danielle Evans, Josh Safdie, Elaine Severino, and Anne Brockelman. Upon making the above findings, Danielle Evans made a motion to approve the request for a Special Permit. Elaine Severino seconded the motion. The Zoning Board of Appeals voted **5-0** to **APPROVE** the request **WITH CONDITIONS**. The following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes
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1	Approval is to enclose 68 square feet of front porch that is within the right side yard setback.	BP/CO	ISD/Plng.					
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>June 26, 2019</td> <td>Application submitted to City Clerk's office.</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	June 26, 2019	Application submitted to City Clerk's office.
	Date (Stamp Date)				Submission			
June 26, 2019	Application submitted to City Clerk's office.							
<p>Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval. Whether or not a change is <i>de minimis</i> in nature must be determined by the Planning Office.</p>								
<b>Design</b>								
2	All materials, including, but not limited to windows, exterior finishes, siding, and similar shall be submitted to, reviewed and approved by Planning Staff prior to the issuance of a building permit.	BP	ISD/Plng					
<b>Construction Impacts</b>								
3	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					
4	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/ISD					
5	<b><u>The name(s) and contact information of all entities working on the site shall be posted in an area easily-visible from the public way for the passing public to read.</u></b>	During Construction	ISD					
6	<b><u>Construction shall be limited to M-F 7:30am – 5:00pm. No weekend construction or construction-related work shall occur.</u></b>	During Construction	ISD					
<b>Public Safety</b>								
7	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP					
8	All exterior lighting on the site shall be downcast and shall not cast light onto surrounding properties in any fashion.							
9	In accordance with City of Somerville ordinances, no grills, barbeques, chimineas or the like shall be allowed on decks and porches.	CO/Perpetua l	ISD/PlngF P					
<b>Final Sign-Off</b>								
10	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	ISD/Pln g.					



**ATTEST, BY THE ZONING BOARD OF APPEALS:**

Orsola Susan Fontano, *Chair*  
Danielle Evans, *Clerk*  
Drew Kane (*Alt*)  
Josh Safdie  
Anne Brockelman  
Elaine Severino

Attest, by the Planner: \_\_\_\_\_  
Sarah White

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 \_\_\_\_\_

