



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

PLANNING DIVISION

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Case #: ZBA # 2011-27
Site: 21 Cedar Street
Date of Decision: May 4, 2011
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: May 16, 2011

ZBA DECISION

Applicant Name:	Brad Stearns
Applicant Address:	CSA Services Corp., 28 Willow Avenue, Somerville, MA 02144
Property Owner Name:	Julie Lin
Property Owner Address:	23 Cedar Street, Somerville, MA 02144
Agent Name:	N/A

Legal Notice: Applicant Brad Stearns and owner Julie Lin, seek a special permit to alter a nonconforming structure under SZO §4.4.1 to construct a two and a half story addition and deck in the rear of an existing single-family residence.

<u>Zoning District/Ward:</u>	RB zone/Ward 5
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	April 5, 2011
<u>Date(s) of Public Hearing:</u>	May 4, 2011
<u>Date of Decision:</u>	May 4, 2011
<u>Vote:</u>	5-0

Appeal #ZBA 2011-27 was opened before the Zoning Board of Appeals at Somerville City Hall on May 4, 2011. 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.



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DESCRIPTION:

The Applicant is performing major renovations to the entire dwelling. As part of this they are proposing to remove an existing single story volume and bulkhead at the rear of the dwelling and to add on a 2½ story addition and a new basement entry. Additionally, as part of the renovations the Applicant will be replacing the solid front porch railing with a baluster style railing, constructing as-of-right a two story addition on the right side, and creating a new 9 foot by 11 foot deck attached to the rear addition. The proposed 2½ story rear addition will have a gable roof similar to that of the existing structure and its footprint would be approximately 20 feet by 28.5 feet. The rear addition will have three windows and an entryway on the right side and four windows on the left side. The rear façade of the rear addition will have six windows (four large and two smaller) and a rear egress onto the back deck. The proposed new basement entry on the rear façade will be approximately 4 feet by 5 feet.

These changes will facilitate an interior renovation and expansion. On the first floor, the kitchen will be expanded into the as-of-right side addition and in the rear addition area a new den will be created as well as a new family room that will open out onto the rear deck. On the second floor, the interior walls will be reconfigured to expand the existing bedrooms and in the rear addition area a new bathroom and two new bedrooms will be created. The third floor will remain one bedroom and the area of the rear addition will be used for storage. The existing dwelling is a four bedroom home but once the renovations are complete there will be a total of six bedrooms in the structure. The rear addition would also expand the basement area of the structure by adding an unfinished space in the rear of approximately 19.5 feet by 27 feet to be used for storage.

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.

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 provide for and maintain the uniquely integrated structure of uses in the City; to prevent the overcrowding of land; to conserve the value of land and buildings; to preserve the historical and architectural resources of the City; to encourage the most appropriate use of land throughout the City; to encourage housing for persons of all income levels; and to preserve and increase the amenities of the municipality."

The proposal is consistent with the purpose of the district (6.1.2. RB - Residence Districts), 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."



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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 project is compatible with the characteristics of the surrounding area. The Applicant is proposing to remove an existing single story volume and bulkhead basement entry at the rear of the dwelling and to add on a 2½ story addition, a deck, and a new basement entry. The Applicant is also replacing a solid front porch railing with a baluster style railing and adding on an as-of-right two story addition to the right side of the structure. The property will remain a 2½ story, single-family residential use which is consistent with the surrounding neighborhood.

5. Adverse environmental impacts: The proposed use, structure or activity will not constitute an adverse impact on the surrounding area resulting from: 1) excessive noise, level of illumination, glare, dust, smoke, or vibration which are higher than levels now experienced from uses permitted in the surrounding area; 2) emission of noxious or hazardous materials or substances; 3) pollution of water ways or ground water; or 4) transmission of signals that interfere with radio or television reception.

No adverse environmental impacts are anticipated from this project. The structure will remain a 2½ story, single-family dwelling and will continue to be used for residential purposes. The Applicant is extending the existing nonconforming setback on the north side of the property deeper into the lot by approximately 20 feet and another 9 feet deeper in the center of the property to construct a deck. There are no anticipated negative impacts from this proposal.



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DECISION:

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Danielle Evans, Scott Darling and Elaine Severino. Upon making the above findings, Richard Rossetti 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 to alter a nonconforming structure to construct a two and a half story addition and deck in the rear, and install a baluster style railing on the front porch of an existing single-family residence. 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 5, 2011)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>March 31, 2011 (April 28, 2011)</td> <td>Plot Plan</td> </tr> <tr> <td>April 20, 22, & 23, 2011 (April 28, 2011)</td> <td>Plans submitted to OSPCD (Existing and Proposed Elevations and Floor Plans)</td> </tr> </tbody> </table> <p>Any changes to the approved site plans or elevations that are not <i>de minimis</i> must receive SPGA approval.</p>	Date (Stamp Date)	Submission	(April 5, 2011)	Initial application submitted to the City Clerk's Office	March 31, 2011 (April 28, 2011)	Plot Plan	April 20, 22, & 23, 2011 (April 28, 2011)	Plans submitted to OSPCD (Existing and Proposed Elevations and Floor Plans)	BP/CO	Plng.	
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2	The Applicant shall meet the Fire Prevention Bureau's requirements.	CO	FP									
3	New siding type and color, roofing, and materials of the addition and those on the existing structure shall all match one another.	CO	Plng.									
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									
5	To the maximum extent feasible the Applicant will utilize strategies during construction to mitigate dust and control air quality, to minimize noise and to implement a waste recycling program for the removed debris.	During Construction	OSE/IS D									
6	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:

Orsola Susan Fontano, *Acting Chairman*
Richard Rossetti, *Acting Clerk*
T.F. Scott Darling, III, Esq.
Danielle Evans
Elaine Severino (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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