



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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MAYOR

PLANNING DIVISION

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Case #: ZBA # 2011-76
Site: 21 Chetwynd Road
Date of Decision: November 2, 2011
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: November 8, 2011

ZBA DECISION

Applicant Name:	Chabbad of Medford
Applicant Address:	21 Chetwynd Road, Somerville, MA 02144
Property Owner Name:	Rabbi Tzvi Backman
Property Owner Address:	21 Chetwynd Road, Somerville, MA 02144
Agent Name:	N/A

Legal Notice: Applicant the Chabbad of Medford and Owner Rabbi Tzvi Backman seek a special permit to alter a nonconforming structure under SZO §4.4.1 to add a third story rear addition and a dormer on the right side, alter an existing rear porch, and increase the Floor Area Ratio with the creation of basement office space at an existing rectory/parsonage with two dwellings units.

<u>Zoning District/Ward:</u>	RA zone/Ward 7
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	October 4, 2011
<u>Date(s) of Public Hearing:</u>	November 2, 2011
<u>Date of Decision:</u>	November 2, 2011
<u>Vote:</u>	5-0

Appeal #ZBA 2011-76 was opened before the Zoning Board of Appeals at Somerville City Hall on November 2, 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 proposing to make both exterior and interior modifications to the existing structure that require zoning relief. Most of the exterior renovations will be occurring on the rear (east) elevation of the structure. On the first floor of the rear of the building the Applicant will be removing the existing porch and installing a new porch that surrounds the porch stairs that lead into the backyard. This will include fiberglass columns which will cover the existing steel support pieces. There are currently two means of egress on this façade and they will both be relocated. One will be moved to the center of the façade and the second will be relocated around the corner to the right side (southern) façade. On second story of the rear façade, the existing casement windows will be replaced with new, double hung windows, and a third, narrow, double hung window will be installed just to the left. The third floor façade will include a new addition that will expand the living space of the third floor out over the top of the second floor which is directly above the first floor rear porch. This new third floor addition will have two double hung windows and a gambrel roof pitch which will mimic that of the main roof line.

On the first floor of the right side (southern) elevation a new secondary means of egress will be installed and an existing picture window will be removed and replaced with a new double hung window. On the second story, the existing picture window will also be replaced with two double hung windows of different sizes and a third new double hung window will be added just to the right. On the third floor of the right (southern) elevation a small shed dormer with a double hung window will be added to provide the necessary headroom for a new interior stairwell that will provide access between the first, second, and third floors. The alterations on the right (southern) elevation would be as-of-right changes with the exception of the new window furthest to the right on the second floor. No exterior changes are proposed for the front or left side of the existing structure.

Substantial interior renovations would occur along with these exterior changes to the existing structure. The basement level would convert from 1,208 gross square feet of storage space into 966 square feet of office space including the Rabbi's office, an administrative office, a workspace, an open sitting area, and a bathroom. On the first floor, the existing studio apartment, bathroom, and associated kitchen would all be removed and converted into a library which would also allow for the expansion of the existing meeting room space from 337 square feet to 402 square feet. On the second floor, the new interior stairwell would be installed and the kitchen area would be expanded into what is currently the laundry room. On the third floor, the new dormer and addition over the second floor would make room for the new interior stairwell, a new laundry room, the creation of a master bathroom, the addition of a second bathroom, and a reconfigured rear bedroom. When the renovations are completed, the rectory/parsonage use would occupy the basement and first floor and a four bedroom dwelling unit would occupy the second and third floors. The interior changes would increase the habitable space of the structure from 3,554 square feet to 5,054 square feet and increase the building's Floor Area Ratio (FAR) from 0.89 to 1.26.

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 third floor addition, dormer, new deck, and new windows will not decrease the existing rear yard setback or any other setbacks at the property for that matter. The character of the house will remain intact, as the Applicant is proposing to match the siding, roofline, and roofing materials of the existing structure. The proposed third floor addition, dormer, new deck, and



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new windows would not be readily visible from Chetwynd Road as all of the proposed changes are occurring in the rear portion of the structure, and therefore these changes would not greatly impact the streetscape. Furthermore, the parking situation at the property will remain the same even though the meeting space on the first floor is being expanded because the studio apartment on the first floor will be removed entirely. These changes will not create the need for any new on-site parking and, in fact, the existing and proposed parking requirements would be the same. The structure will remain a 2½ story rectory/parsonage, with one dwelling unit, instead of two, and will continue to be used for institutional and residential purposes, which is consistent with the surrounding neighborhood

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 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 also consistent with the purpose of the district (6.1.1. RA - Residence Districts), which is, “To 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.”

The project is compatible with the characteristics of the surrounding neighborhood. The existing structure is located 12.5 feet from the rear property line and the proposed project will not change this setback or any of the other existing setbacks at the property. The proposed third floor addition will occur within the existing footprint of the building with other changes to the dwelling replacing window and door openings or occurring on the interior. The character of the house will remain intact as the Applicant is proposing to match the siding, roofline, and roofing materials of the existing structure. Only a portion of the addition, the new dormer, windows, and door on the right side (southern) elevation would be somewhat visible from Chetwynd Road, but these changes would not greatly impact the streetscape. The use of the property will remain the same, with the exception of the removal of the studio apartment, and therefore there will be one less dwelling unit at the property. With the removal of this unit and the expansion of the meeting space on the first floor, the parking situation at the property will remain the same. The structure will remain a 2½ story rectory/parsonage, with one dwelling unit, instead of two, and will continue to be used for institutional and residential purposes, 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. No new noise, glare, smoke, vibration, nor emissions of noxious materials, nor pollution of water ways or ground water, nor transmission of signals that interfere with radio or television reception are anticipated as part of the proposal. The structure will remain a 2½ story rectory/parsonage, with one dwelling unit, instead of two, and will continue to be used for institutional and residential purposes.



DECISION:

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Danielle Evans and Scott Darling. Upon making the above findings, Susan Fontano 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 under SZO §4.4.1 to add a third story rear addition and a dormer on the right side, alter an existing rear porch, and to increase the Floor Area Ratio with the creation of basement office space at an existing rectory/parsonage. 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>(October 4, 2011)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>September 21, 2011 (October 14, 2011)</td> <td>Plot Plan</td> </tr> <tr> <td>October 14, 2011 (October 26, 2011)</td> <td>Existing and Proposed Floor Plans and Elevations (T-1.00, X-1.00 – X-1.03, X-2.01 – X-2.04, A-1.00 – A-1.03, and A-2.01 – A-2.04)</td> </tr> </tbody> </table> <p>Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.</p>	Date (Stamp Date)	Submission	(October 4, 2011)	Initial application submitted to the City Clerk's Office	September 21, 2011 (October 14, 2011)	Plot Plan	October 14, 2011 (October 26, 2011)	Existing and Proposed Floor Plans and Elevations (T-1.00, X-1.00 – X-1.03, X-2.01 – X-2.04, A-1.00 – A-1.03, and A-2.01 – A-2.04)	BP/CO	ISD/Plng	
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2	The Applicant shall update the fire alarm system to be code compliant.	CO	FP									
3	New siding type and color, roofing, trim, and materials of the addition and dormer shall match those of the existing structure.	CO	Plng.									
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	Plng.									



Attest, by the Zoning Board of Appeals:

Herbert Foster, *Chairman*
Orsola Susan Fontano, *Clerk*
Richard Rossetti
T.F. Scott Darling, III, Esq.
Danielle Evans

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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