



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

PLANNING DIVISION

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Case #: ZBA #2012-47
Site: 10 Cleveland Street
Date of Decision: July 11, 2012
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: July 23, 2012

ZBA DECISION

Applicant Name:	Alan Peterson
Applicant Address:	7 Fairfield Street, Medford, MA 02155
Property Owner Name:	Art of Building, LLC
Property Owner Address:	7 Fairfield Street, Medford, MA 02155
Agent Name:	N/A

Legal Notice: Applicant, Alan Peterson, and Owner, Art of Building LLC, seek a Special Permit under SZO §4.4.1 to alter a nonconforming two-family dwelling that includes rearranging windows and doors on each façade of the building and modifying the front porch.

<u>Zoning District/Ward:</u>	RB zone/Ward 3
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	June 12, 2012
<u>Date(s) of Public Hearing:</u>	July 11, 2012
<u>Date of Decision:</u>	July 11, 2012
<u>Vote:</u>	5-0

Appeal #ZBA 2012-47 was opened before the Zoning Board of Appeals at Somerville City Hall on July 11, 2012. 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, Alan Peterson, is currently rehabilitating this two-family dwelling and seeks a Special Permit to alter the location of multiple windows and doors as well as modify the front entry porch. Various windows and doors will be altered according to changes with the interior plan of the building. Upon completion, Unit 1 will have a master bedroom and bathroom in the basement and a second bedroom on the first floor. Unit 2 will have a master bedroom on the second floor and the attic will contain two additional bedrooms and a bathroom.

The front entry porch, which was previously enclosed, will be modified to re-open the left side and center of the porch. 36" railings will be added as well as handrails, and the porch stairs will be rebuilt and relocated slightly to the left. The right portion, to remain enclosed, will have one new double-hung window installed on the front façade, two windows on the right side façade, and an entrance to the second floor unit on the left side of the enclosure that will open into a mudroom with a staircase. The second story of the front porch will gain four new double-hung windows, grouped in two pairs, and both pairs will be centered on this portion of the front façade. Like the first story, two windows will be located on the right side façade of the porch and one window will be located on the left side of the front porch enclosure. There are also two windows located under the gable that will each be given replacement sashes.

Doors and windows located on the projecting porch of the rear façade will also be altered. Currently, the two-story enclosed rear porch has six windows on the rear façade of the first and second story, and two windows on each side façade of each story. The windows for the rear façade of the first and second story porch will be replaced with two new centrally located sliding windows that are six feet wide and five feet in height. One window on each side façade of each story will also replace the two existing windows. However, two windows on the left side of the first story will be replaced with sliding glass doors that open onto a new rear stair which will extend down the side of the building. The existing stair to the right of the rear porch will be retained but will be reconstructed.

Due to the sloping nature of the lot, four additional windows are located at the basement level, inset beneath the projecting porch on the rear façade. The windows and enclosed area beneath the porch at the basement level will be removed and this space will be reframed to be slightly smaller, as the right side will remain open. One new sliding window, consistent with those above, and one new fixed window, two feet wide by five feet in height, will be placed on the new re-enclosed façade. A new door will be installed on the left side façade, under the new rear stair, where there is currently a door and a window.

The right side elevation, or west façade, will have two new windows added near the front of the building, two other windows will be rearranged to accommodate interior changes, and two more windows will be removed from the basement at grade level. The two new windows added to this façade will be in the front stairwell, one located on each floor. The first floor window will be small, 2.5 feet in width by 2 feet in height, and have an awning while the second story window will be 2'-2" in width by 4 feet in height. The two windows being modified on this façade are located on the second floor toward the rear of the building. One opening will have a casement window installed that is shorter than the present window and the other will be moved approximately one foot toward the front of the building. The two basement windows to be removed are located beneath the new windows that are to be located in the front stairwell.

The left side elevation, or east façade, will have three windows modified to accommodate interior changes. These windows are all located near the rear façade, one on each floor and in the basement. The basement and first floor windows will lose some of their height and the second story window will be moved approximately 2.5 feet toward the front façade.

Two new AC condenser units will be installed, one for each unit. One will be located beneath the existing rear stair and the other will be located beneath the new stair to be constructed on the left side of the enclosed porch.



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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. This proposal will restore the structure and enhance the building as well as improve the streetscape of the entire block. These modifications will also enable new residents to better utilize the interior space of this two-family dwelling.

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 protect health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to conserve the value of land and buildings; to preserve the historical and architectural resources of the City; and to encourage the most appropriate use of land throughout the City.

The proposal is consistent with the purpose of the Residence B district, §6.1.2, which is, "[t]o 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 proposal to alter this nonconforming two-family dwelling has been designed to be compatible with the built and unbuilt surrounding area. The proposed changes restore the structure, enhance the building, and improve the overall streetscape. These modifications only alter the exterior to allow better use of the interior space.



DECISION:

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Scott Darling Josh Safdie with Danielle Evans and Elaine Severino absent. 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 for a Special Permit to alter a nonconforming two-family dwelling, which includes rearranging windows and doors on each façade of the building and modifying the 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>(June 12, 2012)</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>June 25, 2012 (July 3, 2012)</td> <td>Plot & proposed plans submitted to OSPCD (A-00, A-01, A-02, A-03, A-04, A-05, A-06, A-07, A-08, and A-09)</td> </tr> <tr> <td>June 14, 2012 (July 3, 2012)</td> <td>Existing building elevation plans submitted to OSPCD</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	(June 12, 2012)	Initial application submitted to the City Clerk’s Office	June 25, 2012 (July 3, 2012)	Plot & proposed plans submitted to OSPCD (A-00, A-01, A-02, A-03, A-04, A-05, A-06, A-07, A-08, and A-09)	June 14, 2012 (July 3, 2012)	Existing building elevation plans submitted to OSPCD	BP/CO	ISD/Plng.	
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June 14, 2012 (July 3, 2012)	Existing building elevation plans submitted to OSPCD											
2	New siding type and color, roofing, trim and similar materials shall match or be complimentary to the existing materials.	CO	Plng.									
3	The Applicant or Owner shall meet the Fire Prevention Bureau’s requirements, which includes the installation of a code compliant fire alarm system.	CO	FP									
4	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									
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.									



Attest, by the Zoning Board of Appeals:

Herbert Foster, *Chairman*
Orsola Susan Fontano, *Clerk*
Richard Rossetti
T.F. Scott Darling, III, Esq.
Josh Safdie (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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