



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

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JOSH SAFDIE (ALT.)

Case #: ZBA # 2012-100
Site: 70 Irving Street
Date of Decision: December 12, 2012
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: December 21, 2012

ZBA DECISION

Applicant Name:	Cynthia Taft & Frederick Mueller
Applicant Address:	15A Traymore Street, Cambridge, MA 02140
Property Owner Name:	Cynthia Taft & Frederick Mueller
Property Owner Address:	15A Traymore Street, Cambridge, MA 02140
Agent Name:	Community Builders Co-op
Agent Address:	24 Webster Avenue, Somerville, MA 02143

Legal Notice: Applicants and Owners, Cynthia Taft and Frederick Mueller, seek a Special Permit under SZO §4.4.1 to alter a nonconforming single family dwelling through the installation of windows and a bulkhead door on the right side elevation.

<u>Zoning District/Ward:</u>	RA zone/Ward 6
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	November 13, 2012
<u>Date(s) of Public Hearing:</u>	December 12, 2012
<u>Date of Decision:</u>	December 12, 2012
<u>Vote:</u>	5-0

Appeal #ZBA 2012-100 was opened before the Zoning Board of Appeals at Somerville City Hall on December 12, 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.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
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DESCRIPTION:

Applicants and Owners, Cynthia Taft and Frederick Mueller, propose to install four transom windows on the right side elevation as part of a larger, by right renovation. Window dimensions would be 2'6" in width by 1'6" in height. These four windows will be located within the projecting right side bay and placed horizontally approximately eight feet above the foundation. Window casings will surround each individual window and the windows will be placed 3"-4" apart.

The bulkhead door to be installed on the right side elevation in front of the projecting bay, will encroach 1.5 feet into the right side yard setback; however, since this side yard encroachment is not more than 1/4 of the required setback, which is 6 feet, the bulkhead door is allowed by right.

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. There are not character defining features that would be altered as part of this proposal. The addition of four transom windows to the projecting right side bay will enhance this façade as these windows will create a pattern of fenestration where currently no pattern exists. This fenestration pattern will allow natural light into the space and at the same time maintain the privacy of the abutting property since the windows will be installed approximately eight feet above the foundation.

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 preserve and increase the amenities of the municipality."

The proposal is consistent with the purpose of the Residence A (RA) district, SZO §6.1.1, which is, "[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."

The installation of four transom windows in the projecting bay of the right side façade is designed to be compatible with the built and unbuilt surrounding area. The alterations will improve this façade and retain the privacy of the



right side neighboring property. Additionally, the windows will be of a style that is consistent with the existing windows.

DECISION:

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Danielle Evans and Elaine Severino. 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 a Special Permit under SZO §4.4.1 to alter a nonconforming single family dwelling through the installation of windows on the right side elevation as part of other by right alterations. 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>(November 13, 2012)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>September 26, 2012 (November 29, 2012)</td> <td>Plot plan submitted to OSPCD</td> </tr> <tr> <td>(November 29, 2012)</td> <td>Existing plans submitted to OSPCD (L, B, 1 & 2)</td> </tr> <tr> <td>October 12, 2012 (November 29, 2012)</td> <td>Proposed plans submitted to OSPCD (B, 1, 2 & Elevations)</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	(November 13, 2012)	Initial application submitted to the City Clerk's Office	September 26, 2012 (November 29, 2012)	Plot plan submitted to OSPCD	(November 29, 2012)	Existing plans submitted to OSPCD (L, B, 1 & 2)	October 12, 2012 (November 29, 2012)	Proposed plans submitted to OSPCD (B, 1, 2 & Elevations)	BP/CO	ISD/Plng.	
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2	Replacement siding (type and color), trim and related materials shall match or be complimentary to the rest of the existing structure.	CO	Plng											
3	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP											
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
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 _____

