



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

PLANNING DIVISION

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JOSH SAFDIE (ALT.)

Case #: ZBA # 2011-48
Site: 20 Main Street
Date of Decision: August 3, 2011
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: August 4, 2011

ZBA DECISION

Applicant Name:	Erik Nottleson
Applicant Address:	18 Radcliffe Road, #2, Somerville, MA 02145
Property Owner Name:	Erik Nottleson
Property Owner Address:	18 Radcliffe Road, #2, Somerville, MA 02145
Agent Name:	N/A

Legal Notice: Applicant and Owner Erik Nottleson, seeks a special permit under SZO §4.4.1 to remove the existing stairs and replace them with a spiral staircase on the side of an existing two-family dwelling.

<u>Zoning District/Ward:</u>	NB & RB zones/Ward 4
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	May 24, 2011
<u>Date(s) of Public Hearing:</u>	7/13 & 8/3/11
<u>Date of Decision:</u>	August 3, 2011
<u>Vote:</u>	

Appeal #ZBA 2011-48 was opened before the Zoning Board of Appeals at Somerville City Hall on July 13, 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 two hearings of deliberation, the Zoning Board of Appeals took a vote.



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DESCRIPTION:

On the right side of the structure, the Applicant is proposing to remove the existing second story landing and stairs and to replace these with a 12.5 foot long L-shaped landing with stairs that would land below on the first floor landing. The existing first floor landing and stairs would also be removed and replaced with a new landing, including an expanded portion that would extend 10 feet along the right side of the structure towards Main Street with newly installed stairs that would descend to the ground. The proposed 10 foot extension of the first floor landing would be as-of-right construction.

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 overall footprint of the new staircases and landings would only be slightly larger than what currently exists at the property. The new staircase down from the second floor will be within the footprint of the first floor landing and would not interfere with the driveway below or the adjacent building at 14-18 Main Street. Additionally, the existing programming on this side of the subject property would not change as stairways and landings would remain for access to and from the first and second floors of the building. The new landings and stairs are all located on the side and towards the rear of the existing structure and they will not alter the streetscape along Main Street in any way. Furthermore, the structure has a substantial rear yard setback of approximately 38 feet and therefore the property to the rear should not be greatly impacted. The property will remain a 2½ story, two-family residential use 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 providing for and maintaining "the uniquely integrated structure of uses in the City; to secure safety from fire, panic and other dangers; to conserve the value of land and buildings; to encourage the most appropriate use of land throughout the City; and to encourage housing for persons of all income levels."

The proposal is also consistent with the purpose of the districts (6.1.2. RB - Residence Districts and 6.1.4. NB - Neighborhood Business Districts), which are, "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," and "To establish and preserve areas for small-scale retail stores, services and offices which are located in close proximity to residential areas and which do not have undesirable impacts on the surrounding neighborhoods."

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."



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The project is compatible with the characteristics of the surrounding neighborhood. The overall footprint of the new staircases and landings would only be slightly larger than what currently exists at the property. The new staircase down from the second floor will be within the footprint of the first floor landing and would not interfere with the driveway below or the adjacent building at 14-18 Main Street. The new staircase down from the second floor landing will make for a more efficient use of space in the tight area between the two structures. Additionally, the existing programming on this side of the subject property would not change as stairways and landings would remain for access to and from the first and second floors of the building. The new landings and stairs are all located on the side and towards the rear of the existing structure and they will not alter the streetscape along Main Street in any way. Furthermore, the structure has a substantial rear yard setback of approximately 38 feet and therefore the property to the rear should not be greatly impacted. The property will remain a 2½ story, two-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. No new noise, lighting, glare, smoke, vibration, nor emissions of noxious materials nor pollution of water ways or ground water are anticipated as part of the proposal. The structure will remain a 2½ story, two-family dwelling and will continue to be used for residential purposes.



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DECISION:

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Danielle Evans, Scott Darling and Elaine Severino with Herbert Foster recused. 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 remove the existing stairs and replace them with a newly designed staircase on the side of an existing two-family dwelling. 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>(May 24, 2011)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>July 15, 2011 (July 26, 2011)</td> <td>Plot Plan</td> </tr> <tr> <td>June 24, 2010 Revised: July 21, 2011 (July 26, 2011)</td> <td>Stairs and Landing Plans (A-1.3 and A-2.3)</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	(May 24, 2011)	Initial application submitted to the City Clerk's Office	July 15, 2011 (July 26, 2011)	Plot Plan	June 24, 2010 Revised: July 21, 2011 (July 26, 2011)	Stairs and Landing Plans (A-1.3 and A-2.3)	BP/CO	ISD/Plng.	
Date (Stamp Date)	Submission											
(May 24, 2011)	Initial application submitted to the City Clerk's Office											
July 15, 2011 (July 26, 2011)	Plot Plan											
June 24, 2010 Revised: July 21, 2011 (July 26, 2011)	Stairs and Landing Plans (A-1.3 and A-2.3)											
2	The Applicant shall meet the Fire Prevention Bureau's requirements.	Final Sign Off	FP									
3	The Applicant shall install an exterior light next to the first and second floor rear egress doors in compliance with the National Electrical Code 2011.	Final Sign Off	Wiring Inspector									
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:

Orsola Susan Fontano, *Acting Chairperson*
Richard Rossetti, *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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