



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

PLANNING DIVISION

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**Case #: ZBA # 2011-33**  
**Site: 27 Porter Street**  
**Date of Decision: May 18, 2011**  
**Decision: *Petition Approved with Conditions***  
**Date Filed with City Clerk: May 19, 2011**

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**ZBA DECISION**

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<b>Applicant Name:</b>	Frank Marinello
<b>Applicant Address:</b>	27 Porter Street, Somerville, MA 02143
<b>Property Owner Name:</b>	Luigi & Rose Marinello
<b>Property Owner Address:</b>	27 Porter Street, Somerville, MA 02143
<b>Agent Name:</b>	Jay W. Melick
<b>Agent Address:</b>	100 Grove Street, Worcester, MA 01605

Legal Notice: Applicant Frank Marinello and Owner Luigi and Rose Marie Marinello seek a Special Permit to alter a nonconforming structure under SZO §4.4.1 to construct an approx 3,000 sf addition to an existing two-family residence.

<u>Zoning District/Ward:</u>	RB zone/Ward 3
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	April 14, 2011
<u>Date(s) of Public Hearing:</u>	May 18, 2011
<u>Date of Decision:</u>	May 18, 2011
<u>Vote:</u>	5-0

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Appeal #ZBA 2011-33 was opened before the Zoning Board of Appeals at Somerville City Hall on May 18, 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 proposal is to construct a 2,400 sf addition on the back of the house to provide a fully accessible residence with specialized equipment for a family member with physical disabilities. The addition would primarily be one-story; however, there would be a second story portion of the addition. The first floor of the addition would contain a kitchen, bathroom, bedroom, therapy room, family room, mudroom to connect to the main house and a screened-in porch. The second level would contain three bedrooms for a family member and home health aids and a bathroom.

There would also be a two-car garage as part of the addition. Two cars would also be able to park in the driveway to the right of the driveway on pervious pavers.

The addition would have gable roofs with a hipped roof over the garage as to not block light from the skylights in the family room. A dormer that would be approximately three-quarters of the length of the rear façade would form the second story. The addition will include many single hung windows with a six over six grid. The family room is in a prime location for sunlight exposure and skylights are proposed to catch the light. The siding would be white vinyl to match the existing house.

The existing concrete block garage would be removed as well as the foundation of the barn. The owners have several large trees including an olive tree that they have dug up and planted in large pots so that they would not be damaged by the construction and can be relocated when the project is substantially complete. The remainder of the yard will be planted with grass. There is an old apple tree and planted rock garden on the right side of the house, which will remain. The proposed parking spaces are configured as shown on the site plan to save the existing on-site trees. The parking spaces will be screened from the road by the existing bushes.

The utilities for the unit will run underground from the existing house. A roof drain leaching pit will be installed to address the water runoff. Staging for the construction is planned to be on the neighbor's property, where the neighbor has given permission to store equipment.

The kitchen on the second floor of the existing house would be demolished as part of this application to legalize the existing house as a single-family as it has been used for years. The addition would become a second unit. If the applicants chose to have three units on the parcel they would be allowed to as long as additional parking spaces were provided or a special permit was granted to waive parking requirements. Three units per lot are allowed in this zoning district and there is sufficient land area to meet the minimum lot area per dwelling unit for three units.

**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 find that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The addition complies with the dimensions of the Somerville Zoning Ordinance. Since the existing house is technically a two-family and a kitchen



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will be removed to make it a one-family, the permitted use of the property will not change when the addition becomes a second unit.

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 and providing for and maintaining the uniquely integrated structure of uses in the City. The addition will allow the family member with physical disabilities to come home from a rehabilitation center and live with family in a comfortable environment. The layout of the addition would also be functional as a dwelling unit for a future owner, and one of the few dwellings in this neighborhood that would meet the needs of an owner with physical disabilities. The addition to a two-family dwelling is consistent with the purpose of the RB District because it will make the structure functional for this family as well as for future owners.

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 has been designed to be compatible with the characteristics of the surrounding area. Many of the surrounding properties have built additions in the rear yard or are currently seeking approval to do so. Due to the grade change the back yards of the side abutters feel separate from the property than is typical when there is no grade change. There will be 20 feet to the rear lot line and the first one or two stories of apartment building will have views of the addition. The most visible portion of the addition from the street will be the garage. With the recommended conditions the garage doors would have a traditional barn-style and there would be a small dormer on the hipped roof so that the garage will reference a hay loft and the barn that was previously located behind the house. These details will help the garage fit into the historic character of the neighborhood. The remainder of the addition will have gable roofs which make it appear less tacked on as additions with flat roof often appear. The second story has been designed in such a way that the addition appears to be 1 ½ stories. Many windows are proposed, which breaks up the façade except for the back portion of the left elevation, where closets for the bedroom need to be located. The ramp into the addition has been tucked behind the existing house and next to the mudroom so that it is easily accessible but is not very visible.



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**DECISION:**

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Scott Darling and Elaine Severino with Danielle Evans 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 the construction of an approx 2,400 sf addition. 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>Apr 14, 2011</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>May 5, 2011</td> <td>Modified plans submitted to OSPCD (A-1 site plan &amp; first floor plan, A-2 second floor plan &amp; left side elevation, A-3 foundation plan, A-4 elevations, A-5 cross sections, A-6 roof plan)</td> </tr> <tr> <td>May 19, 2011</td> <td>Modified plans submitted to OSPCD (Site Plan with parking layout)</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	Apr 14, 2011	Initial application submitted to the City Clerk's Office	May 5, 2011	Modified plans submitted to OSPCD (A-1 site plan & first floor plan, A-2 second floor plan & left side elevation, A-3 foundation plan, A-4 elevations, A-5 cross sections, A-6 roof plan)	May 19, 2011	Modified plans submitted to OSPCD (Site Plan with parking layout)	BP/CO	Plng.	
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May 19, 2011	Modified plans submitted to OSPCD (Site Plan with parking layout)											
2	The garage doors shall have the appearance of traditional barn-style doors. The design and materials of these doors shall be submitted to Planning Staff for review and approval.	Prior to installation of doors	Plng. / ISD									
3	There shall be a small dormer on the hipped roof above the garage to resemble a hayloft. The design of this dormer shall be submitted to Planning Staff for review and approval.	Prior to framing of garage	Plng. / ISD									
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	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
6	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	
7	The two parking spaces proposed to be along the street shall be screened by vegetation.	CO / Perpetual	Plng. / ISD	
8	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards.	Perpetual	Plng. / ISD	
9	The property shall remain a two-family dwelling unless the Owner submits information that the parking requirements have been met to the satisfaction of the Superintendent of Inspectional Services Division or the SPGA grants relief from the parking requirements.	Perpetual	ISD	
10	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.  
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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