



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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MICHAEL F. GLAVIN  
EXECUTIVE DIRECTOR

PLANNING DIVISION

**ZONING BOARD OF APPEALS MEMBERS**

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RICHARD ROSSETTI  
DANIELLE EVANS  
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JOSH SAFDIE (ALT.)

**Case #: ZBA # 2012-87**  
**Site: 32-34 Wallace Street**  
**Date of Decision: December 12, 2012**  
**Decision: Petition Approved with Conditions**  
**Date Filed with City Clerk: December 21, 2012**

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**ZBA DECISION**

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<b>Applicant Name:</b>	Paula & Albert Pellecchia, Jr.
<b>Applicant Address:</b>	34 Wallace Street, Somerville, MA 02144
<b>Property Owner Name:</b>	Paula & Albert Pellecchia, Jr.
<b>Property Owner Address:</b>	34 Wallace Street, Somerville, MA 02144
<b>Agent Name:</b>	N/A

Legal Notice: Applicants and Owners Paula and Albert Pellecchia Jr., seek a Special Permit under SZO §4.4.1 to make alterations to an existing nonconforming multi-family structure to construct a one-story addition on the rear left side of the building.

<u>Zoning District/Ward:</u>	RA zone/Ward 6
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	October 30, 2012
<u>Date(s) of Public Hearing:</u>	December 12, 2012
<u>Date of Decision:</u>	December 12, 2012
<u>Vote:</u>	5-0

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Appeal #ZBA 2012-87 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  
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722  
[www.somervillema.gov](http://www.somervillema.gov)

**DESCRIPTION:**

The Applicants are proposing to add a 6 foot wide by 14 foot deep (84 square feet) one story, shed roof style addition onto the left rear side of the existing nonconforming four-family dwelling. The existing structure has a three floor dwelling unit on the right side (34 Wallace Street) and three dwelling units on the left side (32 Wallace Street). The first floor of 32 Wallace Street consists of a studio apartment towards the front of the building and a one-bedroom dwelling unit towards the rear. The second and third floors of the 32 Wallace Street side of the building are occupied by a three-bedroom dwelling unit with a living room, kitchen, and a bathroom, all of which are on the second floor along with one of the bedrooms. On the third floor are the other two bedrooms and also a study which is actually only connected to the dwelling unit on the 34 Wallace Street side of the building. The 6 foot by 14 foot addition on the left rear side of the building would allow for a more formalized separation between the living area, bedroom, and kitchen area. The interior walls of the unit would also be shifted to enlarge the formalized bedroom area, to increase the size of the bathroom at the rear of the unit, and to create a direct connection between the formalized bedroom space and the bathroom. The secondary egress from the unit would be moved from the left side of the structure around to the rear of the building through the bathroom. The addition would be 14 feet at its highest point where it attaches to the existing structure and would have windows on the left side and rear elevations. The Applicants currently live in the multi-floor unit on the 34 Wallace Street side of the building but are looking to downsize into a smaller unit that is all on one floor level. This small addition to the structure would allow them to enhance the quality of the space in this rear first floor unit at 32 Wallace Street and they would then occupy the unit themselves.

**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 Applicants 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 Permit.
2. Compliance with Standards: The Applicants 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 proposed alterations to the nonconforming structure would not be substantially more detrimental to the neighborhood than the existing structure. The addition itself would still maintain compliance with the minimum required setbacks and would still be within the building envelope at the property as it will be 9 feet from the left side property line and 28.1 feet from the rear property line. While one window would be created on the left side of the addition, it would look out at the extreme rear of the property at 30 Wallace Street. The addition would also not impact the Wallace Street streetscape as it would be tucked behind the existing bay on the left side of the structure and be mostly blocked from view from the public way. This is also true of the height of the addition as it will only be 14 feet high and well below the 2½ story height of the existing building. The FAR of the property would increase ever so slightly from 0.80 to 0.81 as 84 square feet is being added to the existing building, but this additional square footage is almost negligible in terms of FAR. The existing parking situation at the property would also not be altered or impacted as the proposal is simply adding onto what is already classified as an existing one-bedroom unit. Compliance with all other dimensional requirements of the SZO would still be maintained at the property.

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 protect health; to secure safety from fire, panic and other dangers; to prevent the overcrowding of land; 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 fairly 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.” While the four-family dwelling use is a nonconforming use for this particular zoning district, the use is still residential in nature and is compatible with the surrounding neighborhood.

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 proposed project is compatible with the characteristics of the surrounding neighborhood. The addition itself would still maintain compliance with the minimum required setbacks and would still be within the building envelope at the property as it will be 9 feet from the left side property line and 28.1 feet from the rear property line. While one window would be created on the left side of the addition, it would look out at the extreme rear of the property at 30 Wallace Street. The addition would also not impact the Wallace Street streetscape as it would be tucked behind the existing bay on the left side of the structure and be mostly blocked from view from the public way. This is also true of the height of the addition as it will only be 14 feet high and well below the 2½ story height of the existing building. The property will remain a 2½ story, four-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 proposal. 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 project. The property will remain a 2½ story, four-family residential use which is consistent with the surrounding neighborhood.



**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	Approval to make alterations to an existing nonconforming multi-family structure under SZO §4.4.1 to construct a one-story addition on the rear left side of the building. This approval is based upon the following application materials and the plans submitted by the Applicants:	BP/CO	ISD/Plng.		
	<b>Date (Stamp Date)</b>				<b>Submission</b>
	(October 30, 2012)				Initial application submitted to the City Clerk’s Office
	October 26, 2012 (November 15, 2012)				Plot Plan
	(November 15, 2012)				Existing First Floor Plan (Partial)
	(November 15, 2012)				Proposed First Floor Plan (Partial)
	(November 15, 2012)				Side Elevation
	(November 15, 2012)				Floor Plan 1 <sup>st</sup> Floor Proposed
	(November 15, 2012)				Floor Plan 2 <sup>nd</sup> Floor Existing / Proposed
	(November 15, 2012)				Floor Plan 3 <sup>rd</sup> Floor Existing / Proposed
	(November 15, 2012)				Construction Detail
	(November 15, 2012)				Construction Section
Any changes to the approved site plans or elevations that are not <i>de minimis</i> must receive SPGA approval.					



2	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	
3	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
4	New siding type and color, trim, roofing, and materials of the addition shall match that of the existing structure.	CO	Plng.	
5	The Applicant shall at their 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	
6	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 \_\_\_\_\_

