



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

PLANNING DIVISION

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Case #: ZBA # 2011-12
Site: 25 Farragut Avenue
Date of Decision: May 4, 2011
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: May 16, 2011

ZBA DECISION

Applicant Name:	Reinaldo & Donna Luna
Applicant Address:	25 Farragut Avenue, Somerville, MA 02144
Property Owner Name:	Reinaldo & Donna Luna
Property Owner Address:	25 Farragut Avenue, Somerville, MA 02144
Agent Name:	Jon Lannan, AIA
Agent Address:	59 Pearson Road, Somerville, MA 02144

<u>Legal Notice:</u>	Applicants/Owners Reinaldo & Donna Luna seek a Special Permit to replace an existing 1 ½ story structure with a 2 ½ story single-family dwelling in an existing nonconforming side yard under SZO §4.4.1.
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<u>Zoning District/Ward:</u>	RB zone/Ward 7
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	February 22, 2011
<u>Date(s) of Public Hearing:</u>	4/6, 4/20 & 5/4/11
<u>Date of Decision:</u>	May 4, 2011
<u>Vote:</u>	5-0

Appeal #ZBA 2011-12 was opened before the Zoning Board of Appeals at Somerville City Hall on April 6, 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:

The proposal is to demolish most of the single-family structure, keeping a portion to retain its nonconforming status, and construct a 2 ½ story single-family house on the foundation of the existing structure. The new porch will extend beyond the existing foundation. The house will be 1,490 nsf. The design of the structure is similar to a typical 2 ½ story house in Somerville with a gable roof, and single-story front porch with a bay window. The driveway side of the house will have a one-story square bay with a sloped roof. The front gable end will be clad with vinyl shingles and the rest of the house will be clad with vinyl clapboards. The house will include details such as wide corner boards, a watertable, and a roofette with brackets over the rear entry. Only two windows are proposed for the east façade because the abutting house is only approximately six feet away. The living space will be on the first and second floors and contain three bedrooms and two bathrooms. The use of the property will remain a single-family dwelling.

The site will continue to have landscaping in the front yard with a 3" caliper tree and a lawn in the rear yard with the existing tree to remain. The driveway and garage may be repaired but will otherwise remain the same. The area between the driveway and the house will be a newly planted landscaped area.

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 nonconforming structure. The structure will be located on the foundation of the existing house and only a front porch with a depth of 4 feet 11 inches will extend the nonconforming side yard. There will only be two windows on the first floor of the east façade where the abutting house is only approximately six feet away so privacy is not a concern. Because the houses are close together, this side of the house is not very visible from the sidewalk. The remaining three sides of the house contain windows that break up the façade and are evenly spaced.

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; and the purpose of the Residence B zoning district with the proposal to reconstruct the single-family house.

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 design of the structure is similar to a typical 2 ½ story house in Somerville in terms of its massing and with elements such as a gable roof, single-story front porch and bay windows. The detailing shown in the plans including the wide corner boards and substantial window trim makes the building appealing. These details can be lost when



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installing vinyl siding and special attention should be given to ensure that the building appears as it does on the plans. The site provides sufficient garage parking and ample landscaping.

5. Vehicular and pedestrian circulation: The circulation patterns for motor vehicles and pedestrians which would result from the use or structure will not result in conditions that create traffic congestion or the potential for traffic accidents on the site or in the surrounding area.

The vehicular and pedestrian circulation on the site will not change as a result of this application.

DECISION:

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Danielle Evans, Scott Darling and Josh Safdie. 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	Approval is for the construction of an approx 1,490 nsf dwelling. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	Plng.							
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>2/22/11</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>3/4/11</td><td>Modified plans submitted to OSPCD (site plan, floor plans, elevations)</td></tr></table>				Date (Stamp Date)	Submission	2/22/11	Initial application submitted to the City Clerk's Office	3/4/11	Modified plans submitted to OSPCD (site plan, floor plans, elevations)
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	2/22/11				Initial application submitted to the City Clerk's Office					
	3/4/11				Modified plans submitted to OSPCD (site plan, floor plans, elevations)					
Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.										
2	The Applicant shall present samples of the materials that will be used for the window trim, siding, and corner boards to Planning Staff and a Historic Preservation Commissioner for review and approval prior to construction.	BP	Plng.							
3	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards.	Perpetual	Plng. / ISD							
4	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP							



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5	The Applicant shall develop a demolition plan in consultation with the City of Somerville Inspectional Services Division. Full compliance with proper demolition procedures shall be required, including timely advance notification to abutters of demolition date and timing, good rodent control measures (i.e. rodent baiting), minimization of dust, noise, odor, and debris outfall, and sensitivity to existing landscaping on adjacent sites.	Demolition Permitting	ISD	
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:

Orsola Susan Fontano, *Acting Chairman*
Richard Rossetti, *Acting Clerk*
T.F. Scott Darling, III, Esq.
Danielle Evans
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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