



**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 # 2011-20**  
**Site: 65 Hall Avenue**  
**Date of Decision: April 20, 2011**  
**Decision: *Petition Approved with Conditions***  
**Date Filed with City Clerk: April 29, 2011**

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**ZBA DECISION**

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<b>Applicant Name:</b>	Douglas Grant
<b>Applicant Address:</b>	10 Warwick Street, Melrose, MA 02176
<b>Property Owner Name:</b>	Douglas Grant
<b>Property Owner Address:</b>	10 Warwick Street, Melrose, MA 02176
<b>Agent Name:</b>	Maria C. Curtatone, Esq.
<b>Agent Address:</b>	567 McGrath Highway, Somerville, MA 02145

<u>Legal Notice:</u>	Applicant & Owner Douglas Grant seeks a Special Permit under SZO §4.4.1 to create living space in the basement of a nonconforming structure (§8.5.E). RA zone. Ward 6.
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<u>Zoning District/Ward:</u>	RA zone/Ward 6
<u>Zoning Approval Sought:</u>	§4.4.1 & §8.5.E
<u>Date of Application:</u>	February 24, 2011
<u>Date(s) of Public Hearing:</u>	April 20, 2011
<u>Date of Decision:</u>	April 20, 2011
<u>Vote:</u>	5-0

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Appeal #ZBA 2011-20 was opened before the Zoning Board of Appeals at Somerville City Hall on April 20, 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 convert 600 sf in the basement to expand the living space for the first floor unit. The approval will allow the applicant to complete plans to have a 288 sf family room, a 134 sf bedroom, a laundry room and a bathroom. The areas for storage and the mechanical space will remain. A 2.8 ft by 4.5 ft window will replace a small casement window in the rear of the property to provide an emergency egress from the proposed bedroom. The bottom of the window will be a few feet above grade.

**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 Staff 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 Staff finds that the alterations proposed will not be substantially more detrimental to the neighborhood than the existing structure. The additional living space will be used in conjunction with the first floor unit – the space will not change the use of the property. The alteration to the exterior of the structure includes enlarging a small existing window to be large enough to function as an emergency egress. The window will be on the back of the structure and will be a similar style to other windows on the house. The required number of parking spaces does not increase with the addition of a bedroom in the 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 conserving the value of land and buildings; and the purpose of the RA district in providing additional living space in a residential structure.

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 additional living space in the basement will only require an alteration to a window on the back of the house at the basement level. The massing of the structure, which is similar to surrounding houses, will not change. The use as a three-family is compatible with surrounding land uses.



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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 and Josh Safdie absent. 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 construction of 600± sf of living space in the basement of the three-family house and for the alteration of a window opening on the rear facade. 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>Feb 24, 2011</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>Apr 1, 2011</td><td>Modified plans submitted to OSPCD (A1- Proposed rear elevation, A2- Basement improvement plan,</td></tr><tr><td>(Apr 13, 2011)</td><td>Modified plans submitted to OSPCD (Basement floor plan)</td></tr><tr><td>April 20, 2010</td><td>Plot Plan</td></tr></table>				Date (Stamp Date)	Submission	Feb 24, 2011	Initial application submitted to the City Clerk's Office	Apr 1, 2011	Modified plans submitted to OSPCD (A1- Proposed rear elevation, A2- Basement improvement plan,	(Apr 13, 2011)	Modified plans submitted to OSPCD (Basement floor plan)	April 20, 2010	Plot Plan
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April 20, 2010	Plot Plan													
Any changes to the approved elevations that are not <i>de minimis</i> must receive SPGA approval.														
2	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	Fire Preventi on											
3	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  
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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