



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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PLANNING DIVISION

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Case #: ZBA 2014-16-R1-6/2015
Site: 82 Highland Avenue
Date of Decision: July 15, 2015
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: July 23, 2015

ZBA DECISION

Applicant Name:	LaRosa Development Corporation
Applicant Address:	12 Worcester Drive, Norwood, MA 02062
Property Owner Name:	82 Highland Avenue Realty Trust
Property Owner Address:	12 Worcester Drive, Norwood, MA 02062
Agent Name:	Richard G. DiGirolamo, Esq.
Agent Address:	424 Broadway, Somerville, MA 02145

<u>Legal Notice:</u>	Applicant, LaRosa Development Corporation, and Owner, Highland Avenue Realty Trust, seek a revision to Special Permit ZBA 2014-16 under SZO §5.3.8 to add rear decks. The original approval was to substantially alter the nonconforming structure to build a structure with 6 residential units. Approval also included a variance for 3 parking spaces.
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<u>Zoning District/Ward:</u>	RC zone/Ward 3
<u>Zoning Approval Sought:</u>	§5.3.8
<u>Date of Application:</u>	June 8, 2015
<u>Date(s) of Public Hearing:</u>	July 15, 2015
<u>Date of Decision:</u>	July 15, 2015
<u>Vote:</u>	4-0

Appeal #ZBA 2014-16-R1-6/2015 was opened before the Zoning Board of Appeals at Somerville City Hall on July 15, 2015. 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
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DESCRIPTION:

The site has an approved project under Case # ZBA 2014-16 which is under construction and nearing completion. The approval was to substantially alter the structure to construct a six-unit residential building. There are five parking spaces in the basement of the building and two at-grade parking spaces at the back of the site. There are 2 units per floor and two bedrooms in each unit.

The current application is to revise the approved project to add a rear porch and doors to on the rear of the building to access the porch. The proposed porch is 39.5 wide by 16.1 feet deep and three stories tall. Each level would have a privacy wall near the middle to divide the space in two so that each of the six units would have outdoor space.

FINDINGS FOR REVISION:

The following are the findings that relate to the proposed revisions.

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."*

A revision to a special permit is allowed if the final signoff and certificates of occupancy have not yet been issued which is the case for this project that has not yet completed construction. Changes that are not de minimis must go back to the permit granting authority for approval. The Board deemed this revision to be greater than the de minimis requirements under §5.3.8 and the request is before the ZBA for a public hearing.

With the proposed porch the rear yard setback will continue to be conforming to the required rear yard depth of 20 feet. The porch will be 23 feet to the rear lot line. The columns will not interfere with the parking spaces as approved in the original application.

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 porch is designed to comply with the rear yard setback and it does not extend farther into the side yards than the approved building. The porch will provide outdoor space for each unit in the building which is a desired amenity for many residents and can improve quality of life in a dense urban environment. Rear porches are a typical feature of many residential buildings in the City. The porch; however, needs review in a public hearing because it was not part of the original approval and abutters may want to comment on it.



DECISION:

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Danielle Evans and Elaine Severino with Josh Safdie absent. Upon making the above findings, Richard Rossetti made a motion to approve the request for a Special Permit. Elaine Severino seconded the motion. Wherefore the Zoning Board of Appeals voted **4-0** to **APPROVE** the request. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	Approval is for the revision of case ZBA 2014-16 to construct a rear porch. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/Plng.							
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>Jun 8, 2015</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>May 27, 2015</td><td>Plans submitted to OSPCD (A-010 proposed site plan & egress, EX-100-101 approved floor plans, EX-300, EX-301 approved elevations, A-100-101 proposed floor plans, A-300-301 proposed elevations)</td></tr></table>				Date (Stamp Date)	Submission	Jun 8, 2015	Initial application submitted to the City Clerk's Office	May 27, 2015	Plans submitted to OSPCD (A-010 proposed site plan & egress, EX-100-101 approved floor plans, EX-300, EX-301 approved elevations, A-100-101 proposed floor plans, A-300-301 proposed elevations)
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Any changes to the approved plans that are not <i>de minimis</i> must receive SPGA approval.										
2	An exterior electrical receptacle is required for all levels of the porch.	CO	Wiring Inspector							
3	The privacy walls in the middle of the deck shall have siding that matches the composite siding on the main structure.	CO	Plng.							
Final Sign-Off										
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, *Chairman*
Richard Rossetti, *Clerk*
Danielle Evans
Elaine Severino

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 _____

