



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

PLANNING DIVISION

**ZONING BOARD OF APPEALS MEMBERS**

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DANIELLE EVANS  
ELAINE SEVERINO  
JOSH SAFDIE  
ANNE BROCKELMAN, (ALT.)

**Case #: ZBA 2016-18**  
**Site: 93 Hudson Street**  
**Date of Decision: March 16, 2016**  
**Decision: Petition Approved with Conditions**  
**Date Filed with City Clerk: March 29, 2016**

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**ZBA DECISION**

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<b>Applicant Name:</b>	Al Weisz
<b>Applicant Address:</b>	93 Hudson Street, Somerville, MA 02144
<b>Property Owner Name:</b>	Al & Rachael Weisz
<b>Property Owner Address:</b>	93 Hudson Street, Somerville, MA 02144
<b>Agent Name:</b>	N/A

<u>Legal Notice:</u>	Applicant, Al Weisz, and Owners, Rachael & Al Weisz, seek a Special Permit under SZO §4.4.1. to alter a nonconforming single-family house to add an approx. 90 sf rear addition and shed dormer.
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<u>Zoning District/Ward:</u>	RB zone/Ward 5
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	February 8, 2016
<u>Date(s) of Public Hearing:</u>	March 16, 2016
<u>Date of Decision:</u>	March 16, 2016
<u>Vote:</u>	4-0

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Appeal #ZBA 2016-10 was opened before the Zoning Board of Appeals at Somerville City Hall on March 16, 2016. 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  
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[www.somervillema.gov](http://www.somervillema.gov)

**DESCRIPTION:**

The proposal is to add a small addition to the rear of the house and a small shed dormer on the west side. The use will continue to be a single-family dwelling. The proposal will supply space for slight alterations to interior space on the first and second floors and head height that is up to code for the stair leading to the existing third floor space. There will be an approximately 144 square foot deck on top of the rear 2-story portion of the house.

The renovations will also involve depaving the rear yard which is covered in concrete and asphalt and planting this area.

**FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1):**

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."*

The structure is currently nonconforming with respect to the following dimensional requirements: lot area, landscaped area, front yard setback, side yard setback, and pervious area.

The proposal will impact the following nonconforming dimensions: side yard setback, pervious area and landscaped area. The pervious area and landscaped area will become conforming. The side yard setback is 3.9 feet and the addition will be built at this setback. The dormer will also be within the required side yard setback. The requirement in the district with the reduction for a narrow lot is 7 feet 5 inches. This alteration to a nonconforming structure requires the Applicant to obtain special permits under §4.4.1 of the Somerville Zoning Ordinance (SZO).

Section 4.4.1 states that "[l]awfully existing one-and two-family dwellings which are only used as residences, which are nonconforming with respect to dimensional requirements, may be enlarged, extended, renovated or altered by special permit granted by the SPGA in accordance with the procedures of Article 5."

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 structure. The proposal has been designed with setbacks that minimally change the form of the building or setbacks that would impact the neighbors. Also, the floor area ratio will continue to be conforming to the requirements of the SZO and the pervious and landscaped area percentages will be made conforming.

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.



The proposal to alter a single-family house is also consistent with the purpose of the district, which is, “[t]o establish and preserve medium density neighborhoods of one-, two- and three-family homes, free from other uses except those which are both compatible with and convenient to the residents of such districts.”

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 majority of the surrounding properties are single- and two-family homes.

The proposal has been designed to be compatible with the surrounding area. The impact to the house will be minor. The railing on the third floor deck will be designed to be integrated into the roof so that it does not create an awkward condition where the railing and roof meet. The dormer is the smallest and steepest possible to provide sufficient head height for the stairs. The siding, trim and corner boards will match those features on the main body of the house.

6. Housing Impact: *Will not create adverse impacts on the stock of existing affordable housing.*

The proposal is not greatly impacting the affordability of the single-family house.

7. SomerVision Plan: *Complies with the applicable goals, policies and actions of the SomerVision plan, including the following, as appropriate: Preserve and enhance the character of Somerville's neighborhoods, transform key opportunity areas, preserve and expand an integrated, balanced mix of safe, affordable and environmentally sound rental and homeownership units for households of all sizes and types from diverse social and economic groups; and, make Somerville a regional employment center with a mix of diverse and high-quality jobs. The areas in the SomerVision map that are designated as enhance and transform should most significantly contribute towards the SomerVision goals that are outlined in the table below. The areas marked as conserve are not expected to greatly increase the figures in the table since these areas are not intended for large scale change.*

The ability to slightly alter a single-family house is not counter to the goals of SomerVision.

<u>SomerVision Summary</u>	<i>Existing</i>	<i>Proposed</i>
<i>Dwelling Units:</i>	1	1

8. Impact on Affordable Housing: *In conjunction with its decision to grant or deny a special permit for a structure of four or more units of housing, the SPGA shall make a finding and determination as to how implementation of the project would increase, decrease, or leave unchanged the number of units of rental and homeownership housing that are affordable to households with low or moderate incomes, as defined by HUD, for different sized households and units.*

The proposal only includes one unit of housing.



**DECISION:**

Present and sitting were Members Orsola Susan Fontano, Danielle Evans, Josh Safdie and Anne Brockelman with Richard Rossetti and Elaine Severino absent. Upon making the above findings, Danielle Evans made a motion to approve the request for a Special Permit. Anne Brockelman 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 rear addition and dormer. This approval is based upon the following application materials and the plans submitted by the Applicant: <table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>Feb 8, 2016</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>Aug 28, 2015</td><td>Modified plans submitted to OSPCD (X1.0-1.3 Existing Floor Plans)</td></tr><tr><td>Dec 24, 2015</td><td>Modified plans submitted to OSPCD (X3.1-3.4 Existing Elevations)</td></tr><tr><td>Feb 7, 2010</td><td>Modified plans submitted to OSPCD (C1.0 Zoning Review, C1.1 Code &amp; Zoning Review, A1.0-1.4 Proposed Floor Plans, A3.1-3.4 Proposed Elevations)</td></tr></table>	Date (Stamp Date)	Submission	Feb 8, 2016	Initial application submitted to the City Clerk’s Office	Aug 28, 2015	Modified plans submitted to OSPCD (X1.0-1.3 Existing Floor Plans)	Dec 24, 2015	Modified plans submitted to OSPCD (X3.1-3.4 Existing Elevations)	Feb 7, 2010	Modified plans submitted to OSPCD (C1.0 Zoning Review, C1.1 Code & Zoning Review, A1.0-1.4 Proposed Floor Plans, A3.1-3.4 Proposed Elevations)	BP/CO	ISD / Plng.	
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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	FP											
3	The siding, trim and corner boards on the addition and dormer will match those features on the main body of the house.	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*  
Danielle Evans  
Josh Safdie  
Anne Brockelman (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.
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**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 \_\_\_\_\_

