



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

MICHAEL F. GLAVIN
EXECUTIVE DIRECTOR

PLANNING DIVISION

ZONING BOARD OF APPEALS MEMBERS

HERBERT F. FOSTER, JR., *CHAIRMAN*
ORSOLA SUSAN FONTANO, *CLERK*
RICHARD ROSSETTI
DANIELLE EVANS
ELAINE SEVERINO
JOSH SAFDIE (ALT.)
BRANDY BROOKS (ALT.)

Case #: ZBA # 2013-78
Site: 95 Hudson Street
Date of Decision: December 11, 2013
Decision: Petition Approved with Conditions
Date Filed with City Clerk: December 12, 2013

ZBA DECISION

Applicant Name:	James M. Haile
Applicant Address:	95 Hudson Street, Somerville, MA 02143
Property Owner Name:	James M. Haile
Property Owner Address:	95 Hudson Street, Somerville, MA 02143
Agent Name:	Adam Dash, Esq.
Agent Address:	48 Grove Street, Suite 304, Somerville, MA 02144

<u>Legal Notice:</u>	Applicant & Owner, James Haile, seek a Special Permit under SZO §4.4.1 to alter a nonconforming structure by adding rear additions, rebuilding a side yard landing and stairs, and window and door alterations. The proposal also includes door changes to the accessory structure.
----------------------	---

<u>Zoning District/Ward:</u>	RB zone/Ward 5
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	November 12, 2013
<u>Date(s) of Public Hearing:</u>	December 11, 2013
<u>Date of Decision:</u>	December 11, 2013
<u>Vote:</u>	5-0

Appeal #ZBA 2013-78 was opened before the Zoning Board of Appeals at Somerville City Hall on December 11, 2013. 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

DESCRIPTION:

The Applicant proposes to add two additions that will square off the back of the house and build a deck off of the first floor. The additional space will add storage in the basement and living space on the other floors. The existing side door will be shifted and a new porch and stairs will be built. The site will be improved by adding landscaping and pavers. The garage door will be removed from the accessory structure and replaced with a man door.

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 Applicant seeks a Special Permit under SZO §4.4.1 to alter an existing, non-conforming, structure by squaring off the back of the home on the nonconforming side. The side yard lot line is 2', 8' is required. After the additions the setbacks will remain the same but the nonconformity will increase. The other side yard and front yard setbacks are not affected by these renovations.

No parking relief is required for this application because there is no change in bedroom count. The applicant will maintain one parking space which can park 2 cars in tandem.

In considering a special permit under §4.4 of the SZO, Staff find that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure.

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 promoting the health, safety, and welfare of the inhabitants of the City of Somerville and to provide for and maintain the uniquely integrated structures in the City.

The proposal is consistent with the purpose of the district, which is, "to 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 immediate neighborhood is predominantly residential, with a mix of one-, two-, and three-family homes. The surrounding homes are typically 2 ½ story structures with gable roofs.

There are few impacts to this proposal. The rear additions will further reduce the side yard because the house does not run parallel with the lot line. The corner of the addition will be 1.7' from the property line and the deck will be



1.5' from the property line. The house is currently 1.9' from the property line. The additions, although adding square footage to the property, will improve the appearance of the house by architecturally incorporating previous work done to the home. The site improvements will increase the pervious area and provide landscaping where there currently is none.

DECISION:

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Elaine Severino, Josh Safdie and Brandy Brooks with Herbert Foster and Danielle Evans absent. Upon making the above findings, Richard Rossetti made a motion to approve the request for a Special Permit. Brandy Brooks 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 a Special Permit under SZO §4.4.1 to alter a nonconforming structure by adding rear additions, rebuilding a side yard landing and stairs, and window and door alterations. The proposal also includes door changes to the accessory structure. 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>November 12, 2013</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>October 18, 2013</td><td>Modified plans submitted to OSPCD (Plot Plan)</td></tr><tr><td>October 29, 2013</td><td>Modified plans submitted to OSPCD (A-1 Site Plan/Basement/First Floor Plan, A-2 Floor Plans, A-3 Elevations, L-1 Planting Plan, E-1 Electrical Plans, EX-1 Existing Conditions Floor Plans, EX-2 Existing Elevations)</td></tr></table>				Date (Stamp Date)	Submission	November 12, 2013	Initial application submitted to the City Clerk’s Office	October 18, 2013	Modified plans submitted to OSPCD (Plot Plan)	October 29, 2013	Modified plans submitted to OSPCD (A-1 Site Plan/Basement/First Floor Plan, A-2 Floor Plans, A-3 Elevations, L-1 Planting Plan, E-1 Electrical Plans, EX-1 Existing Conditions Floor Plans, EX-2 Existing Elevations)
	Date (Stamp Date)				Submission							
	November 12, 2013				Initial application submitted to the City Clerk’s Office							
	October 18, 2013				Modified plans submitted to OSPCD (Plot Plan)							
October 29, 2013	Modified plans submitted to OSPCD (A-1 Site Plan/Basement/First Floor Plan, A-2 Floor Plans, A-3 Elevations, L-1 Planting Plan, E-1 Electrical Plans, EX-1 Existing Conditions Floor Plans, EX-2 Existing Elevations)											
Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.												
Pre-Construction												
2	The Applicant will be required to demonstrate that the updated project plans meet the current City of Somerville stormwater policy. Utility, grading, and drainage plans must be submitted to the Engineering Department for review and approval.	BP	Eng.									
Construction Impacts												



3	The Applicant shall at his 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	
4	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	
Design				
5	An exterior light and electrical receptacle is required for the first level of the deck.	Final sign off	Wiring Insp.	
Site				
6	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards	Perpetual	Plng. / ISD	
Miscellaneous				
7	The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the building and all on-site amenities, including landscaping, fencing, lighting, parking areas and storm water systems, ensuring they are clean, well kept and in good and safe working order.	Cont.	ISD	
Public Safety				
8	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
9	To the extent possible, all exterior lighting must be confined to the subject property, cast light downward and must not intrude, interfere or spill onto neighboring properties.	CO	Plng.	
Final Sign-Off				
10	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*
Elaine Severino
Josh Safdie (Alt.)
Brandy Brooks (Alt.)

Attest, by the Administrative Assistant:

Dawn M. PereiraCopies 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 _____

