



**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**

ORSOLA SUSAN FONTANO, CHAIRMAN  
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JOSH SAFDIE  
ANNE BROCKELMAN, (ALT.)  
POOJA PHALTANKAR, (ALT.)

**Case #: ZBA 2016-152**  
**Site: 10 Linden Place**  
**Date of Decision: April 5, 2017**  
**Decision: Petition Approved with Conditions**  
**Date Filed with City Clerk: April 6, 2017**

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**ZBA DECISION**

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<b>Applicant Name:</b>	Jamuna Kote & Simha R. Kadagathur
<b>Applicant Address:</b>	10 Linden Place, Somerville, MA 02143
<b>Property Owner Name:</b>	Jamuna Kote & Simha R. Kadagathur
<b>Property Owner Address:</b>	10 Linden Place, Somerville, MA 02143
<b>Agent Name:</b>	N/A

<u>Legal Notice:</u>	Applicant/Owner, Jamuna Kote & Simha Kadagathur, seek a Special Permit under SZO §4.4.1 to alter a nonconforming structure by adding a rear addition for a first floor living room, mud room, and bathroom, a second floor bedroom, and relocating a bulkhead door for basement access.
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<u>Zoning District/Ward:</u>	RB zone/Ward5
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	December 7, 2016
<u>Date(s) of Public Hearing:</u>	April 5, 2017
<u>Date of Decision:</u>	April 5, 2017
<u>Vote:</u>	5-0

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Appeal #ZBA 2016-152 was opened before the Zoning Board of Appeals at Somerville City Hall on April 5, 2017. 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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**DESCRIPTION:**

The request is for demolition of an existing addition and screened-in porch and replacement with a 1-1/2-story slightly larger addition to the back of the house. The addition includes a new bedroom on the second floor with a deck, a living room on the first floor, and a mud room plus  $\frac{3}{4}$  bathroom (shower, no tub).

**FINDINGS FOR SPECIAL PERMIT (SZO §4.4):**

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."**Nature of Application:* Residence B

The structure is currently nonconforming with respect to the following dimensional requirements per Section 8.5 Table of Dimensional Requirements.

	RB Required	Current	Proposed	NOTES
<u>Lot Size</u>	<u>7,500 s.f. min.</u>	<u>2,590 s.f.</u>	<u>2,590 s.f.</u>	<u>Non-conforming</u>
Lot Area/Dwelling Unit	1,500 s.f. min.	2,590 s.f.	2,590 s.f.	
Ground Coverage	50% max.	30%	41%	
Landscaped Area	25% min.	68%	57%	
Floor Area Ratio	1.0	0.49	0.63	
Height	3 stories max.	1-1/2	1-1/2	
Height	35 ft.	25.6 ft.	25.6 ft.	
<u>Front Yard (ft.)</u>	<u>15 ft.</u>	<u>7.5 ft.</u>	<u>7.5 ft.</u>	<u>Non-conforming</u>
<u>Right Side Yard (ft.)</u>	<u>6 ft. (14' combo)</u>	<u>1.2 ft.</u>	<u>1.2 ft.</u>	<u>Non-conforming</u>
<u>Left Side Yard (ft.)</u>	<u>6 ft. (14' combo)</u>	<u>12.7 ft.</u>	<u>10.8 ft.</u>	<u>Non-conforming</u>
<u>Rear Yard (ft.)</u>	<u>20 ft.</u>	<u>22.1 ft.</u>	<u>17.6 ft.</u>	<u>Non-conforming</u>
<u>Frontage (ft.)</u>	<u>50 ft. min.</u>	<u>37 ft.</u>	<u>37 ft.</u>	<u>Non-conforming</u>
Pervious Area (%)	35% min.	59%	48%	

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 or 4.5 of the SZO, the Board find that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The addition and renovation will improve the overall appearance of the house and will be constructed in the same architectural style in which the house was built. The increase in square footage is small and the improvement will only visible at the rear of the house. The height of the addition is the same as the existing house and will have little effect on any of the neighbors.



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 I, 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 promote the health, safety, and welfare of the inhabitants of the City of Somerville; to provide for and maintain the uniquely integrated structure of uses in the City; to provide adequate light and air; to conserve the value of land and buildings; to preserve the historical and architectural resources of the City; to protect and promote a housing stock that can accommodate the diverse household sizes and life stages of Somerville residents at all income levels, paying particular attention to providing housing affordable to individuals and families with low and moderate incomes; and to preserve and increase the amenities of the municipality.

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."*

*Surrounding Neighborhood:* Linden Place is a dead end street that extends from Linden Avenue west toward Cedar Street (but does not connect) just south of Summer Street. Kennedy Elementary School is only one block away and Somerville Hospital is about a 5-minute walk to the northeast, as is the Morse-Kelley Playground and community gardens at Craigie Street. The house was constructed in 1910 and is part of a small development of similar 1-1/2 to 2-story cottages. The adjacent streets have a variety of single-family homes, two-family dwellings, and small apartment buildings ranging from 2- to 3-stories tall.

*Impacts of Proposal (Design and Compatibility):* The proposal will improve the property and the neighborhood as the design is well detailed and very respectful of the existing house. No substantial changes will be made to 3 facades of the house, and a small closed-in porch which was added later will be removed. The style of the new addition is a mix of Italianate and Queen Anne, in an attempt to match what little historic details are present on the existing house. There will be some renovation to the front of the house to remove poorer renovation work done after the original construction which does not reflect the style of the home. A new entrance stair will be added with a small projecting roof at the front door that is very appropriate to the house and will improve the elevation at the street.



**DECISION:**

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Danielle Evans, Elaine Severino and Josh Safdie. 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 **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 rear addition. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/ Planning							
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>December 7, 2016</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>February 9, 2017</td><td>Modified plans submitted to OSPCD (A3-8, L1, &amp; X1)</td></tr></table>				Date (Stamp Date)	Submission	December 7, 2016	Initial application submitted to the City Clerk’s Office	February 9, 2017	Modified plans submitted to OSPCD (A3-8, L1, & X1)
	Date (Stamp Date)				Submission					
	December 7, 2016				Initial application submitted to the City Clerk’s Office					
February 9, 2017	Modified plans submitted to OSPCD (A3-8, L1, & X1)									
Any changes to the approved plans that are not <i>de minimis</i> must receive SPGA approval.										
Pre-Construction										
2	The Applicant must contact the Engineering Department to coordinate the timeline for cutting or opening the street and/or sidewalk for utility connections or other construction. There is a moratorium on opening streets from November 1st to April 1st and there is a list of streets that have additional opening restrictions.	BP	Engineering							
Construction Impacts										
3	The applicant shall post the name and phone number of the general contractor at the site entrance where it is visible to people passing by.	During Construction	Planning							
4	Approval is subject to the Applicant’s and/or successor’s right, title and interest in the property.	Continuous	Planning	Deed submitted & application form signed						
5	The Applicant shall at their 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							
6	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										



7	Applicant shall provide final material samples for siding, trim, windows, and doors to Planning Staff for review and approval prior to construction.	BP	Planning	
8	An exterior light and electrical receptacle is required for or all levels of the porch.	Final sign off	Wiring Inspector	
<b>Site</b>				
9	There shall be a minimum of one tree for each 1,000 sf of required landscaped area under SZO §10.3 and all landscaping shall be installed and maintained in compliance with the American Nurserymen's Association Standards.	Perpetual	Planning / ISD	
10	The electric, telephone, cable TV and other such lines and equipment shall be placed underground from the source or connection. The utilities plan shall be supplied to the Wiring Inspector before installation.	Installation of Utilities	Wiring Inspector	
<b>Miscellaneous</b>				
11	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.	Continuous	ISD	
<b>Public Safety</b>				
12	The Applicant/Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
13	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	Planning	
14	The Applicant shall provide notice of intent to strictly comply with applicable State and Federal regulations regarding air quality including without limitation continuous dust control during demolition and construction.	CO	Planning /OSE	
<b>Final Sign-Off</b>				
15	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	Planning	

Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chairman*  
Richard Rossetti, *Clerk*  
Danielle Evans  
Elaine Severino  
Josh Safdie

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 \_\_\_\_\_

