



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

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Case #: ZBA 2017-05
Site: 25-27 Mason Street
Date of Decision: February 1, 2017
Decision: Petition Approved with Conditions
Date Filed with City Clerk: February 14, 2017

ZBA DECISION

Applicant Name:	Augustus Means
Applicant Address:	27 Mason Street, Somerville, MA 02144
Property Owner Name:	Augustus C. Means
Property Owner Address:	27 Mason Street, Somerville, MA 02144
Agent Name:	N/A

<u>Legal Notice:</u>	Applicant/Owner, Augustus Means, seeks a Special Permit pursuant to SZO §4.4.1 and §4.5.1 to alter a non-conforming two-family dwelling to extend the first floor porch and add a porch at the second floor.
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<u>Zoning District/Ward:</u>	RA zone/Ward 7
<u>Zoning Approval Sought:</u>	§4.4.1 & §4.5.1
<u>Date of Application:</u>	December 29, 2016
<u>Date(s) of Public Hearing:</u>	February 1, 2017
<u>Date of Decision:</u>	February 1, 2017
<u>Vote:</u>	4-0

Appeal #ZBA 2017-05 was opened before the Zoning Board of Appeals at Somerville City Hall on February 1, 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.



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DESCRIPTION:

The application is to replace the front porch with a porch that is the width of the house and also provides a porch for the second floor unit.

FINDINGS FOR SPECIAL PERMIT (SZO §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 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: RA – Residential district

The structure is currently nonconforming with respect to the following dimensional requirements:

Lot area	the lot is only 4,568sf as opposed to the 10,000sf necessary in an RA zone.
Minimum frontage	the lot is 43' wide instead of the 50' required.
Side yard setbacks	the right side is 12.1' and the left is 3.0' for a total of 15.1' whereas the regulations specify 8' minimum and 17' total for a 2-1/2 story structure.

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 finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. Although the proposal continues the dimensional non-conformities of the side yards, the design does not increase the floor area of the building. The porch is appropriate and will be an improvement.

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 promote the health, safety, and welfare of the inhabitants of the City of Somerville; to protect health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to conserve the value of land and buildings; to preserve the historical and architectural resources of the City; and, 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.



The proposal is consistent with the purpose of the district, which is, “to establish and preserve quiet neighborhoods of one- and two-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:

The subject property is in the Tufts neighborhood, Mason Street runs between Powder House Boulevard and Broadway, surrounded by mostly 2-1/2 story wood frame two-family residential buildings very similar to the subject property.

Impacts of Proposal:

The homes throughout the neighborhood have a wide variety of front porches. The proposal is extremely appropriate for the character of the house and the neighborhood. A two story full front porch will improve the livability of the home for the residents and be a visual upgrade for the neighbors.

5. Adverse environmental impacts:

The proposed use, structure or activity will not constitute an adverse impact on the surrounding area.

6. Vehicular and pedestrian circulation:

The circulation patterns for motor vehicles and pedestrians will not be altered so there will be no change in traffic congestion or the potential for traffic accidents on the site or in the surrounding area.

6. Housing Impact:

The proposal will have no impact on the stock of existing affordable housing.

7. SomerVision Plan:

The proposal complies with the applicable goals, policies and actions of the SomerVision plan by preserving and enhancing the character of Somerville's neighborhoods.

<u>SomerVision Summary</u>	<u>Existing</u>	<u>Proposed</u>
<i>Dwelling Units:</i>	2	2
<i>Affordable Units:</i>	0	0
<i>Commercial Sq. Ft.:</i>	0	0
<i>Estimated Employment:</i>	0	0
<i>Parking Spaces:</i>	unknown	unknown
<i>Publicly Accessible Open Space:</i>	0	0



DECISION:

Present and sitting were Members Orsola Susan Fontano, Danielle Evans, Elaine Severino and Josh Safdie with Richard Rossetti absent. Upon making the above findings, Danielle Evans 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 replacement and expansion of the front porch. 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 29, 2016</td><td>Initial application submitted to the City Clerk’s Office</td></tr></table>				Date (Stamp Date)	Submission	December 29, 2016	Initial application submitted to the City Clerk’s Office
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December 29, 2016	Initial application submitted to the City Clerk’s Office							
Any changes to the approved site plan and elevations that are not <i>de minimis</i> must receive SPGA approval.								
Pre-Construction								
2	The Applicant shall develop a demolition plan in consultation with the City of Somerville Inspectional Services Division. Full compliance with proper demolition procedures shall be required, including timely advance notification to abutters of demolition date and timing, good rodent control measures (i.e. rodent baiting), minimization of dust, noise, odor, and debris outfall, and sensitivity to existing landscaping on adjacent sites.	Demolition Permitting	ISD					
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.	Cont.	Planning	Deed submitted & application form signed				
5	The Applicant/Owner shall meet the requirements of the Wiring Inspector’s comments: “Both corners of the building have wires attached to it the electrical service is to the left and phone and cable to the right. Article 230.9 of the National Electrical code requires clearance of 3’ from the porch to the electrical service wires. The National Electric Safety Code Table 234-1 requires a 4.5’ clearance for phone and cable wires.” All the wires would need to be removed during construction and temporary power established by an electrician in cooperation with the utility company. A redesign would be required to meet the clearance requirements if the wires remain in place.	BP	DPW					



6	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	
7	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				
8	Applicant shall provide final material samples and colors for siding, trim, windows, and doors to Planning Staff for review and approval prior to construction.	BP	Planning	
9	An exterior light and electrical receptacle is required for all levels of the porch.	Final sign off	Wiring Inspector	
Miscellaneous				
10	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				
11	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
Final Sign-Off				
12	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*
Danielle Evans
Elaine Severino
Josh Safdie

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 _____

