



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

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Case #: ZBA # 2013-69
Site: 52A & 54 Medford Street
Date of Decision: November 6, 2013
Decision: Petition Approved with Conditions
Date Filed with City Clerk: November 18, 2013

ZBA DECISION

Applicant Name:	Paul J. Morgan
Applicant Address:	46 Warwick Street, Somerville, MA 02145
Property Owner Name:	Paul J. Morgan
Property Owner Address:	46 Warwick Street, Somerville, MA 02145
Agent Name:	Adam Dash, Esq.
Agent Address:	48 Grove Street, Suite 304, Somerville, MA 02144

<u>Legal Notice:</u>	Applicant and Owner Paul J. Morgan seeks a Special Permit under SZO §4.4.1 to alter a nonconforming single-family house by expanding the 2 nd floor by approx 200 sf.
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<u>Zoning District/Ward:</u>	RB zone/Ward 2
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	October 8, 2013
<u>Date(s) of Public Hearing:</u>	November 6, 2013
<u>Date of Decision:</u>	November 6, 2013
<u>Vote:</u>	5-0

Appeal #ZBA 2013-69 was opened before the Zoning Board of Appeals at Somerville City Hall on November 6, 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.



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DESCRIPTION:

The proposal is to expand the second story of 52A Medford Street over the one-story portion of the structure. The footprint of the building will not change. The additional 188 square feet will provide space to make one of the two bedrooms larger. The number of units and bedrooms will not change. The slope of the roof of the addition will match the slightly sloped roof of the rest of the house. The siding for the entire structure will be replaced with a cementitious clapboard and three windows will be added. The Applicant would like to change the address to Ward Street to improve mail service and make it easier to find.

The cable and telephone wires that fed a neighboring building and were in the location of the proposed addition have been removed.

There are no proposed changes to 54 Medford Street.

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."

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 addition will not encroach farther into the rear yard setback than the existing structure. The other nonconformities of the buildings and site will not change as a result of the proposal.

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 and conserving the value of land and buildings. The proposal is also consistent with the Residence B zoning district in preserving and improving a single-family home.

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 proposal has been designed to be compatible with the existing house and surrounding area. The house will remain small and the addition matches the style of the existing house in roof pitch, window type and placement and siding material. The mass of the structure will be setback more than the required 8 foot setback from the abutting 3-story house and the only other abutting structure is a 1-story concrete block building.



DECISION:

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Danielle Evans and Elaine Severino. Upon making the above findings, Susan Fontano made a motion to approve the request for a Special Permit. Richard Rossetti 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 approx 200 sf second story addition. 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>Oct 8, 2013</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>Oct 4, 2013</td><td>Modified plans submitted to OSPCD (A0.1 Existing Conditions Photographs, A1.0 Existing Plan & Elevations, A2.0 Proposed Renderings, Plans & Elevations)</td></tr></table>				Date (Stamp Date)	Submission	Oct 8, 2013	Initial application submitted to the City Clerk's Office	Oct 4, 2013	Modified plans submitted to OSPCD (A0.1 Existing Conditions Photographs, A1.0 Existing Plan & Elevations, A2.0 Proposed Renderings, Plans & Elevations)
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Any changes to the approved elevations that are not <i>de minimis</i> must receive SPGA approval.										
2	Upon completion of the renovations, the siding of the addition shall match the material and color of the rest of the house.	BP	Plng.							
3	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP							
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:

Herbert Foster, *Chairman*
Orsola Susan Fontano, *Clerk*
Richard Rossetti
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 _____

