



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2014-104
Site: 77 Munroe Street
Date of Decision: November 5, 2014
Decision: Petition Approved with Conditions
Date Filed with City Clerk: November 13, 2014

ZBA DECISION

Applicant Name:	Zelia Silva & Lauriene DaSilva
Applicant Address:	77 Munroe Street, Somerville, MA 02143
Property Owner Name:	Zelia Silva & Lauriene DaSilva
Property Owner Address:	77 Munroe Street, Somerville, MA 02143
Agent Name:	N/A

<u>Legal Notice:</u>	Applicant and Owners, Zelia Silva & Lauriene Dasilva, seek a Special Permit under SZO §4.4.1 to alter a nonconforming three-family structure to create a second-story front porch.
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<u>Zoning District/Ward:</u>	RA zone/Ward 3
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	October 2, 2014
<u>Date(s) of Public Hearing:</u>	November 5, 2014
<u>Date of Decision:</u>	November 5, 2014
<u>Vote:</u>	5-0

Appeal #ZBA 2014-104 was opened before the Zoning Board of Appeals at Somerville City Hall on November 5, 2014. 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 Applicant proposes to add a second story porch above the existing enclosed first-story porch. The railings would be composed of metal and match in style to the existing railings at the front of the property while the decking would be a composite material. The porch would be the same width and depth as the first story enclosed porch, approximately 20' x 8' in depth. A door will be located in the center of the façade to access this exterior space.

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."*

Under SZO §4.4.1, nonconforming structures other than one- and two-family dwellings may be enlarged, extended, renovated or altered only by special permit; therefore, as an existing three-family dwelling, the addition of a second-story front porch requires Special Permit approval.

In considering a special permit under §4.4 of the SZO, the Board does not find that the alterations proposed would be substantially more detrimental to the neighborhood than the existing structure. A second-story porch is common within Somerville neighborhood's and serves to keep eyes on the street as well as provide additional outdoor space for residents. As proposed, this porch will retain the character of the building and enhance the streetscape.

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; to secure safety from fire, panic and other dangers; to conserve the value of land and buildings; and to preserve the historical and architectural resources of the City."

The proposal is consistent with the purpose of the Residential A district, §6.1.1, 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."

The dwelling is currently a three-family home. This proposal is in keeping with the residential use and is compatible in character with the neighborhood.

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."*

Located across from Prospect Hill Park on Spring Hill, the surrounding neighborhood is predominantly residential with single, two- and three-family dwellings.



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5. 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.*

<u>SomerVision Summary</u>	<i>Existing</i>	<i>Proposed</i>
<i>Dwelling Units:</i>	3	3

The proposal complies with the goals of the SomerVision Plan. The second story porch will serve to enhance the character of the City through the addition of an appropriate architectural feature, keep eyes on the street, and retain the existing character of the three-family dwelling and the streetscape.

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 a Special Permit under SZO §4.4.1 to alter a nonconforming three-family structure to create a second-story front porch. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/PIng.									
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>(October 2, 2014)</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>June 2, 1998 (October 23, 2014)</td><td>Plot plan submitted to OSPCD</td></tr><tr><td>(October 23, 2014)</td><td>Partial elevation and porch plan submitted to OSPCD</td></tr></table>				Date (Stamp Date)	Submission	(October 2, 2014)	Initial application submitted to the City Clerk's Office	June 2, 1998 (October 23, 2014)	Plot plan submitted to OSPCD	(October 23, 2014)	Partial elevation and porch plan submitted to OSPCD
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	June 2, 1998 (October 23, 2014)				Plot plan submitted to OSPCD							
(October 23, 2014)	Partial elevation and porch plan submitted to OSPCD											
Any changes to the approved elevation that are not <i>de minimis</i> must receive SPGA approval.												
Design												



2	The Applicant shall use a metal railing that is similar to and compatible with the first floor porch railings. The new door shall be centered on the second story of the façade.	BP	Plng.	
3	An exterior light and electrical receptacle is required for the first (or all) level of the porch and an electrical receptacle is required for the second level (if there is no access to the ground).	Final sign off	Wiring Inspector	
Public Safety				
4	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
Final Sign-Off				
5	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 _____

