



**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 (ALT.)  
JOSH SAFDIE (ALT.)

**Case #: ZBA # 2012-23**  
**Site: 106 Orchard Street**  
**Date of Decision: April 3, 2013**  
**Decision: *Petition Approved with Conditions***  
**Date Filed with City Clerk: April 9, 2013**

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**ZBA DECISION**

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<b>Applicant Name:</b>	Sapna Mehtani
<b>Applicant Address:</b>	106 Orchard Street, Somerville, MA 02144
<b>Property Owner Name:</b>	Sapna Mehtani
<b>Property Owner Address:</b>	106 Orchard Street, Somerville, MA 02144
<b>Agent Name:</b>	Richard G. DiGirolamo, Esq.
<b>Agent Address:</b>	424 Broadway, Somerville, MA 02145

<u>Legal Notice:</u>	Applicant and Owner Sapna Mehtani, seeks a Special Permit to alter a nonconforming structure under SZO §4.4.1 to construct a two story addition in the rear of an existing single-family residence.
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<u>Zoning District/Ward:</u>	RB zone/Ward 6
<u>Zoning Approval Sought:</u>	§4.4.1 & §9.13.s
<u>Date of Application:</u>	March 20, 2012
<u>Date(s) of Public Hearing:</u>	4/18/12 - 4/3/13
<u>Date of Decision:</u>	April 3, 2013
<u>Vote:</u>	5-0

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Appeal #ZBA 2012-23 was opened before the Zoning Board of Appeals at Somerville City Hall on April 18, 2012 but was re-advertised and re-opened on April 3, 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  
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**DESCRIPTION:**

At the rear of the building currently sits an above grade pool structure that is made of a ten inch cinder block foundation and support posts that carry arched roof trusses. The roofing over the pool structure is a translucent plastic. The Applicant is proposing to remove this entire above grade pool structure, a 1-story rear kitchen addition, and a 1-story side addition (at the living room) to construct a two story addition roughly 20' x 15.5' at the rear of the property. The first floor of the new addition would be additional square footage for the kitchen including an eat-in area. It will also provide access to a new deck. The second floor of the addition would be a master bedroom suite. The master bedroom suite would contain a bedroom area with two closets, a shower room, and a toilet room, as well as access to a deck that has stairs to the proposed deck below. The roof of the addition will mimic the same gable roof style that is found on the existing structure and the addition will actually be slightly lower than the front portion of the structure that will be retained. The proposal also includes removing the one-story portion of the northeast corner of the house and rebuilding the existing front porch and roof. The new entrance will have squared edges versus the existing chamfered corner and a wider staircase.

The original application to add a second unit to the property has been changed and the current proposal will maintain the use as a single-family.

**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 proposed alterations would not be substantially more detrimental to the neighborhood than the existing structure. There are no character-defining features located at the rear of the building that will be affected by this proposal. In fact, the proposed rear addition would be taking a somewhat out of place enclosed pool structure and replacing it with an addition which has a design that is compatible with the architecture of the rest of building. The proposed gable roof style and siding will also be similar to the other structures in the surrounding neighborhood. Additionally, the proposed addition and decks will stay within the current footprint of the existing building. While the addition will add a full extra story to this portion of the existing building, the proposed addition will be slightly lower than the existing front portion of the building. Therefore, only minimal impacts to abutters and the surrounding neighborhood are anticipated once construction is complete.

In addition, removing the one-story appendage to the house and rebuilding front porch will be an improvement to the property and more closely match the existing porches on Orchard Street.

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 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."



The proposal is consistent with the purpose of the district (6.1.2. RB – Residence Districts), which is, “To establish and preserve medium density neighborhoods of one-, two- and three-family homes, free from other uses except those which are 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 proposed rear addition has been designed to be compatible with the characteristics of the surrounding area. The majority of alterations to the structure are occurring well back from the street edge and therefore the changes will not greatly impact the view along the Orchard Street streetscape. There are no character-defining features located at the rear of the building that will be affected by this proposal. In fact, the proposed addition would be taking a somewhat out of place enclosed pool structure and replacing it with an addition which has a design that is compatible with the architecture of the rest of building. The rebuilding of the front porch will more closely match the existing porches on Orchard Street. The proposed gable roof style and siding will also be similar to the other structures in the surrounding neighborhood. Additionally, the proposed addition and decks will stay within the current footprint of the existing pool house. The addition will add a full extra story to this portion of the existing building, the proposed addition will actually be slightly lower than the existing front portion of the building. Therefore, only minimal impacts to abutters and the surrounding neighborhood are anticipated once construction is complete. The rear addition to the structure and rebuilt front porch will still be consistent with the context of the surrounding residential neighborhood.

5. Adverse Environmental Impacts: The proposed use, structure or activity will not constitute an adverse impact on the surrounding area resulting from: 1) excessive noise, level of illumination, glare, dust, smoke, or vibration which are higher than levels now experienced from uses permitted in the surrounding area; 2) emission of noxious or hazardous materials or substances; 3) pollution of water ways or ground water; or 4) transmission of signals that interfere with radio or television reception.

No adverse environmental impacts are anticipated as part of this proposal. No new noise, glare, smoke, vibration, nor emissions of noxious materials nor pollution of water ways or ground water nor transmission of signals that interfere with radio or television reception are anticipated as part of the project. The rear addition to the structure and rebuilt front porch will still be consistent with the context of the surrounding residential neighborhood.

6. Vehicular and Pedestrian Circulation: The circulation patterns for motor vehicles and pedestrians which would result from the use or structure will not result in conditions that create traffic congestion or the potential for traffic accidents on the site or in the surrounding area.

There are no changes in parking requirements because there are no additional bedrooms or dwelling units.

**DECISION:**

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Danielle Evans and Josh Safdie with Elaine Severino recused. 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 to alter a nonconforming structure under SZO §4.4.1 to construct a two story addition in the rear of an existing single-family residence. This approval is based upon the following application materials and the plans submitted by the Applicant: <table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>(March 20, 2012) Complete March 28, 2013</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>May 31, 2011 (March 28, 2013)</td><td>Plot Plan</td></tr><tr><td>March 22, 2013 (March 28, 2013)</td><td>Cover Sheet, A0.1 Proposed Site Changes, D1.1 Demo Plan, D2.1Existing Elevations, A1.1 First and Second Floor Plan, A2.1 North and West Elevations, A2.2 South and West Elevations, A10.1 Option 1</td></tr></table>	Date (Stamp Date)	Submission	(March 20, 2012) Complete March 28, 2013	Initial application submitted to the City Clerk’s Office	May 31, 2011 (March 28, 2013)	Plot Plan	March 22, 2013 (March 28, 2013)	Cover Sheet, A0.1 Proposed Site Changes, D1.1 Demo Plan, D2.1Existing Elevations, A1.1 First and Second Floor Plan, A2.1 North and West Elevations, A2.2 South and West Elevations, A10.1 Option 1	BP/CO	ISD/PIng.	
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Any changes to the approved site plan, plans, or elevations that are not <i>de minimis</i> must receive SPGA approval.												
2	The Applicant or Owner shall meet the Fire Prevention Bureau’s requirements.	CO	FP									
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, including dumpsters, 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									
5	New siding type and color, roofing, trim, and materials of the addition shall match or be complimentary to the rest of the existing structure	CO	PIng.									



6	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.	
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Attest, by the Zoning Board of Appeals:

Herbert Foster, *Chairman*  
Orsola Susan Fontano, *Clerk*  
Richard Rossetti  
Danielle Evans  
Josh Safdie (Alt.)

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 \_\_\_\_\_

