



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

PLANNING DIVISION

ZONING BOARD OF APPEALS MEMBERS

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ORSOLA SUSAN FONTANO, *CLERK*
RICHARD ROSSETTI
DANIELLE EVANS
ELAINE SEVERINO
JOSH SAFDIE (ALT.)

Case #: ZBA 2014-95
Site: 56 Otis Street
Date of Decision: November 5, 2014
Decision: Petition Approved with Conditions
Date Filed with City Clerk: November 13, 2014

ZBA DECISION

Applicant Name:	Jack Hayes
Applicant Address:	P.O. Box 377, Medford, MA 02155
Property Owner Name:	J&G Realty
Property Owner Address:	P.O. Box 377, Medford, MA 02155
Agent Name:	N/A

Legal Notice: Applicant, Jack Hayes, and Owner, J&G Realty, seek a Special Permit to alter a nonconforming 6-family structure under SZO §4.4.1 to add a 3-story deck.

<u>Zoning District/Ward:</u>	RB zone/Ward 1
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	September 10, 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 2014-95 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.



DESCRIPTION:

The proposal is to construct a 3-story deck that will be in the rear and side yards. The second means of egress is currently inside of the building and does not meet the current building code. The second means of egress will be moved outside to this deck. The proposal also includes adding a farmer's porch to the front of the building.

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 deck will not encroach farther into the nonconforming side or conforming rear yard than the existing structure. The rear yard is currently 10.5 feet, which is conforming due to the reduction in rear yard allowed for shallow lots and the side yard is 5.2 feet, which is nonconforming. The front porch will make the front yard more usable for the residents and will add character to the existing structure. The front yard is currently nonconforming at 6.3 feet and will be 1.1 feet.

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 safety of the inhabitants of the City of Somerville and providing for and maintaining the uniquely integrated structure of uses in the City.

The proposal is consistent with the purpose of the RB district in improving the egress and front appearance of this dwelling.

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 surrounding houses are tightly knit. Most have rear additions and several have front porches. The proposal will not be out of character of the neighborhood.

5. Housing Impact: *Will not create adverse impacts on the stock of existing affordable housing.*

The use of the property will remain as six residential units.

6. 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.

The use of the property will remain as six residential units and the appearance of the front of the house will improve as a result of the application.

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 construction of a three-story rear deck and a front porch. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/PIng.									
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>Sept 10, 2014</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>Oct 15, 2014</td> <td>Modified plans submitted to OSPCD (SK.01 Site Plan/First Floor, SK.02 2nd & 3rd Floor, SK.03-SK.07 Renderings,)</td> </tr> <tr> <td>Aug 8, 2014</td> <td>Modified plans submitted to OSPCD (Plot Plan)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	Sept 10, 2014	Initial application submitted to the City Clerk's Office	Oct 15, 2014	Modified plans submitted to OSPCD (SK.01 Site Plan/First Floor, SK.02 2 nd & 3 rd Floor, SK.03-SK.07 Renderings,)	Aug 8, 2014	Modified plans submitted to OSPCD (Plot Plan)
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Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.												
2	An exterior light and electrical receptacle is required for all levels of the porch.	Final sign off	Wiring Inspector									
3	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	PIng.									
Final Sign-Off												
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	PIng.									



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 _____

