



**CITY OF SOMERVILLE, MASSACHUSETTS**  
***MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT***  
**JOSEPH A. CURTATONE**  
**MAYOR**

MICHAEL F. GLAVIN  
EXECUTIVE DIRECTOR

PLANNING DIVISION

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ANNE BROCKELMAN, (ALT.)

**Case #: ZBA 2015-56**  
**Site: 22 Pitman Street**  
**Date of Decision: September 2, 2015**  
**Decision: Petition Approved with Conditions**  
**Date Filed with City Clerk: September 14, 2015**

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**ZBA DECISION**

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<b>Applicant Name:</b>	Cristina Napoli
<b>Applicant Address:</b>	22 Pitman Street, Somerville, MA 02143
<b>Property Owner Name:</b>	Cristina Napoli
<b>Property Owner Address:</b>	22 Pitman Street, Somerville, MA 02143
<b>Agent Name:</b>	N/A

<u>Legal Notice:</u>	Applicant Cristina Napoli & Owners Cristina Napoli & Marcus Santos seek a Special Permit under SZO §4.4. to increase the height of the rear portion of the nonconforming single-family house.
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<u>Zoning District/Ward:</u>	RB zone/Ward 3
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	July 30, 2015
<u>Date(s) of Public Hearing:</u>	September 2, 2015
<u>Date of Decision:</u>	September 2, 2015
<u>Vote:</u>	4-0

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Appeal #ZBA 2015-56 was opened before the Zoning Board of Appeals at Somerville City Hall on September 2, 2015. 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  
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722  
[www.somervillema.gov](http://www.somervillema.gov)

**DESCRIPTION:**

The proposal is to raise the roof of the 1.5-story rear portion of the house so that this portion of the house is 2-stories with a gable roof. The alteration would also include enclosing a rear 1-story porch. The project will allow for the expansion of a kitchen on the first floor and addition of an office on the second floor. There will also be a trellis in the rear yard that will not be attached to the principle structure.

**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."*

The structure is currently nonconforming with respect to the following dimensional requirements: lot area, landscaped area, pervious area, and front, rear and left side yard setbacks.

The proposal will impact the following nonconforming dimensions: rear and side yard setbacks. The current rear yard is 12 feet and the requirement is 12.3 due to the reduction allowed for the shallow lot. The side yard setback is 1.9 to 2.6 feet and the requirement is 8 feet. The setbacks will not change but the building will become taller within these setbacks. This alteration to a nonconforming structure requires the Applicant to obtain special permits under §4.4.1 of the Somerville Zoning Ordinance (SZO).

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 of the SZO, the Board finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The change will only be minimally visible from the street. The abutter to the southeast will be the most impacted. The additional height for an approximately 12 by 15 portion of the structure is not anticipated to cause concern. There will be no additional windows on the side of the structure facing the closest abutter. The height and floor area ratio will continue to be conforming to the requirements of the SZO.

The trellis is considered an accessory structure and will be setback from the property line the required three 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 providing for and maintaining the uniquely integrated structure of uses in the City.



The proposal to alter this single-family house is consistent with the purpose of the district, which is, “[t]o establish and preserve medium density neighborhoods of one-, two- and three-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."*

The addition has been designed to be consistent with the appearance of main body of the house. The roof will be a gable with the same pitch as the main roof. The siding, windows and shutters will also match of the rest of the house.

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

The addition will increase the value of the house; however, it is not an existing affordable unit.

7. 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 proposal to add approximately 180 gross square feet to the single-family house is not counter to the goals of SomerVision for this lot in an area of the City marked as to be preserved.

<u>SomerVision Summary</u>	<i>Existing</i>	<i>Proposed</i>
<i>Dwelling Units:</i>	1	1



**DECISION:**

Present and sitting were Members Orsola Susan Fontano, Danielle Evans, Josh Safdie and Anne Brockelman with Richard Rossetti and Elaine Severino absent. Upon making the above findings, Danielle Evans made a motion to approve the request for a Special Permit. Josh Safdie 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 increase in height of the rear portion of the structure to make it 2 stories. 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>July 30, 2015</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>Oct 20, 2008</td><td>Modified plans submitted to OSPCD (Plot Plan)</td></tr><tr><td>Jan 7, 2014</td><td>Modified plans submitted to OSPCD (C1.0 site plan, A1.0 basement plan, A1.1 1<sup>st</sup> fl plan, A1.2 2<sup>nd</sup> fl plan, A2.1 West elevation, A2.2 South elevation, A2.3 East elevation)</td></tr></table>				Date (Stamp Date)	Submission	July 30, 2015	Initial application submitted to the City Clerk's Office	Oct 20, 2008	Modified plans submitted to OSPCD (Plot Plan)	Jan 7, 2014	Modified plans submitted to OSPCD (C1.0 site plan, A1.0 basement plan, A1.1 1 <sup>st</sup> fl plan, A1.2 2 <sup>nd</sup> fl plan, A2.1 West elevation, A2.2 South elevation, A2.3 East elevation)
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Any changes to the approved elevations that are not <i>de minimis</i> must receive SPGA approval.												
2	The siding, roofing, windows and shutters shall match the material and color of the main body of the house.											
Final Sign-Off												
3	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:

Orsola Susan Fontano, *Chairman*  
Danielle Evans  
Josh Safdie  
Anne Brockelman, (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 \_\_\_\_\_

