



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

*PLANNING DIVISION*

**PLANNING BOARD MEMBERS**

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JOSEPH FAVALORO  
ELIZABETH MORONEY  
JAMES KIRYLO  
DANA LEWINTER, ALT.

**Case #:** ZBA 2009-43  
**Site:** 92 Liberty Avenue  
**Recommendation:** Conditional Approval  
**Date:** October 21, 2009

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**PLANNING BOARD REPORT**

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**Site:** 92 Liberty Avenue

**Applicant Name:** Richard Caruso

**Applicant Address:** 92 Liberty Avenue, Somerville, MA 02144

**Property Owner Name:** same

**Property Owner Address:** same

**Alderman:** Gewirtz

Legal Notice: Applicant, Richard Caruso, seeks a Special Permit under SZO §4.4.1 in order to enlarge and replace three existing windows.

Zoning District/Ward: Residence A / 6

Zoning Approval Sought: Special Permit under SZO §4.4.1

Date of Application: August 31, 2009

Date(s) of Public Meeting/Hearing: Planning Board 10/8/09 / Zoning Board of Appeals 10/21/09

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Dear ZBA members:

At its regular meeting on October 7, 2009 the Planning Board heard the above-referenced application. Based on materials submitted by the Applicant and the Staff recommendation, the Board voted (4-0) with Kevin Prior and Dana LeWinter absent, to recommend **conditional approval** of the requested **Special Permit**.

In conducting its analysis, the Planning Board found:



**CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143**  
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## **I. PROJECT DESCRIPTION**

1. Subject Property: The subject property is a 4,749 sf lot with a three family, three story dwelling. A triple-decker with clapboard siding, the property currently has two, three-bedroom units and one, two-bedroom unit.

2. Proposal: The Applicant is proposing to relocate and install new windows on the second floor of the structure. On the right side, an existing window will be closed and two double hung windows would be installed in alignment with the windows on the first floor. On the left side, a single double hung window will be replaced with two double hung windows in alignment with the windows on the first floor. On the rear of the building, an approximately 5ft by 6ft window would replace a double hung window in alignment with and of a similar style with the window on the first floor.

3. Nature of Application: The Applicant is requesting a Special Permit under SZO §4.4.1 to alter a non-conforming three family structure. The structure is non-conforming with respect to side yard setbacks. The structure has 9ft setbacks where 10ft is required.

4. Surrounding Neighborhood: The subject property is located in a residential neighborhood of primarily 2 1/2 story wood-frame homes.

5. Green Building Practices: The applicant has not indicated if any green building practices or materials will be instituted.

7. Comments:

Fire Prevention: Steve Keenan has been contacted and has not yet responded

Ward Alderman: Alderman Gewirtz has been contacted and has not yet responded.

## **II. 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 proposal meets the criteria set forth in the ordinance for the special permit. The Board finds that the additional windows are consistent with the architecture of the existing structure.

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 project is located in a Residence A (RA) zoning district. The RA district seeks, "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 Board finds that the proposal

is consistent with the purpose of the RA zoning district. The Board finds that the alteration is acceptable for the district and 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."

The Board finds that the proposal as designed is compatible with the characteristics of the structures in the neighborhood. The Board finds that any privacy concerns due to the additional windows would be negligible. The proposed windows would only be replacing existing windows with larger openings and the existing set backs, though non-conforming, are substantial relative to many other homes in Somerville.

### **III. RECOMMENDATION**

#### **Special Permit under §4.4.1**

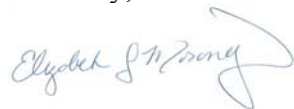
Based on the above findings, the Planning Board recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT**.

Although the Planning Board is recommending approval of the requested Special Permit under §4.4.1 , the following conditions should be added to the permits:

the following conditions should be added to the permits:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	<p>Approval is for the installation of windows on second floor of the rear and side facades. This approval is based upon the following application materials and the plans submitted by the Applicant and/or the Agent:</p> <table><tr><th>Date(OSPCD stamp)</th><th>Submission</th></tr><tr><td>9/10/09</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>7/27/09 (10/5/09)</td><td>Site plan and elevations</td></tr></table> <p>Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive ZBA approval.</p>	Date(OSPCD stamp)	Submission	9/10/09	Initial application submitted to the City Clerk's Office	7/27/09 (10/5/09)	Site plan and elevations	Building Permit	Plng.	
Date(OSPCD stamp)	Submission									
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2	Window trim and colors shall match that of the other windows on the structure.	CO	Plng.							
3	The Applicant shall contact Planning Staff at least five working days in advance of a request for a final sign-off on the building permit to ensure the proposal was constructed in accordance with the plans and information submitted and the conditions attached to this approval.	CO	Plng. / ISD							

Sincerely,



Elizabeth Moroney  
Acting Chairman



**92 LIBERTY AVENUE**