



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

PLANNING DIVISION

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JOSH SAFDIE (ALT.)

Case #: ZBA 2011-13
Site: 11 Belmont Place
Date of Decision: March 16, 2011
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: March 28, 2011

ZBA DECISION

Applicant Name:	Andrea Shapiro
Applicant Address:	11 Belmont Place, Somerville, MA 02143
Property Owner Name:	Andrea Shapiro
Property Owner Address:	11 Belmont Place, Somerville, MA 02143
Agent Name:	Katharine MacPhail
Agent Address:	42 Mt. Vernon Street, Arlington, MA 02476

Legal Notice: Applicants Andrea Shapiro and Christopher Cassel, seek a special permit to alter a nonconforming structure under SZO §4.4.1 to construct a two story addition and deck in the rear of an existing single-family residence.

<u>Zoning District/Ward:</u>	RB zone. Ward 3
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	February 4, 2011
<u>Date(s) of Public Hearing:</u>	March 16, 2011
<u>Date of Decision:</u>	March 16, 2011
<u>Vote:</u>	5-0

Appeal #ZBA 2011-13 was opened before the Zoning Board of Appeals at Somerville City Hall on March 16, 2011. 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.



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DESCRIPTION:

The Applicant is proposing to remove an existing single story volume and basement entry at the rear of the dwelling and to replace those with a two story addition, a deck on the first floor, and a new basement entry. The proposed two story addition will have a gable roof to match that of the existing structure and its footprint would be approximately 20 feet by 12.5 feet. The footprint of the proposed deck is approximately 10 feet by 18.5 feet. A series of steps will provide access from the addition to the deck and then from the deck down into the backyard. The proposed new basement entry will be approximately 4 feet wide by 5 feet deep by 9 feet high from grade. As part of the project the Applicant will also be reconfiguring an existing shed dormer to a gable dormer on the west elevation and installing new cedar clapboard siding on three sides of the structure which will be painted to match the color of the front façade.

These changes will facilitate an interior renovation and expansion. On the first floor, the kitchen will be greatly expanded, a new pantry will be created, the existing den will be expanded to create a dining room, and the existing half bath will be relocated from the rear of the structure to the center of the first floor. Sliding doors would also be installed on the rear façade to provide access to the new deck. On the second floor, the new addition would allow for one of the bedrooms to be expanded, the creation of a dressing area, and for a second full bathroom to be installed. The addition would also expand the basement area of the 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."

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.

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 "promote 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 facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; to conserve the value of land and buildings; to encourage the most appropriate use of land throughout the City; to encourage housing for persons of all income levels."

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 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."



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The project is compatible with the characteristics of the surrounding area. The Applicant is proposing to remove an existing single story volume and basement entry at the rear of the dwelling and to replace those with a two story addition, a deck, and a new basement entry. As part of the project the Applicant will also be reconfiguring an existing shed dormer on the west elevation to a gable dormer, which is something the Board supports, and also installing new cedar clapboard siding on three sides of the structure which will be painted to match the color of the front façade. The property will remain a two story, single-family residential use which is consistent with the surrounding 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 impacts are anticipated from this project. The structure will remain a two story, single-family dwelling and will continue to be used for residential purposes. The Applicant is extending the existing nonconforming setback on the southeast side of the property deeper into the lot by approximately 17 feet and there are no anticipated negative impacts from this proposal.



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DECISION:

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Scott Darling and Josh Safdie with Danielle Evans and Elaine Severino absent. Upon making the above findings, Susan Fontano made a motion to approve the request for a special permit. Scott Darling 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 and deck 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:	BP/CO	Plng.											
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>(February 4, 2011)</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>November 30, 2010 (February 17, 2011)</td><td>Plot Plan</td></tr><tr><td>December 28, 2010 (February 17, 2011)</td><td>Plans submitted with application (Proposed Floor Plans and Elevations)</td></tr><tr><td>February 18, 2011 (February 22, 2011)</td><td>Existing Floor Plans</td></tr></table>				Date (Stamp Date)	Submission	(February 4, 2011)	Initial application submitted to the City Clerk’s Office	November 30, 2010 (February 17, 2011)	Plot Plan	December 28, 2010 (February 17, 2011)	Plans submitted with application (Proposed Floor Plans and Elevations)	February 18, 2011 (February 22, 2011)	Existing Floor Plans
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February 18, 2011 (February 22, 2011)	Existing Floor Plans													
Any changes to the approved site plans, elevations, or use that are not <i>de minimis</i> must receive SPGA approval.														
2	The Applicant shall meet the Fire Prevention Bureau’s requirements.	CO	FP											
3	New siding type and color, roofing, and materials of the addition and those on the existing structure shall all match that of the existing front facade.	CO	Plng.											
4	The design of the eaves on the revised shed dormer and the proposed new dormer on the addition shall be made to match those of the existing main roof.	CO	Plng.											
5	All construction materials and equipment 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											
6	To the maximum extent feasible the Applicant will utilize strategies during construction to mitigate dust and control air quality, to minimize noise and to implement a waste recycling program for the removed debris.	During Construction	OSE/ISD											



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7	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.	
8	The design of corner boards, window and door surrounds and other standard architectural details shall match the restored conditions at the front elevations of the building.	CO	Plng.	



Attest, by the Zoning Board of Appeals:

Herbert Foster, *Chairman*
Orsola Susan Fontano, *Clerk*
Richard Rossetti
T.F. Scott Darling, III, Esq.
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 _____



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