



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

PLANNING DIVISION

***ZONING BOARD OF APPEALS MEMBERS***

HERBERT F. FOSTER, JR., *CHAIRMAN*  
ORSOLA SUSAN FONTANO, *CLERK*  
RICHARD ROSSETTI  
T. F. SCOTT DARLING, III, ESQ.  
DANIELLE EVANS  
ELAINE SEVERINO (ALT.)  
JOSH SAFDIE (ALT.)

**Case #: ZBA #2010-09**  
**Site: 18 Forster Street**  
**Date of Decision: March 17, 2010**  
**Decision: *Petition Approved with Conditions***  
**Date Filed with City Clerk: March 18, 2010**

---

**ZBA DECISION**

---

|                                |  |
|--------------------------------|--|
| <b>Applicant Name:</b>         | Timothy Darr & Charlotte Davis                             |
| <b>Applicant Address:</b>      | 18 Forster Street, Somerville, MA 02143                    |
| <b>Property Owner Name:</b>    | Timothy Darr & Charlotte Davis                             |
| <b>Property Owner Address:</b> | 18 Forster Street, Somerville, MA 02143                    |
| <b>Agent Name:</b>             | Noel Clarke  |
| <b>Agent Address:</b>          | 2C Design Studio, 19 Montrose Street, Somerville, MA 02143 |

Legal Notice: Applicants & Owners, Timothy Darr & Charlotte Davis, seek a Special Permit under SZO §4.4.1 to construct a 50± sf addition within the nonconforming side and rear yard setbacks (8.5.H & 8.5.I).

|                                   |                   |
|-----------------------------------|-------------------|
| <u>Zoning District/Ward:</u>      | RA zone/Ward 5    |
| <u>Zoning Approval Sought:</u>    | §4.4.1            |
| <u>Date of Application:</u>       | February 10, 2010 |
| <u>Date(s) of Public Hearing:</u> | March 17, 2010    |
| <u>Date of Decision:</u>          | March 17, 2010    |
| <u>Vote:</u>                      | 5-0               |

---

Appeal #ZBA 2010-09 was opened before the Zoning Board of Appeals at Somerville City Hall on March 17, 2010. 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 construct two new one-story additions onto the existing one-story portion of the house, with 31 square feet in the side yard and 19 square feet in the rear yard. The side yard addition will fill in a notch in the existing one-story portion of the house, allowing for a larger kitchen, while the rear yard addition will allow for a garden shed to be attached to the existing house. The additions will also require reconfiguring the windows, including a new window on the front-facing one-story portion of the house, and a new door into the dining room from the rear landing. These exterior changes would allow the owner to construct a larger kitchen and new pantry.

## **FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1, 8.5.H & 8.5.I):**

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 additions would not be substantially more detrimental to the neighborhood than the existing structure. The Board will condition that, shall the owner choose to remove the vinyl siding on the remainder of the house, that the owner either restore the original siding under the vinyl or that it be replaced with materials similar to the addition (hardiboard with azek trim, or similar products), painted to match the addition, and retain the architectural character of the original house.

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 maintain the uniquely integrated structure of uses in the City. It is consistent with the purpose of the RA district, by preserving and enhancing this one-family home.

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 style of the house would remain consistent with other structures on the street. The additions meet the general design expectations for the neighborhood. The contemporary design of the addition is different but complimentary to the traditional style of the house. The Board will require the owner to match colors and materials if the vinyl siding on the main house is removed.

## **DECISION:**

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Scott Darling and Elaine Severino with Danielle Evans 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:



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)



| #  | Condition   | Timeframe for Compliance | Verified (initial) | Notes |  |            |             |  |                      |   |
|--|---|--------------------------|--------------------|-------|--|------------|-------------|--|----------------------|---|
| 1  | Approval is for the construction of two additions totaling approximately 50 square feet. 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>(2/10/2010)</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>2/9/2010 (2/10/2010)</td><td>Plans submitted to OSPCD (plot plan plus architectural plans A.01 – A.04)</td></tr></table>   |                          |                    |       | Date (Stamp Date)  | Submission | (2/10/2010) | Initial application submitted to the City Clerk's Office | 2/9/2010 (2/10/2010) | Plans submitted to OSPCD (plot plan plus architectural plans A.01 – A.04) |
|  | Date (Stamp Date)   |                          |                    |       | Submission   |            |             |  |                      |   |
|  | (2/10/2010)   |                          |                    |       | Initial application submitted to the City Clerk's Office |            |             |  |                      |   |
| 2/9/2010 (2/10/2010)   | Plans submitted to OSPCD (plot plan plus architectural plans A.01 – A.04)   |                          |                    |       |  |            |             |  |                      |   |
| Any changes to the approved site plans and/or elevations that are not <i>de minimis</i> must receive ZBA approval. |   |                          |                    |       |  |            |             |  |                      |   |
|  |   |                          |                    |       |  |            |             |  |                      |   |
| 2  | Shall the owner choose to remove the vinyl siding on the remainder of the house, that the owner shall either restore the original siding that is under the vinyl or replace it with solid durable materials similar to the addition (Hardiboard with Azek trim, or similar products), while retaining the architectural character of the original house. At that time, the house shall be painted to match the addition. The owner shall meet with Planning Staff for project review and approval before removing the siding. | Continuous               | Plng.              |       |  |            |             |  |                      |   |
| 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:

Herbert Foster, *Chairman*  
Orsola Susan Fontano, *Clerk*  
Richard Rossetti  
T.F. Scott Darling, III, Esq.  
Elaine Severino (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 \_\_\_\_\_



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)

