



CITY OF SOMERVILLE, MASSACHUSETTS
ZONING BOARD OF APPEALS
JOSEPH A. CURTATONE, MAYOR

MEMBERS

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DANIELLE FILLIS
ELAINE SEVERINO (ALT.)

Case #: ZBA 2005-93-R0308

Site: 70 Glen Street

Date of Decision: May 21, 2008

Decision: *Revision Approved with Conditions*

Date Filed with City Clerk: June 4, 2008

ZBA DECISION

Applicant Name: Antonio Carnevale
Applicant Address: 70 Glen Street, Somerville, MA 02145
Property Owner Name: Antonio Carnevale
Property Owner Address: 70 Glen Street, Somerville, MA 02145
Agent Name:

Legal Notice: Applicant & Owner Antonio Carnevale seeks a Revision to Special Permit #ZBA2005-93 to change an approved four-season room to a covered deck. RB zone. Ward 1.

Zoning District/Ward: RB zone/Ward 1
Zoning Approval Sought: Revision to Special Permit #2005-93
Date of Application: March 14, 2008
Date(s) of Public Hearing: 4/16, 5/7 & 5/21/08
Date of Decision: May 21, 2008
Vote: 4-0

Appeal #ZBA 2005-93-R0308 was opened before the Zoning Board of Appeals at Somerville City Hall on April 16, 2008. 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 two (2) hearing(s) of deliberation, the Zoning Board of Appeals took a vote.

DESCRIPTION/FINDINGS:

The original special permit allowed the applicant to add an addition to the rear of the existing home on the second story roof. The Applicant's contractor partially constructed the addition before obtaining a building permit. The addition remains partially constructed. The initial requested revision was to replace

the addition with a covered deck of similar dimensions. After the ZBA meeting on May 7, 2008, the Applicant altered the plans to remove the roof over the deck. After further consultation the Applicant and contractor determined that the leak in the second floor roof can be fixed without constructing a roof over the third floor. The proposed revisions are shown on the plans and renderings stamped into the OSPCD on May 2, 2008 and May 16, 2008.

Notices have been mailed to abutters and the case was advertised in the newspaper.

In 2005, the Board approved the special permit but added the following conditions to address concerns.

1. "Although the Board approves the dimensions of the addition as shown on these plans, the roof of the addition on these plans must be redesigned in the mansard style the same as the third floor level on the rest of the dwelling. Windows and finish materials on this mansard style roof must be the same as the remainder of the house."
2. "The Applicant shall not install a spiral staircase as a means of egress from the addition to the first floor roof of the building. Instead, a staircase similar to the one illustrated on the February 8, 2006 plans must be installed."

The requested revision relates to these concerns in the following way.

1. The roof has been taken out of the proposal. The condition related to the mansard style roof and windows is no longer applicable to the project. The material of the deck, railings, and columns would be wood and include detailing in the trim. The side of the proposed deck would align with the third story roofline and not extend to the second story roofline where the current unfinished addition is located. This would reduce the visual impact of the deck from the front of the house.
2. The staircase shown is not spiral and is consistent with the February 8, 2006 plans.

DECISION:

Present and sitting were Members Orsola Susan Fontano, Scott Darling, Danielle Fillis and Elaine Severino. Upon making the above findings, Scott Darling made a motion to approve the request for a special permit. Danielle Fillis seconded the motion. Wherefore the Zoning Board of Appeals voted (4-0) to **APPROVE** the request for a revision to Special Permit #2005-93. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes
1	Approval is for the revision of Special Permit 2005-93 to replace a rear addition with a deck made of wood. This approval is based upon the following application materials and the plans submitted by the Applicant and/or its contractor:	BP/CO	Plng.	
	<table><tr><th>Date</th><th>Submission</th></tr></table>			
Date	Submission			

	March 14, 2008	Initial application submitted to the City Clerk's Office			
	May 2, 2008	Modified plans submitted to OSPCD (plans A-1.1, A-2.1)			
	May 16, 2008	Modified plans submitted to OSPCD (3 renderings)			
	Any changes to the approved plans, elevations, or renderings must receive ZBA approval.				
2	Approval is contingent on faithful execution of the submitted plans and renderings, including proportions of columns and rails and details of porch trim.		BP/CO	PIng.	
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.		Final sign off	PIng.	

Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Acting Chairperson*
T.F. Scott Darling, III, Esq., *Acting Clerk*
Danielle Fillis
Elaine Severino, (Alt.)

Attest, by the Zoning Board of Appeals 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 _____