



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

**MEMBERS**

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DANIELLE FILLIS  
ELAINE SEVERINO (ALT.)  
JOSH SAFDIE (ALT.)

**Case #: ZBA 2009-02**  
**Site: 10-12 Gordon Street**  
**Date of Decision: March 4, 2009**  
**Decision: *Petition Approved with Conditions***  
**Date Filed with City Clerk: March 12, 2009**

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**ZBA DECISION**

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<b>Applicant Name:</b>	Paul Dell'Anno
<b>Applicant Address:</b>	10 Gordon Street, Somerville, MA 02144
<b>Property Owner Name:</b>	Paul Dell'Anno
<b>Property Owner Address:</b>	10 Gordon Street, Somerville, MA 02144
<b>Agent Name:</b>	N/A

<b><u>Legal Notice:</u></b>	Applicant & Owner Paul Dell'Anno seeks a special permit (SZO §4.4.1) to alter a nonconforming dwelling by adding an approximately 104s.f.first floor addition. RA zone. Ward 7.
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<b><u>Zoning District/Ward:</u></b>	RA zone/Ward 7
<b><u>Zoning Approval Sought:</u></b>	§4.4.1
<b><u>Date of Application:</u></b>	January 22, 2009
<b><u>Date(s) of Public Hearing:</u></b>	March 4, 2009
<b><u>Date of Decision:</u></b>	March 4, 2009
<b><u>Vote:</u></b>	5-0

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Appeal #ZBA 2009-02 was opened before the Zoning Board of Appeals at Somerville City Hall on March 4, 2009. 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.

**DESCRIPTION:**

The proposal is to construct an approximately 104 s.f. addition extending from the rear of the house by 6'4" to the depth of the existing rear porch. The addition would be 6'4" deep by 16'6" wide. The addition would only be for the first floor and would enable the applicant to expand a ground floor bedroom and install a walk-in closet. The area proposed to be covered is a brick patio.

### **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 find that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The proposed construction is entirely in the rear yard and not visible from the street. Also, the proposed addition will not extend out further into the back yard than the existing porch. The Board finds that the relatively small size of the addition combined with the conditions of approval will create an acceptable project for the neighborhood.

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 Board finds that this proposal is consistent with the purposes of the Ordinance and the Residence A district in which it is located.

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 will condition that the siding materials and foundation materials match that of the structure. The character of the structure and the rear yard open space will generally remain intact.

### **DECISION:**

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Danielle Fillis and Scott Darling. 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 for the construction of an approximately 6'4" deep by 16'6" wide, one story rear addition. 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>(1/22/09)</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>(2/12/09)</td><td>Elevations and plot plan</td></tr></table>				Date (Stamp Date)	Submission	(1/22/09)	Initial application submitted to the City Clerk's Office	(2/12/09)	Elevations and plot plan
	Date (Stamp Date)				Submission					
	(1/22/09)				Initial application submitted to the City Clerk's Office					
(2/12/09)	Elevations and plot plan									
Any changes to the approved elevations that are not <i>de minimis</i> must receive ZBA approval.										
2	The façade/foundation materials and colors on the addition shall be consistent with the façade/foundation materials on the existing structure.	CO	Plng/IS D							
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	Plng.							

Attest, by the Zoning Board of Appeals:

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

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 \_\_\_\_\_