



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 2010-51
Site: 34 Irving Street
Date of Decision: October 20, 2010
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: October 28, 2010

ZBA DECISION

Applicant Name:	Monica Luke
Applicant Address:	74 South Road, Bedford, MA 01730
Property Owner Name:	Monica Luke
Property Owner Address:	74 South Road, Bedford, MA 01730
Agent Name:	N/A

<u>Legal Notice:</u>	Applicant & Owner Monica Luke seeks a special permit under SZO §4.4.1 to remove 7 windows and add 8 windows in a non-conforming side yard setback.
----------------------	--

<u>Zoning District/Ward:</u>	RA zone. Ward 6.
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	September 14, 2010
<u>Date(s) of Public Hearing:</u>	October 20, 2010
<u>Date of Decision:</u>	October 20, 2010
<u>Vote:</u>	4-1

Appeal #ZBA 2010-51 was opened before the Zoning Board of Appeals at Somerville City Hall on October 20, 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



DESCRIPTION:

The applicant seeks special permit to remove seven windows and add eight windows on a non-conforming side-yard setback.

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 with the changes in windows in this location.

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 and purpose of the RA district as well.

The change in windows will allow for the renovation of this home and the improvement of the interior of the building.

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 new design will add a more symmetrical window pattern on the first floor, and replace the large enclosed porch windows with smaller windows on the second floor. It will also add a diamond-shaped window on the first floor. All of these window types are compatible with windows on other homes in the area. This building has deteriorating siding, and is undergoing other construction. This application is a part of a larger renovation project on this building. The original vinyl has been removed since the original application photos were taken, and the siding underneath has been damaged, but shows signs of its original character that was not visible when covered by vinyl. The Board recommends wood or fiber-cement siding for this building when it is complete, but the applicant shall work with staff on any siding option to ensure that the building retains its character when finished.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722

www.somervillema.gov



DECISION:

Present and sitting were Members Herbert Foster, Orsola Fontano, Richard Rossetti, Danielle Evans 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 **4-1** to **APPROVE** the request with Danielle Evans voting in opposition. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	Approval is to replace existing porch and add an additional two-story outdoor gallery space, while maintaining an existing 121 sf. 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>(9/14/2010)</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>9/8/2010</td><td>Existing and proposed plans submitted to OSPCD</td></tr></table>				Date (Stamp Date)	Submission	(9/14/2010)	Initial application submitted to the City Clerk's Office	9/8/2010	Existing and proposed plans submitted to OSPCD
	Date (Stamp Date)				Submission					
	(9/14/2010)				Initial application submitted to the City Clerk's Office					
9/8/2010	Existing and proposed plans submitted to OSPCD									
Any changes to the approved plans that are not <i>de minimis</i> must receive ZBA approval.										
2	The applicant shall repair or replace siding on the entire building and siding around the new windows shall match the remainder of the structure. The applicant shall submit siding color and material samples to Planning Staff for review and approval prior to installation.	BP	Plng							
3.	The applicant shall submit their paving plan to Planning Staff and shall not pave beyond the area in the plan.	Perpetual	ISD							
4.	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.							



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722

www.somervillema.gov



Attest, by the Zoning Board of Appeals:

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

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

