



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

**MEMBERS**

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

**Case #: ZBA 2009-08**  
**Site: 27 Jackson Road**  
**Date of Decision: May 6, 2009**  
**Decision: *Petition Approved with Conditions***  
**Date Filed with City Clerk: May 14, 2009**

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**ZBA DECISION**

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<b>Applicant Name:</b>	John Keegan
<b>Applicant Address:</b>	35 Charlestown Street, Somerville, MA 02143
<b>Property Owner Name:</b>	Maryann Mendoca
<b>Property Owner Address:</b>	280 Emerald Street, Malden, MA 02148
<b>Agent Name:</b>	Design Partnership Architects, Inc.
<b>Agent Address:</b>	85 Brockton Avenue, Haverhill, MA 01830

**Legal Notice:** Applicant John Keegan and Owner Maryann Mendonca seek a special permit under §4.4.1 in order to construct a first floor addition and provide a group home for persons with disabilities. The ADA compliant residence will house five individuals. RB zone. Ward 4.

<u>Zoning District/Ward:</u>	RB zone/Ward 4
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	March 3, 2009
<u>Date(s) of Public Hearing:</u>	4/15 & 5/6/09
<u>Date of Decision:</u>	May 6, 2009
<u>Vote:</u>	5-0

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Appeal #ZBA 2009-08 was opened before the Zoning Board of Appeals at Somerville City Hall on April 15, 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 two hearings of deliberation, the Zoning Board of Appeals took a vote.

**DESCRIPTION:**

The proposal is to renovate the existing structure and to construct an addition extending from the right side of the existing structure approximately 40' to within 10' of the side lot line of the combined lots. The addition proposed is a single story of 1,312 nsf that will be ADA compliant. The new structure would be a group home that features 5

bedrooms for individuals with developmental disabilities. The project is being proposed by the Walnut Street Center, Inc. who would maintain a 24 hour staff rotating in three shifts to assist the inhabitants.

**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 Permit.

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. The proposal conforms with all dimensional standards except lot size, though the lot is twice the size of most other lots in the area. The applicant has worked with Staff and generally addressed the concerns of Historic Preservation in their proposal by retaining and renovating the existing structure. Other recommendations alluded to in the Historic Preservation memo will be incorporated into the conditions of this report. The Board finds that the height of the new structure is appropriate as it is considerably lower than those of the surrounding structures. The design of the structure is appealing and complimentary to the existing structure with its use of bays and a gable roof that mimics the orientation and angle of the existing roof. The Board also finds that conditioned façade improvements to the original structure will improve the neighborhood and make the structure more historically accurate in appearance.

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 the proposed as-of-right use would be beneficial to the city as facilities to serve the developmentally disabled are much needed. According to their website the Walnut Street Center, Inc. "is a nonprofit, human service agency that provides comprehensive support services to adults who have developmental disabilities and their families. The agency was founded in 1970 by parents who wanted supports for their children, and other adults who had similar needs, in their community." The Board finds that the residential use of this addition and the relatively low number of bedrooms proposed would make this project compatible with the surrounding character. The Board finds that the well established non-profit organization and the facility staff would be capable of addressing any issues or concerns that may arise in the community.

The Board will also require a landscaping plan to be submitted to OSPCD that will screen and further improve the appearance of the site.

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 finds that the design of the building is consistent with the neighborhood. While the structure will be larger than other structures in the area, the combining of the two lots create a property twice as large as other properties on the street. The use of conditioned façade materials, the variety of façade depths and window styles create an appealing structure that is compatible with the character of the street. The residential nature of the structure is compatible with the residential uses in the neighborhood.

**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. Richard Rossetti 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 1,312 nsf single-story 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>(3/10/09)</td><td>Initial application submitted to OSPCD</td></tr><tr><td>1/28/09(3/18/09)</td><td>Front Elevations/First Floor Site Plan</td></tr><tr><td>(4/16/09)</td><td>Rear and Right Side Elevations</td></tr></table>				Date (Stamp Date)	Submission	(3/10/09)	Initial application submitted to OSPCD	1/28/09(3/18/09)	Front Elevations/First Floor Site Plan	(4/16/09)	Rear and Right Side Elevations
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(4/16/09)	Rear and Right Side Elevations											
Any changes to the approved elevations that are not <i>de minimis</i> must receive ZBA approval.												
2	A landscaping plan shall be submitted to OSPCD for approval showing any transformer and dumpster locations. Any trees greater than 8" caliper to be removed shall be indicated on the plan and appropriate mitigation measures shall be undertaken.	Building Permit	Plng.									
3	A code compliant fire alarm system shall be installed.	CO	FP									
4	The applicant shall use natural or cementitious (hardi-plank) materials on the facades of both the existing and new construction.	CO	Hist.									
5	Muntins or mullions shall not be of the flat snap-in style.	CO	Hist.									
6	Applicant shall screen any dumpsters with fencing that blocks any view of the dumpster itself.	CO	Plng.									
7	Any transformers should be located as not to impact the historic building or landscaped area, and shall be fully screened.	Electrical permits & CO	ISD									
8	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									

9	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.	
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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 \_\_\_\_\_