



**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.)

**Case #: ZBA 2008-06**  
**Site: 2 Main Street**  
**Date of Decision: March 19, 2008**  
**Decision: Petition Approved with Conditions**  
  
**Date Filed with City Clerk: April 2, 2008**

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**ZBA DECISION**

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<b>Applicant Name:</b>	Maria Grasso
<b>Applicant Address:</b>	2 Main Street, Somerville, MA 02145
<b>Property Owner Name:</b>	Diana Arenella
<b>Property Owner Address:</b>	5 Main Street Trust, P.O Box 398068, Cambridge, MA 02139
<b>Agent Name:</b>	N/A
<b>Agent's Address:</b>	N/A

**Legal Notice:** Applicant Maria Grasso & Owner Diana Arenella seek Special Permit approval under SZO §4.4.1 for the alteration of a non-conforming structure in order to open a new front entrance in the existing structure, which would allow for the expansion of the existing beauty salon in a NB zone. Ward 4.

<b><u>Zoning District/Ward:</u></b>	NB zone/Ward 4
<b><u>Zoning Approval Sought:</u></b>	§4.4.1
<b><u>Date of Application:</u></b>	January 28, 2008
<b><u>Date(s) of Public Hearing:</u></b>	3/5 & 3/19/08
<b><u>Date of Decision:</u></b>	March 19, 2008
<b><u>Vote:</u></b>	5-0

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Appeal #ZBA 2008-06 was opened before the Zoning Board of Appeals at Somerville City Hall on March 5, 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 one (1) hearing(s) of deliberation, the Zoning Board of Appeals took a vote.

**DESCRIPTION:**

The Applicant is proposing to expand their business into the adjoining vacant store which is almost identical in size and shape. This action would increase the total square footage of the business to 624

square feet. The expansion would require the reopening of the closed storefront directly adjacent to the existing beauty salon. The applicant is proposing to improve the storefront with a glass door and window that mirrors the existing storefront of the salon. The reopening will provide two separate entrances to the salon, while separation of the stores on the interior would remain.

**FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1):**

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."

The Applicant requires a special permit under §4.4.1 of the SZO. Under §4.4.1, "The SPGA must find that such extension, enlargement, renovation or alteration is not substantially more detrimental to the neighborhood than the existing nonconforming building ... the SPGA may consider, without limitation, impacts upon the following: traffic volumes, traffic congestion, adequacy of municipal water supply and sewer capacity, noise, odor, scale, on-street parking, shading, visual effects and neighborhood character."

**Of those standards set forth under §4.4.1 of the SZO, the Planning Board finds that the change would not be substantially more detrimental to the neighborhood. It appears that at one time these two storefronts combined to form the front of a single store. This proposal would reconnect the storefronts and reestablish the original design of the building while maintaining the physical separation of the stores on the interior. The owner of the building does not want the applicant to remove any of the interior walls.**

**This proposal would also provide the applicant the ability to expand and improve their beauty salon business.**

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 project is located in a Neighborhood Business (NB) zoning district. The NB district seeks to establish and preserve areas for small-scale retail stores, services and offices which are located in close proximity to residential areas and which do not have undesirable impacts on the surrounding neighborhoods.

Allowing the proposed change to the existing structure would help preserve a small-scale service oriented business in the area. The Board finds the proposed structure to be more attractive with the proposed changes than the existing storefront and would be more aesthetically compatible with its commercial and residential neighbors. The applicant has stated that within the year they would like to enlarge and redesign the awning to cover the new window and doorway they are proposing to create. At this time financial considerations are limiting the applicants' ability to do so.

**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 project as proposed would increase the site's compatibility with its surroundings, both visually and by eliminating a vacant store from the neighborhood. The Board recommends that the applicant follow through with plans to redesign and extend the awning the entire length of the new storefront when finances allow. Alternatively, wood above the doors and windows could be replaced with transom windows. Air conditioning units should not be exposed.

**DECISION:**

Present and sitting were Members Herbert Foster, Richard Rossetti, Elaine Severino, Danielle Fillis and Scott Darling with Orsola Susan Fontano absent. Upon making the above findings, Acting Clerk Richard Rossetti 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 to alter a storefront within a nonconforming commercial structure under SZO §4.4.1. This approval is based upon the following application materials and the plans submitted by the Applicant and/or Agent:	Building Permit	Plng.	
2	Fire detection and fire suppression devices shall be installed that are tied in to the current fire alarm system at this location. Fire Prevention believes the fire alarm panel that monitors 2 Main Street is located in the building at 379-383 Broadway.	CO	Fire	
	Manual fire alarm pull stations at the entrances and exit doors, fire alarm horn/strobe warning devices, fire alarm strobe warning lights in the bathrooms, and smoke detectors shall also be installed.			

3	The new glass window and door shall mimic the existing glass window and door on the existing structure to provide a uniform appearance.	CO	Plng.	
4	The Applicant must contact the 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 Building Permit Signoff	Plng. / ISD	
5	The Applicant shall install new awning to extend the width of the storefront in compliance with the SZO.	CO	Plng.	

Attest, by the Zoning Board of Appeals:

Herbert Foster, Chairman  
Richard Rossetti, Acting Clerk  
T.F. Scott Darling, III, Esq.  
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  
ZBA 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 \_\_\_\_\_