



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

MEMBERS

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RICHARD ROSSETTI
T. F. SCOTT DARLING, III, ESQ.
DANIELLE FILLIS
ELAINE SEVERINO (ALT.)

Case #: ZBA 2008-26

Site: 48 Meacham Road

Date of Decision: July 9, 2008

Decision: *Petition Approved with Conditions*

Date Filed with City Clerk: July 17, 2008

ZBA DECISION

Applicant Name:	Consuelo J. Perez
Applicant Address:	48 Meacham Road, Somerville, MA 02144
Property Owner Name:	Consuelo J. Perez
Property Owner Address:	48 Meacham Road, Somerville, MA 02144
Agent Name:	N/A

Legal Notice: Applicant & Owner: Consuelo J. Perez seek a special permit §4.4.1 to construct an approx 19 sf one-story addition to the rear of the structure and an approx 160 sf deck. RB zone. Ward 6.

<u>Zoning District/Ward:</u>	RB zone/Ward 6
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	June 9, 2008
<u>Date(s) of Public Hearing:</u>	July 9, 2008
<u>Date of Decision:</u>	July 9, 2008
<u>Vote:</u>	5-0

Appeal #ZBA 2008-26 was opened before the Zoning Board of Appeals at Somerville City Hall on July 9, 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 proposal is to construct an approximately 19 s.f. (3'7" x 5'3") one-story addition to the rear of the structure and an approximately 160 square foot deck. The addition would house a new laundry room,

extending an existing rear addition to align with the right-hand wall of the main structure (at the southwest corner of the building). The deck would also be L-shaped, extending into the panhandle, ranging from 5' in depth on the shortest side to 14'6" on the longest side; it would extend approximately 15' in width along the rear of the building, narrowing to 8' within the panhandle.

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." To the extent possible for a nonconforming structure, the proposal complies with the standards of the zoning ordinance. The additional intrusion of the proposed laundry room into the side yard setback is minimal, whereas the deck is subject to less stringent setback requirements and its encroachment would be minimally impactful.
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 purposes of the ordinance, including "to conserve the value of land and buildings".

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 addition would be in character with the existing structure and would facilitate the addition of attractive French doors on the rear, an improvement from the existing blank wall. Replacement of the rear concrete steps will likewise be an improvement of the property. The deck is complemented by a similar feature on the neighboring property. The impacts of the proposed changes appear to be minimal. Should there be any concerns about proximity of the decks to the property in the rear, privacy could be increased through the introduction of high, dense plant material. The Board recommends requiring that the existing trees along the rear and side property lines be retained and that the fence be removed, repaired, or replaced if it is within the Applicant's control.

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 alterations to the rear of the structure, including addition of a 19± s.f. laundry room and 160± s.f. deck. This approval is based upon the following application materials and the plans submitted by the Applicant and/or its contractor:	BP and CO	ISD and Plng.					
	<table><tr><th>Date</th><th>Submission</th></tr><tr><td>June 9, 2008</td><td>Application and plans submitted to the City Clerk’s Office</td></tr></table>				Date	Submission	June 9, 2008	Application and plans submitted to the City Clerk’s Office
	Date				Submission			
June 9, 2008	Application and plans submitted to the City Clerk’s Office							
Any changes to the approved site plans and elevations that are not <i>de minimis</i> must receive ZBA approval.								
2	The young trees along the rear property line and the hemlock trees along the side property line shall be preserved, or replaced with similar sized trees according to National Nurseryman’s Standards if damaged during construction.	Perpetual	Plng. / ISD					
3	The Applicants shall remove, repair, or replace the fence on the right side property line if it is within their control to do so.	CO	Plng.					
4	Should the siding be asbestos shingles, the Applicant shall work with a licensed asbestos removal company to remove any shingles and submit documentation to the Somerville Board of Health.	Demolition	Board of Health / ISD					
5	The Applicant shall provide landscaping in the rear yard behind the deck.	Perpetual	Plng./ISD					
6	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
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 _____