



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

**MEMBERS**

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

**Case #: ZBA 2008-19**  
**Site: 460 Medford Street**  
**Date of Decision: May 21, 2008**  
**Decision: Petition Approved with Conditions**  
**Date Filed with City Clerk: June 4, 2008**

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**ZBA DECISION**

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<b>Applicant Name:</b>	Shakeel Hossain
<b>Applicant Address:</b>	52 Dover Street, Somerville, MA 02144
<b>Property Owner Name:</b>	Shakeel Hossain
<b>Property Owner Address:</b>	52 Dover Street, Somerville, MA 02144
<b>Agent Name:</b>	N/A

<u>Legal Notice:</u>	Applicant/Owner, Shakeel Hossain, seeks a Special Permit under 4.4.1 to construct two dormers, an entrance door, a deck on the second story, and alterations to an existing door and patio. RB zone. Ward 5.
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<u>Zoning District/Ward:</u>	RB zone/Ward 5
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	April 7, 2008
<u>Date(s) of Public Hearing:</u>	5/7 & 5/21/08
<u>Date of Decision:</u>	May 21, 2008
<u>Vote:</u>	4-0

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Appeal #ZBA 2008-19 was opened before the Zoning Board of Appeals at Somerville City Hall on May 7, 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 two (2) hearing(s) of deliberation, the Zoning Board of Appeals took a vote.

## **DESCRIPTION:**

The proposal is to construct a dormer and entrance door on the Bartlett Street side of the structure. Other proposed changes are to alter an existing dormer and entrance on the Medford Street façade and add a deck on an existing one-story structure. Additionally the Applicant would like to add skylights, and alter existing windows in the rear of the property. All of the changes are within the existing footprint of the house.

## **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.

The Applicant has provided the required information.

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."

To the extent possible for a nonconforming structure, the proposal complies with the standards of the SZO and does not increase any nonconformity. The Board finds that the proposal would not be substantially more detrimental to the surrounding neighborhood than the existing structure.

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."

As shown in the plans, the proposal is consistent with the purposes of the Ordinance, including "to conserve the value of land and structures", and would not change the use of the structure, which is consistent with the purposes of the RB district.

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."

As shown in the plans, the design is compatible with the remainder of the structure and the surrounding neighborhood.

**DECISION:**

Present and sitting were Members Orsola Susan Fontano, Scott Darling, Danielle Fillis and Elaine Severino. Upon making the above findings, Scott Darling made a motion to approve the request for a special permit. Danielle Fillis seconded the motion. Wherefore the Zoning Board of Appeals voted (4-0) to **APPROVE** the request. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes										
1	Approval is to construct a dormer and entrance door, alter an existing dormer and entrance, add a deck on existing one-story structure, add two skylights, and alter existing windows. This approval is based upon the following application materials and the plans submitted by the Applicant and/or its contractor:	BP/CO	Plng.											
	<table><tr><th>Date</th><th>Submission</th></tr><tr><td>April 7, 2008</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>April 8, 2008</td><td>Modified plans submitted to OSPCD (plot plan, site plan-A01, floor plans-A)</td></tr><tr><td>April 22, 2008</td><td>Modified plans submitted to OSPCD (northwest elevation-A)</td></tr><tr><td>May 16, 2008</td><td>Modified plans submitted to OSPCD (northeast elevation revised-A, southwest elevation-A)</td></tr></table>				Date	Submission	April 7, 2008	Initial application submitted to the City Clerk's Office	April 8, 2008	Modified plans submitted to OSPCD (plot plan, site plan-A01, floor plans-A)	April 22, 2008	Modified plans submitted to OSPCD (northwest elevation-A)	May 16, 2008	Modified plans submitted to OSPCD (northeast elevation revised-A, southwest elevation-A)
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Any changes to the approved site plan or elevations must receive ZBA approval.														
2	In addition to the fire protection devices, etc. already on the plans, we would require fire alarm horn/strobe units and manual fire alarm pull stations in the common areas of all levels including the basement. We would also require that an outside strobe or light be installed on the front of the building that will activate if the sprinkler system or fire alarm system activates.	CO	FP											
3	Landscaping shall be installed and maintained in compliance with the American Nurserymen's Association Standards.	Perpetual	Plng. / ISD											
4	The Applicant shall screen the air conditioning units in the front yard.	CO	Plng. / ISD											
5	As specified by the Applicant, the existing fence shall be replaced with painted wood planks.	CO	Plng. / ISD											
6	The Applicant shall, at his expense, replace any existing	CO	DPW											

	equipment (including, but not limited to street sign poles, signs, traffic signal poles, traffic signal equipment, wheel chair ramps, granite curbing, etc) and the entire sidewalk immediately abutting the subject property if damaged as a result of construction activity. All new sidewalks and driveways must be constructed of concrete.			
7	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.	Sign-off	Plng.	

Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Acting Chairperson*  
T.F. Scott Darling, III, Esq., *Acting Clerk*  
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 \_\_\_\_\_