



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.)  
JOSH SAFDIE (ALT.)

**Case #: ZBA 2008-59**  
**Site: 20 Monmouth Street**  
**Date of Decision: December 3, 2008**  
**Decision: *Petition Approved with Conditions***  
**Date Filed with City Clerk: December 8, 2008**

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**ZBA DECISION**

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<b>Applicant Name:</b>	Bill Boehm, Boehm Architecture
<b>Applicant Address:</b>	535 Albany Street, #3C, Boston, MA 02108
<b>Property Owner Name:</b>	Robert Ekendahl, Chantal Holy
<b>Property Owner Address:</b>	306 Riverside Avenue, Medford, MA 02155
<b>Agent Name:</b>	N/A

<b><u>Legal Notice:</u></b>	Applicant Bill Boehm & owner Option One Mortgage Corporation seek a special permit (SZO §4.4.1) to renovate a nonconforming dwelling including removing enclosed porches, making façade changes and constructing a rear porch. RB/Ward 3.
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<b><u>Zoning District/Ward:</u></b>	RB zone/Ward 3
<b><u>Zoning Approval Sought:</u></b>	§4.4.1
<b><u>Date of Application:</u></b>	November 5, 2008
<b><u>Date(s) of Public Hearing:</u></b>	December 3, 2008
<b><u>Date of Decision:</u></b>	December 3, 2008
<b><u>Vote:</u></b>	5-0

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Appeal #ZBA 2008-59 was opened before the Zoning Board of Appeals at Somerville City Hall on December 3, 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 renovate the house, including removal of an enclosed front porch and replacement with an overhang above the front steps, removal of the rear enclosed porches and shed and replacement with a two-story deck, removal of exterior stairs on the left side of the house, addition of a sloped shed dormer, and reconfiguration of windows.

**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 than the existing structure. The proposal would not create any new nonconforming dimensions nor encroach further into the nonconforming setbacks. The floor area ratio and visual massing would be reduced with the removal of the enclosed porches and shed.

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 proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to conserving the value of land and buildings in the City.

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 renovations to the house would improve its appearance with new siding and removal of enclosed porches, shed, and exterior stairs. Modern elements would be added but the basic style would be preserved. The shed dormer would have a steep slope such that the roof line of the house is not negatively altered.

**DECISION:**

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Danielle Fillis, Scott Darling and Elaine Severino. Upon making the above findings, 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 for the renovation of a nonconforming dwelling including removing enclosed porches, making façade changes and constructing a rear porch. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	Plng.					
	<table><tr><th>Date</th><th>Submission</th></tr><tr><td>November 5, 2008</td><td>Initial application submitted to the City Clerk’s Office (Site Plan A1, Floor Plans A2, Floor Plans A3, Elevations A4, Elevations A5)</td></tr></table>				Date	Submission	November 5, 2008	Initial application submitted to the City Clerk’s Office (Site Plan A1, Floor Plans A2, Floor Plans A3, Elevations A4, Elevations A5)
	Date				Submission			
November 5, 2008	Initial application submitted to the City Clerk’s Office (Site Plan A1, Floor Plans A2, Floor Plans A3, Elevations A4, Elevations A5)							
Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive ZBA approval.								
2	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:

Orsola Susan Fontano, *Acting Chairperson*  
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  
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 \_\_\_\_\_