



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 2008-27

Site: 25 Moore Street

Date of Decision: July 23, 2008

Decision: *Petition Approved with Conditions*

Date Filed with City Clerk: August 1, 2008

ZBA DECISION

Applicant Name:	James O'Keefe & Melanie Campbell
Applicant Address:	25 Moore Street, Somerville, MA 02144
Property Owner Name:	James O'Keefe & Melanie Campbell
Property Owner Address:	25 Moore Street, Somerville, MA 02144
Agent Name:	Edrick vanBeuzekom, AIA
Agent Address:	EvB Design, 35 Medford Street, #211, Somerville, MA 02143

Legal Notice: Applicant and owners James O'Keefe & Melanie Campbell seek a special permit under SZO §4.4.1 to alter a dimensionally nonconforming dwelling by constructing a two-story addition in the rear of the structure that is approximately 18 feet by 19 feet. RB zone. Ward 7.

<u>Zoning District/Ward:</u>	RB zone/Ward 7
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	June 20, 2008
<u>Date(s) of Public Hearing:</u>	July 23, 2008
<u>Date of Decision:</u>	July 23, 2008
<u>Vote:</u>	5-0

Appeal #ZBA 2008-27 was opened before the Zoning Board of Appeals at Somerville City Hall on July 23, 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 add a two-story addition measuring 19.5 feet wide by 18.5 feet deep to the rear of the existing two-story house. The addition would be for additional living space, a larger kitchen, a half bath, a mudroom, and a bedroom. The entire house would be re-sided with fiber cement. There would be a drainage system on the roof including where the new and old roofs meet. There would be rain collection barrels to catch the runoff.

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." The Board finds that, to the extent possible for a nonconforming structure, the proposal would comply with the standards of the SZO, not creating any new nonconforming, nor encroaching further on either nonconforming setback.
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 purposes of the SZO, including "to conserve the value of land and buildings", and that the use of the structure as a single-family dwelling would remain 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." The existing structure does not exhibit a strong design character that would be negatively impacted by the more contemporary design of the addition. Its modest scale, considering the diminutive size of the existing structure, and its placement in the rear limit its visibility from the street. Nevertheless, although it is different, the design is sufficiently restrained that, where visible, the Board find that it would not be incompatible with surrounding structures.

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 alterations as shown in the approved plans, including construction of a two-story rear addition measuring approximately 18' x 19'. This approval is based upon the following application materials and the plans submitted by the Applicant and/or its contractor:		Plng.							
	<table><tr><th>Date</th><th>Submission</th></tr><tr><td>June 30, 2008</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>July 16, 2008</td><td>Modified plans submitted to OSPCD (A1.1, A1.2, A2.1, A2.2, A2.3, X1.1, X1.2, X2.1, X2.2, X2.3)</td></tr></table>				Date	Submission	June 30, 2008	Initial application submitted to the City Clerk's Office	July 16, 2008	Modified plans submitted to OSPCD (A1.1, A1.2, A2.1, A2.2, A2.3, X1.1, X1.2, X2.1, X2.2, X2.3)
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Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive ZBA approval.										
2	The fire alarm detection system shall be brought up to date with current codes regarding smoke detectors, carbon monoxide detectors, etc.	CO	FP							
3	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 _____