



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
JOSEPH A. CURTATONE
MAYOR

PLANNING DIVISION

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JOSH SAFDIE (ALT.)

Case #: ZBA 2010-30
Site: 8 Partridge Ave
Date of Decision: July 14, 2010
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: July 16, 2010

ZBA DECISION

Site: 8 Partridge Avenue

Applicant Name: Stephen Trombley

Applicant Address: 152 Central Street #1, Somerville, MA 02145

Property Owner Name: same

Agent Name: none

Alderman: Sean O'Donovan

Legal Notice: Applicant/Owner Stephen Trombley seeks a special permit (SZO §4.4.1) to demolish and reconstruct the rear and sidewalls and second level front wall of a nonconforming dwelling, raise the second level, expand a deck in the rear yard, and alter the front entry way.

Zoning District/Ward: Residence A/Ward 5

Zoning Approval Sought: Special Permit (§5.1 and §4.4.1)

Date of Application: June 1, 2010

Dates of Public Meeting/Hearing: Planning Board: 6/24/2010; ZBA: 7/14/2010

Date of Decision: July 14, 2010

Vote: 5-0

Appeal #ZBA 2010-27 was opened before the Zoning Board of Appeals at Somerville City Hall on July 14, 2010. 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 hearing of deliberation, the Zoning Board of Appeals took a vote.



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DESCRIPTION:

The proposal is to raise the existing second story from 4' to 7.5' and extend the rear entry and existing deck. The height of the building would increase from 20.4 feet to 23.6 feet. The proposal entails the demolition and reconstruction of the north, south, and rear sidewalls, and the removal of the second level front wall. This work is necessary due to extensive termite damage and substandard existing framing. The proposal also reorients the front steps to the street and adds a covered landing above the front entry. The design emulates that of the structure at 4 Partridge Avenue (see image below). A tree will be removed from the front yard and both the front and back yard will be replanted.

FINDINGS FOR SPECIAL PERMIT (SZO §7.11.15.3):

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 will not be substantially more detrimental to the neighborhood than the existing structure. The renovation will address issues of termite damage and inadequate framing, bringing the structure up to code and improving the safety of the neighborhood. To the extent possible for a nonconforming structure, the proposal complies with the standards of the zoning ordinance. The renovation raises the average roof height by approximately 3 feet and the addition of 2.5 feet for a deck in the side yard is minimally impactful. The second story addition does not include windows along the nonconforming side yard and is not expected to further impact the neighboring structure. The landing and railing above the front entry will add some character to the structure. The additional landscaping will be an improvement to the lot which is currently only minimally landscaped.

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 general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to providing for and maintaining the uniquely integrated structure of uses in the City. The proposal is also consistent with the purpose of the district, which is, "[t]o establish and preserve quiet neighborhoods of one- and two-family homes, free from other uses except those which are both compatible with and convenient to the residents of such districts."

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 proposal is designed to be compatible with the existing house and surrounding area. The Applicant based the design on the structure at 4 Partridge Avenue, and the additions will not deviate from the scale of neighboring properties. The Applicant also worked with Staff to modify the roof design to preserve the existing pitch and add eave returns, in keeping with the historic roof lines of the block.



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DECISION:

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Scott Darling and Josh Safdie. 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 demolition and reconstruction of the first level rear and sidewalls and the second level front wall, construction of a raised second level, expansion of a deck in the rear yard, and alterations to the front entry way of a nonconforming structure. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	Plng.											
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>June 1, 2010</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>July 7, 2010</td><td>Plans submitted to OSPCD (Elevation and floor plans, Sheet A1)</td></tr><tr><td>May 24, 2010</td><td>Plans submitted to OSPCD (Plot plan)</td></tr><tr><td>June 22, 2010</td><td>Plans submitted to OSPCD (revised proposal description)</td></tr></table>				Date (Stamp Date)	Submission	June 1, 2010	Initial application submitted to the City Clerk's Office	July 7, 2010	Plans submitted to OSPCD (Elevation and floor plans, Sheet A1)	May 24, 2010	Plans submitted to OSPCD (Plot plan)	June 22, 2010	Plans submitted to OSPCD (revised proposal description)
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Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.														
2	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP											
3	The applicant shall receive all required demolition permits from Historic Preservation and ISD.	BP	ISD											
4	The Applicant shall contact Planning Staff at least five working days in advance of a request for a final inspection by Inspectional Services 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.
Josh Safdie (alt)

Attest, by the Senior Planner:

Christopher Dilorio

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 _____



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