



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

PLANNING DIVISION

***ZONING BOARD OF APPEALS MEMBERS***

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DANIELLE EVANS  
ELAINE SEVERINO (ALT.)  
JOSH SAFDIE (ALT.)

**Case #: ZBA # 2010-80**  
**Site: 19 Porter Street**  
**Date of Decision: January 19, 2011**  
**Decision: *Petition Approved with Conditions***  
**Date Filed with City Clerk: January 27, 2011**

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**ZBA DECISION**

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|                                |                                        |
|--------------------------------|----------------------------------------|
| <b>Applicant Name:</b>         | Peter & Janel Scheidler                |
| <b>Applicant Address:</b>      | 19 Porter Street, Somerville, MA 02143 |
| <b>Property Owner Name:</b>    | Peter & Janel Scheidler                |
| <b>Property Owner Address:</b> | 19 Porter Street, Somerville, MA 02143 |
| <b>Agent Name:</b>             | N/A                                    |

|                      |                                                                                                                                                                                                              |
|----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>Legal Notice:</u> | Applicants and Owners, Peter & Janel Scheidler seek a special permit to alter a non-conforming structure under SZO §4.4.1 to construct a two-story addition to the rear of an existing two-family residence. |
|----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                   |                   |
|-----------------------------------|-------------------|
| <u>Zoning District/Ward:</u>      | RB zone. Ward 3.  |
| <u>Zoning Approval Sought:</u>    | §4.4.1            |
| <u>Date of Application:</u>       | December 10, 2010 |
| <u>Date(s) of Public Hearing:</u> | January 19, 2011  |
| <u>Date of Decision:</u>          | January 19, 2011  |
| <u>Vote:</u>                      | 5-0               |

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Appeal #ZBA 2010-80 was opened before the Zoning Board of Appeals at Somerville City Hall on January 19, 2011. 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 Applicant is proposing a two-story addition at the rear of the structure. A wrap around deck will also be added to the second story with an approximately 18 foot long stairwell coming off it to provide access to the property's backyard. On the north façade of the existing structure, four new windows will be added and an existing window on the first floor will be removed.

These changes will facilitate an interior renovation and expansion. In the first floor unit, a larger bathroom and a family room would be added, the original bathroom would be converted to a storage space, and rear egress from the unit would be created from the family room. The second floor unit would add a bedroom while replacing an old bedroom with a walk-through study. The addition would also expand the basement area of the structure which will be used for a game room and storage space.

## **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 §4.4.1 of the SZO, the Board finds that the alterations proposed would not be substantially more detrimental to the 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."

The proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to "promote the health, safety, and welfare of the inhabitants of the City of Somerville; to provide for and maintain the uniquely integrated structure of uses in the City; to provide adequate light and air; to conserve the value of land and buildings; to preserve the historical and architectural resources of the City."

The proposal is consistent with the purpose of the district (6.1.2. RB - Residence Districts), which is, "To establish and preserve medium density neighborhoods of one-, two- and three-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 project is compatible with the characteristics of the surrounding area. The Applicant is proposing to extend the non-conforming setback side of the existing structure by 23 feet and adding a stairwell that will provide access from the second story unit to the backyard. The property will remain a two-story, two-family residential use which is consistent with the surrounding neighborhood.

5. Adverse environmental impacts: The proposed use, structure or activity will not constitute an adverse impact on the surrounding area resulting from: 1) excessive noise, level of illumination, glare, dust, smoke, or vibration which are higher than levels now experienced from uses permitted in the surrounding area;



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2) emission of noxious or hazardous materials or substances; 3) pollution of water ways or ground water; or 4) transmission of signals that interfere with radio or television reception.

No adverse effect is anticipated.

### **DECISION:**

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Danielle Evans 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 to alter a non-conforming structure under SZO §4.4.1 to construct a two-story addition to the rear of an existing two-family residence. 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>(December 10, 2010)</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>October 27, 2010<br/>(December 10, 2010)</td><td>Plot Plan</td></tr><tr><td>October 21, 2010<br/>(December 10, 2010)</td><td>Plans submitted with application (Proposed Floor Plans and Elevations)</td></tr><tr><td>December 22, 2010</td><td>Existing Conditions Floor Plans</td></tr></table> |                          |                    |       | Date (Stamp Date)                                                      | Submission | (December 10, 2010) | Initial application submitted to the City Clerk’s Office | October 27, 2010<br>(December 10, 2010) | Plot Plan | October 21, 2010<br>(December 10, 2010) | Plans submitted with application (Proposed Floor Plans and Elevations) | December 22, 2010 | Existing Conditions Floor Plans |
|                                                                                                                       | Date (Stamp Date)                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                          |                    |       | Submission                                                             |            |                     |                                                          |                                         |           |                                         |                                                                        |                   |                                 |
|                                                                                                                       | (December 10, 2010)                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                          |                    |       | Initial application submitted to the City Clerk’s Office               |            |                     |                                                          |                                         |           |                                         |                                                                        |                   |                                 |
|                                                                                                                       | October 27, 2010<br>(December 10, 2010)                                                                                                                                                                                                                                                                                                                                                                                                                                     |                          |                    |       | Plot Plan                                                              |            |                     |                                                          |                                         |           |                                         |                                                                        |                   |                                 |
|                                                                                                                       | October 21, 2010<br>(December 10, 2010)                                                                                                                                                                                                                                                                                                                                                                                                                                     |                          |                    |       | Plans submitted with application (Proposed Floor Plans and Elevations) |            |                     |                                                          |                                         |           |                                         |                                                                        |                   |                                 |
| December 22, 2010                                                                                                     | Existing Conditions Floor Plans                                                                                                                                                                                                                                                                                                                                                                                                                                             |                          |                    |       |                                                                        |            |                     |                                                          |                                         |           |                                         |                                                                        |                   |                                 |
| Any changes to the approved site plans, elevations, or use that are not <i>de minimis</i> must receive SPGA approval. |                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                          |                    |       |                                                                        |            |                     |                                                          |                                         |           |                                         |                                                                        |                   |                                 |
| 2                                                                                                                     | The Applicant shall meet the Fire Prevention Bureau’s requirements.                                                                                                                                                                                                                                                                                                                                                                                                         | CO                       | FP                 |       |                                                                        |            |                     |                                                          |                                         |           |                                         |                                                                        |                   |                                 |
| 3                                                                                                                     | All construction materials and equipment must be stored onsite. If occupancy of the street layout is required, such occupancy must be in conformance with the requirements of the Manual on Uniform Traffic Control Devices and the prior approval of the Traffic and Parking Department must be obtained.                                                                                                                                                                  | During Construction      | T&P                |       |                                                                        |            |                     |                                                          |                                         |           |                                         |                                                                        |                   |                                 |
| 4                                                                                                                     | To the maximum extent feasible the Applicant will utilize strategies during construction to mitigate dust and control air quality, to minimize noise and to implement a waste recycling program for the removed debris.                                                                                                                                                                                                                                                     | During Construction      | OSE/IS D           |       |                                                                        |            |                     |                                                          |                                         |           |                                         |                                                                        |                   |                                 |



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|---|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------|--|
| 5 | The Applicant shall provide notice of intent to strictly comply with applicable State and Federal regulations regarding air quality including without limitation continuous dust control during demolition and construction.                                                                                                                                                                                                                          | CO                       | Plng/OS<br>E |  |
| 6 | The Applicant shall develop a demolition plan in consultation with the City of Somerville Inspectional Services Division. Full compliance with proper demolition procedures shall be required, including timely advance notification to abutters of demolition date and timing, good rodent control measures (i.e. rodent baiting), minimization of dust, noise, odor, and debris outfall, and sensitivity to existing landscaping on adjacent sites. | Demolition<br>Permitting | ISD          |  |
| 7 | 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<br>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 Evans

Attest, by the 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 \_\_\_\_\_



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