



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.)  
JOSH SAFDIE (ALT.)

**Case #: ZBA 2008-73**  
**Site: 33 Springfield Street**  
**Date of Decision: January 21, 2009**  
**Decision: *Petition Approved with Conditions***  
**Date Filed with City Clerk: January 23, 2009**

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**ZBA DECISION**

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<b>Applicant Name:</b>	Scott Barrett
<b>Applicant Address:</b>	33 Springfield Street, Somerville, MA 02143
<b>Property Owner Name:</b>	Scott Barrett
<b>Property Owner Address:</b>	33 Springfield Street, Somerville, MA 02143
<b>Agent Name:</b>	N/A

<b><u>Legal Notice:</u></b>	Applicant & Owner: Scott Barrett seeks a special permit (SZO §4.4.1) to alter a nonconforming dwelling by extending a third floor above the existing second floor. RB zone. Ward 2.
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<b><u>Zoning District/Ward:</u></b>	RB zone/Ward 2
<b><u>Zoning Approval Sought:</u></b>	§4.4.1
<b><u>Date of Application:</u></b>	December 11, 2008
<b><u>Date(s) of Public Hearing:</u></b>	1/21/09
<b><u>Date of Decision:</u></b>	January 21, 2009
<b><u>Vote:</u></b>	4-0

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Appeal #2008-73 was opened before the Zoning Board of Appeals at Somerville City Hall on January 21, 2009. 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.

**DESCRIPTION:**

The proposal is to extend the third floor out to cover the existing two-story section of the structure adding a bedroom, bathroom and laundry room, while enclosing the existing hallway and stairway. The proposed addition would be 21' by 19.5'.

### **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 Board finds that the addition would visually improve the structure by enclosing the unusually constructed hall and stairway on the second floor roof. In addition, the third floor extension would be located towards the rear of the structure and would have limited visual impact on the street. It is not anticipated that there will be any privacy concerns due to the addition.

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 proposed addition is consistent with the purpose of the Ordinance to preserve the historical and architectural resources of the City. The Board finds that with the proposed addition, the structure would maintain its historical and architectural qualities.

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 proposed addition would be compatible with the built surrounding area as it has been designed to visually match the existing building. The footprint of the building and ground coverage will not be affected, and the resulting massing and height would reflect many of the structures in the surrounding area.

### **DECISION:**

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti and Josh Safdie. Upon making the above findings, Susan Fontano made a motion to approve the request for a special permit. Richard Rossetti 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 for the construction of a 21' by 19.5' third floor addition above an existing second floor. 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>(12/11/08)</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>6/17/08 (1/13/09) 11/18/08 (1/13/09) 11/18/08</td><td>Site Plan Elevations A8 &amp; A9, Elevations A10 &amp; A11</td></tr></table>				Date (Stamp Date)	Submission	(12/11/08)	Initial application submitted to the City Clerk's Office	6/17/08 (1/13/09) 11/18/08 (1/13/09) 11/18/08	Site Plan Elevations A8 & A9, Elevations A10 & A11
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Any changes to the approved elevations or site plan that are not <i>de minimis</i> must receive ZBA approval.										
2	The siding materials and colors used shall match the existing structure.	CO	Plng.							
3	A code compliant fire alarm system shall be installed unless determined by Inspectional services that a fire suppression system is necessary in which case that shall be required.	CO	ISD							
4	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  
Josh Safdie (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 \_\_\_\_\_