



**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 # 2011-16**  
**Site: 75 Wallace Street**  
**Date of Decision: March 16, 2011**  
**Decision: *Petition Approved with Conditions***  
**Date Filed with City Clerk: March 29, 2011**

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**ZBA DECISION**

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<b>Applicant Name:</b>	Daniel & Jenny Stodolsky
<b>Applicant Address:</b>	13 Park Avenue, Somerville, MA 02144
<b>Property Owner Name:</b>	Daniel & Jenny Stodolsky
<b>Property Owner Address:</b>	13 Park Avenue, Somerville, MA 02144
<b>Agent Name:</b>	Jon Lannan, AIA
<b>Agent Address:</b>	59 Pearson Road, Somerville, MA 02144

<u>Legal Notice:</u>	Applicants and Owners Daniel and Jenny Stodolsky, seek a special permit to alter a nonconforming structure under SZO §4.4.1 to revise window openings on the north, east, and south elevations and to alter the roof line and add a roof deck at the second level in the rear of an existing single-family residence. Included in this project is a by right, two story addition in the southern corner of the home.
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<u>Zoning District/Ward:</u>	RA zone/Ward 6
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	February 8, 2011
<u>Date(s) of Public Hearing:</u>	March 16, 2011
<u>Date of Decision:</u>	March 16, 2011
<u>Vote:</u>	5-0

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Appeal #ZBA 2011-16 was opened before the Zoning Board of Appeals at Somerville City Hall on March 16, 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 performing a gut renovation of the entire house including a small, by right, two story addition. As part of this project, the Applicant is proposing to revise window openings on the north, east, and south elevations. On the front (north side) of the residence, two windows on the left side that are setback from the streetscape would be removed and replaced with two, smaller Queen Anne style windows. On the east side of the structure, there are currently four larger windows and one, smaller Queen Anne style window. These will all be removed and replaced with seven smaller windows. The largest proposed window on this side will be a double hung window that will provide emergency egress from the bedroom on the first floor. The four, vertical style windows will open from side to side with a crank, but they will contain an intermediate horizontal mullion to mimic the appearance of double hung windows. The two windows on the right side of the eastern façade will be awning style windows and will open from the bottom. On the rear façade (south side), an existing, narrow double hung window will be replaced with two larger double hung windows, side by side and a second, smaller double hung window will also be added. This window reconfiguration on the structure will allow for greater space efficiency with regard to the bathroom fixtures on the first and second floors as well as to provide added privacy to the bathrooms and the walk-in closet on the second floor. It should also be noted that all windows in the home will be converted from a 2-over-1 double hung style to a 1-over-1 double hung style, unless specified otherwise above.

The Applicant is also proposing to alter the roof line and add a roof deck at the second level in the rear of dwelling. The existing hip roof and gabled roof in the rear of the structure are both failing structurally. The Applicant is proposing to make the existing hip roof a flat roof and to make the gabled roof flat as well to create a roof deck that can be accessed from the master bedroom via a new door opening and accompanying window. No stairs are proposed from this deck to the ground as is currently the case with the existing second story deck. Included in this project is a by right, two story addition that will be placed in the southern corner of the home which will replace the existing second story deck with a concrete patio area underneath. The addition will allow for more space on the first and second floors, as well as for a portion of the proposed roof deck to be situated.

## **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.

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 secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of



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population; to conserve the value of land and buildings; to encourage the most appropriate use of land throughout the City; to encourage housing for persons of all income levels.”

The proposal is consistent with the purpose of the district (6.1.1. RA - Residence Districts), which is, “To 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 project is compatible with the characteristics of the surrounding area. The Applicant is proposing to reconfigure window openings on three sides of the home, to flatten the existing, structurally failing, hip and gable roofs in the rear of the home, and to install a roof deck that will be accessed from the second floor master bedroom. The property will remain a 2.5 story, single-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; 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 impacts are anticipated from this project. The structure will remain a 2.5 story, single-family dwelling and will continue to be used for residential purposes. While the number of window openings on the eastern side of the structure will be increasing, the total square footage of window openings will actually be decreasing which should in turn provide additional privacy the residents of 75 Wallace Street and the neighbors to the east.



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# **DECISION:**

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Scott Darling and Josh Safdie with Danielle Evans and Elaine Severino absent. 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 nonconforming structure under SZO §4.4.1 to revise window openings on the north, east, and south elevations and to alter the roof line and add a roof deck at the second level in the rear of an existing single-family residence. This approval is based upon the following application materials and the plans submitted by the Applicant: <table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>(February 8, 2011)</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>February 7, 2011 (February 22, 2011)</td><td>Drawing Set Intended for Zoning Board of Appeals Cover Sheet</td></tr><tr><td>November 30, 2010 (February 22, 2011)</td><td>ZBA-1, ZBA-4, ZBA-6, ZBA-7</td></tr><tr><td>March 7, 2011 (February 22, 2011)</td><td>ZBA-2</td></tr><tr><td>September 3, 2010 (February 22, 2011)</td><td>ZBA-3</td></tr><tr><td>February 20, 2011 (February 22, 2011)</td><td>ZBA-5, ZBA-8, ZBA-9</td></tr></table>	Date (Stamp Date)	Submission	(February 8, 2011)	Initial application submitted to the City Clerk's Office	February 7, 2011 (February 22, 2011)	Drawing Set Intended for Zoning Board of Appeals Cover Sheet	November 30, 2010 (February 22, 2011)	ZBA-1, ZBA-4, ZBA-6, ZBA-7	March 7, 2011 (February 22, 2011)	ZBA-2	September 3, 2010 (February 22, 2011)	ZBA-3	February 20, 2011 (February 22, 2011)	ZBA-5, ZBA-8, ZBA-9	BP/CO	Plng.	
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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 existing details such as eaves, brackets, moldings, and rake returns shall be restored or replicated.	CO	Plng.															
4	Existing and new façades shall receive new painted cedar clapboards and trim to match the original materials found under the composite shingles.	CO	Plng.															
5	The two remaining trees in the rear of the property shall be retained.	CO	Plng.															



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6	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	
7	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/ISD	
8	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.	



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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 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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