



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 2007-43
Site: 47 Whitman Street
Date of Decision: February 20, 2008
Decision: Petition Approved with Conditions
Date Filed with City Clerk: February 29, 2008

ZBA DECISION

Applicant Name:	Irina Suconick
Applicant Address:	94 Amory Street, #3, Cambridge, MA 02139
Property Owner Name:	Irina Suconick
Property Owner Address:	94 Amory Street, #3, Cambridge, MA 02139
Agent Name:	Richard G. DiGirolamo, Esq.
Agent's Address:	424 Broadway, Somerville, MA 02145

Legal Notice: Applicant & Owner Irina Suconick; seeks a special permit (SZO §4.4.1) to alter a nonconforming structure by creating an exterior garage door in the front of the structure to access a one-car garage proposed for a portion of the basement. RA zone.

<u>Zoning District/Ward:</u>	Residence A (RA) zone/Ward 7
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	August 13, 2007
<u>Date(s) of Public Hearing:</u>	9/5, 9/19, 10/3, 10/17, 11/7, 11/28, 12/12/07, 1/9 & 2/20/08
<u>Date of Decision:</u>	02/20/2008
<u>Vote:</u>	5-0

Appeal #ZBA 2007-43 was opened before the Zoning Board of Appeals at Somerville City Hall on September 5, 2007. 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 two (2) hearing(s) of deliberation, the Zoning Board of Appeals took a vote.

DESCRIPTION:

The Applicant proposes to alter a nonconforming structure by creating an exterior garage door (measuring eight feet tall and eight feet wide) in the front of the structure to access a one-car garage proposed for a portion of the basement. The proposed garage door would be directly on the front lot line.

FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1):

With regards to the standard findings and determinations the Board finds that the proposal with the attached conditions is not substantially more detrimental than the existing structure.

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 permit.
2. Compliance with Standards: “In judging detriment, the SPGA may consider, without limitation, impacts upon the following: traffic volumes, traffic congestion, type of traffic, change in traffic patterns and access to the site, adequacy of municipal water supply and sewer capacity, noise, odor, glare, scale, on-street parking, shading, visual effects and neighborhood character.”

The Board finds compliance with these standards.

3. Consistency with Purposes: The Board finds that the proposal with conditions is consistent with the purposes of this Ordinance.
4. Site and Area Compatibility: The Board finds that the proposal is compatible with the site and area.

DECISION:

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Elaine Severino and Scott Darling, with Danielle Fillis recused. 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 alteration of a nonconforming structure by adding a garage to the ground level. This approval is based upon the following application materials and the plans submitted by the Applicant and/or Agent:	Building Permit	ISD/ Plng.					
	<table><tr><th>Date</th><th>Submission</th></tr><tr><td>August 13, 2007</td><td>Initial application submitted to the City Clerk’s Office</td></tr></table>				Date	Submission	August 13, 2007	Initial application submitted to the City Clerk’s Office
	Date				Submission			
August 13, 2007	Initial application submitted to the City Clerk’s Office							
Any changes to the approved site plan or elevations must receive ZBA approval.								
2	All new sidewalks will be installed by the Applicant in accordance with the specifications of the Highway Superintendent. Specifically, all driveway aprons shall be concrete.	CO	Plng.					
3	The Applicant shall consult and receive approval from Planning Staff on the design of the garage door.	CO	Plng.					
4	All code requirements shall be met prior to a Certificate of Occupancy.	CO	ISD					
5	The Applicant must install a loop detected (vehicle activated) flashing sign or similar pedestrian warning device, agreeable to the Director of Traffic and Parking, that alerts pedestrians on the adjacent sidewalk of vehicles entering or exiting the building’s garage.	CO	T&P					
6	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.	CO	Plng.					
7	The Applicant must limit parking to one car/vehicle that shall be deeded to unit #2.	CO	ISD					
8	The Applicant shall ensure that gas meters and electric panel/meters are protected.	BP	ISD					

Attest, by the Zoning Board of Appeals:

Herbert Foster, Chairman
Orsola Susan Fontano, Clerk
Richard Rossetti
T.F. Scott Darling, III, Esq.
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
ZBA proceedings are filed in the Somerville Planning Dept.

CLERK'S CERTIFICATE

Any appeal of this decision must be filed within twenty (20) 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 special permit, or any extension, modification or renewal thereof, 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. The owner or applicant shall pay the fee for recording or registering. Furthermore, a permit from the Division of Inspectional Services is 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 either

_____ 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.

Signed _____ City Clerk Date _____