



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

PLANNING DIVISION

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Case #: ZBA # 2012-35
Site: 81 Cedar Street
Date of Decision: May 16, 2012
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: May 22, 2012

ZBA DECISION

Applicant Name:	Frederick Festa
Applicant Address:	24 Temple Street, Revere, MA 02151
Property Owner Name:	Elke Perloff
Property Owner Address:	81 Cedar Street, Somerville, MA 02143
Agent Name:	N/A

Legal Notice: Applicant Frederick Festa and Owner Elke Perloff, seek a Special Permit to alter a nonconforming structure under SZO §4.4.1 to construct a covered front porch on the first floor of an existing two-family residence.

<u>Zoning District/Ward:</u>	RA zone/Ward 5
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	April 18, 2012
<u>Date(s) of Public Hearing:</u>	May 16 2012
<u>Date of Decision:</u>	May 16, 2012
<u>Vote:</u>	5-0

Appeal #ZBA 2012-35 was opened before the Zoning Board of Appeals at Somerville City Hall on May 16, 2012. 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.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
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DESCRIPTION:

The Applicant is proposing to remove the existing brick front stoop and steps and to replace them with an 8 foot deep by 12 foot wide (96 square feet) farmer's porch with a shed style roof. The porch would have a 36 inch high railing with balusters around two sides. The remaining third side would have four steps that would run the width of the porch leading down to the ground towards the driveway. Lattice work would wrap around the bottom portion of the porch, screening the area beneath and the three supportive footings.

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 proposed porch would maintain the left side yard setback of the existing stoop and only extend approximately 1.5 feet closer to the front lot line than the current stoop and stairs. When complete, the new front porch would be 10.5 feet from the front lot line which exceeds the minimum requirement of 10 feet for front porches as laid out in the SZO. The proposed porch would also be fairly small at 96 square feet and would not greatly reduce the existing landscaping at the property. The property will remain a 2½ story, two-family residential use which is consistent with the surrounding neighborhood.

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 promoting "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 protect health; to secure safety from fire, panic and other dangers; to provide adequate light and air; and to conserve the value of land and buildings."

The proposal is also 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 built and unbuilt surrounding neighborhood. Several other structures in the neighborhood, including the ones directly across the street, have similar style front porches. The proposed porch would be a quality addition to the dwelling as it would provide semi-private outdoor space which will improve the streetscape interaction of the structure with Cedar Street. Currently, the front stoop of the structure only serves as a means of egress for the building, but the addition of the porch would add covered semi-enclosed outdoor space for residents of the dwelling to enjoy. The property will remain a 2½ 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; 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 environmental impacts are anticipated from this project. No new noise, glare, smoke, vibration, nor emissions of noxious materials nor pollution of water ways or ground water nor transmission of signals that interfere with radio or television reception are anticipated as part of the proposal. The structure will remain a 2½ story, two-family dwelling and will continue to be used for residential purposes.

DECISION:

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Danielle Evans, Scott Darling and Elaine Severino with Herbert Fost and Josh Safdie absent. Upon making the above findings, Richard Rossetti 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	<p>Approval is to alter a nonconforming structure under SZO §4.4.1 to construct a covered front porch on the first floor of an existing two-family residence. This approval is based upon the following application materials and the plans submitted by the Applicant:</p> <table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>(April 18, 2012)</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>March 7, 2012 (April 27, 2012)</td> <td>Plot Plan</td> </tr> <tr> <td>April 18, 2012 (April 27, 2012)</td> <td>Proposed Front Elevation</td> </tr> <tr> <td>(April 27, 2012)</td> <td>Construction Drawing</td> </tr> <tr> <td>(April 27, 2012)</td> <td>Setback Diagram</td> </tr> </tbody> </table> <p>Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.</p>	Date (Stamp Date)	Submission	(April 18, 2012)	Initial application submitted to the City Clerk’s Office	March 7, 2012 (April 27, 2012)	Plot Plan	April 18, 2012 (April 27, 2012)	Proposed Front Elevation	(April 27, 2012)	Construction Drawing	(April 27, 2012)	Setback Diagram	BP/Final Sign Off	ISD/Plng.	
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(April 27, 2012)	Setback Diagram															
2	The porch shall be constructed at the dimensions indicated on the plans.	Final Sign Off	ISD													



3	The Applicant shall remove the concrete front walk and replace it with some type of pervious surface and/or landscaping.	Final Sign Off	Plng.	
4	The Applicant shall install one (1) exterior light fixture and one (1) exterior electrical receptacle on the outdoor porch space.	Final Sign Off	Wiring Inspector	
5	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.	
6	The Applicant and/or Owner of the property shall not enclose the porch.	Perpetual	ISD/Plng.	



Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Acting Chairman*
Richard Rossetti, *Acting Clerk*
T.F. Scott Darling, III, Esq.
Danielle Evans
Elaine Severino (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 _____

