



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

PLANNING DIVISION

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JOSH SAFDIE (ALT.)

Case #: ZBA #2012-51
Site: 7 Cedar Street Place
Date of Decision: July 11, 2012
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: July 23, 2012

ZBA DECISION

Applicant Name:	Joseph & Kerri Macaluso
Applicant Address:	11 Putnam Road, Acton, MA 01720
Property Owner Name:	Joseph & Kerri Macaluso
Property Owner Address:	11 Putnam Road, Acton, MA 01720
Agent Name:	N/A

Legal Notice: Applicants and Owners Joseph R. & Kerri A. Macaluso seek a Special Permit under SZO §4.4.1 to construct a bathroom addition onto the rear of an existing nonconforming single-family structure.

<u>Zoning District/Ward:</u>	RB zone/Ward 5
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	June 4, 2012
<u>Date(s) of Public Hearing:</u>	July 11, 2012
<u>Date of Decision:</u>	July 11, 2012
<u>Vote:</u>	5-0

Appeal #ZBA 2012-51 was opened before the Zoning Board of Appeals at Somerville City Hall on July 11, 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.



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DESCRIPTION:

Applicants and Owners, Joseph R. & Kerri A. Macaluso, propose to alter their single-family dwelling by constructing a first floor bathroom onto the rear of the building. The bathroom addition would increase the Net Floor Area of the structure by 112 square feet and the Gross Floor Area of the footprint of the building by 130 square feet. This would result in a slight increase of the Floor Area Ratio (FAR) from 0.65 to 0.68, which is still well below the RB maximum FAR of 1.0. The bathroom addition will be located between the existing house and existing garage in an area that is currently a brick patio. The bathroom will be attached to the main dwelling and will be approximately six inches away from the front side of the garage.

The proposal includes some minimal demolition work on the primary structure, siding, sheathing, and excavation to allow for proper foundation depth. The bathroom will be nine feet seven inches deep by ten feet seven inches wide, and allow space for a full bathtub/shower and two sinks. The bathroom addition will be approximately sixteen feet tall and will be located 3.4' from the side property line. Two 3' x 2.5' awning windows will be installed in the center of the right side façade of the bathroom addition for natural light. The exterior will be constructed with siding to match the existing house and 25 yr architectural shingles on the gable roof of the addition.

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 Permit.
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 design for the expansion of the bathroom is similar to the design of the existing structure and there are no character-defining features that will be affected by this proposal. The proposal will also not be visible from Cedar Street. The proposal will minimally enlarge the overall footprint of the building but the FAR will only increase from 0.65 to 0.68. The bathroom addition will have a minimal impact to abutters and the surrounding neighborhood as the proposal will only be visible to one neighbor directly north of the subject property. The addition will be shielded from the front of the property by the existing house, from the back of the property by the existing garage, and from the south side of the property by shrubbery. The proposed addition will remove approximately 130 square feet of landscaped area, most of which is currently a brick patio, which is a slight reduction from 10% to 6.5% of total landscaped area on the lot. The 112 square foot brick patio that will be removed as part of the bathroom addition should only have a minor effect on stormwater runoff at the site. However, because the property is already nonconforming with respect to landscaped area, this reduction also triggering the need for a Special Permit.

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 secure safety from fire, panic and other dangers; to provide adequate light and air; to conserve the value of land and buildings; to preserve the historical and architectural resources of the City; and to encourage the most appropriate use of land throughout the City."



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The general concept of adding a bathroom addition to an existing single-family residence in this location is consistent with the purpose of the RB 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 bathroom addition has been designed to be compatible with the built and unbuilt surrounding area. The façade of the bathroom will match the existing house. There are no character-defining features that will be affected by this proposal and proposed addition will not be visible from Cedar Street. This proposal will minimally enlarge the overall footprint of the building but the FAR will only increase from 0.65 to 0.68. The bathroom addition will only have a minimal impact to abutters and the surrounding neighborhood as the proposal will only be visible to one neighbor directly north of the subject property. The addition will be shielded from the front of the property by the existing house, from the back of the property by the existing garage, and from the south side of the property by shrubbery.

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 proposal. 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 project. The Applicant is only adding a 112 net square foot addition and the reduction in landscape area will primarily be due to the loss of an existing brick patio. Therefore there should only be a minimal impact on stormwater runoff, and there are no anticipated negative impacts from this proposal. The structure will remain a 2½ story, single-family dwelling and will continue to be used for residential purposes in an RB district.



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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	<p>Approval is alter a nonconforming structure under SZO §4.4.1 to construct a bathroom addition onto the rear of an existing single-family dwelling. 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>(June 4, 2012)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>June 6, 2011 (June 21, 2012)</td> <td>Certified Plot Plan</td> </tr> <tr> <td>May 31, 2012 (June 21, 2012)</td> <td>Title Page (T-1), Zoning Plan (Z-1), and Floor & Elevation Plans (A-1)</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	(June 4, 2012)	Initial application submitted to the City Clerk's Office	June 6, 2011 (June 21, 2012)	Certified Plot Plan	May 31, 2012 (June 21, 2012)	Title Page (T-1), Zoning Plan (Z-1), and Floor & Elevation Plans (A-1)	BP/CO	ISD/PIng.	
Date (Stamp Date)	Submission											
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2	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									
3	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP									
4	New siding type and color, roofing, trim and materials of the new addition shall match or be complimentary to the rest of the existing structure.	CO	PIng.									
5	The Applicant shall at his expense replace any existing equipment (including, but not limited to street sign poles, signs, traffic signal poles, traffic signal equipment, wheel chair ramps, granite curbing, etc) and the entire sidewalk immediately abutting the subject property if damaged as a result of construction activity. All new sidewalks and driveways must be constructed to DPW standard.	CO	DPW									



6	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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