



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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MICHAEL F. GLAVIN  
EXECUTIVE DIRECTOR

PLANNING DIVISION

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JOSH SAFDIE (ALT.)  
BRANDY BROOKS (ALT.)

**Case #: ZBA 2013-84**  
**Site: 31 Clyde Street**  
**Date of Decision: March 19, 2014**  
**Decision: Petition Approved with Conditions**  
**Date Filed with City Clerk: March 21, 2014**

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**ZBA DECISION**

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<b>Applicant Name:</b>	31-33 Clyde Street, LLC
<b>Applicant Address:</b>	30 Mooney Street, Cambridge, MA 02138
<b>Property Owner Name:</b>	31-33 Clyde Street, LLC
<b>Property Owner Address:</b>	30 Mooney Street, Cambridge, MA 02138
<b>Agent Name:</b>	Richard G. DiGirolamo, Esq.
<b>Agent Address:</b>	424 Broadway, Somerville, MA 02145

Legal Notice: Applicant and Owner, 31-33 Clyde Street, LLC seek a Special Permit per SZO §4.4.1 to alter a nonconforming structure by reconstructing the front porch while making other by-right changes including dormers. The Applicant also seeks a Variance of 1 parking space.

<u>Zoning District/Ward:</u>	RB zone/Ward 5
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	November 7, 2013
<u>Date(s) of Public Hearing:</u>	1/22, 2/5, 2/19, 3/5 & 3/19/14
<u>Date of Decision:</u>	March 19, 2014
<u>Vote:</u>	5-0

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Appeal #ZBA 2013-84 was opened before the Zoning Board of Appeals at Somerville City Hall on January 22, 2014. 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 hearings of deliberation, the Zoning Board of Appeals took a vote.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143  
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722  
[www.somervillema.gov](http://www.somervillema.gov)

**DESCRIPTION:**

The proposal is to substantially renovate the property to accommodate a 3-unit building. The enclosed front porch will be rebuilt to an open design with 2 front doors. The home will have new windows and siding. There will be dormers added to each side of the roof for additional ceiling height and living area for the 3<sup>rd</sup> floor unit. The rear porches are currently enclosed, they will be rebuilt with a peaked roof and Juliet balconies for the 1<sup>st</sup> and 2<sup>nd</sup> floor.

There will be driveway leading to 3 parking spaces in the rear of the building, one for each unit. The site will be landscaped with a variety of annuals including several trees. There will also be a concrete 'bluestone' paver patio.

**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."

The Applicant seeks a Special Permit under SZO §4.4.1 to alter an existing nonconforming structure by altering the front porch within an existing nonconforming front yard setback. The dormers and alterations to the rear of the building are by-right.

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 promoting the health, safety, and welfare of the inhabitants of the City of Somerville and to provide for and maintain the uniquely integrated structure of uses in the City.  
Check for purpose of specific Article.

The proposal is consistent with the purpose of the district, 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 surrounding neighborhood is a mix of single, two, and three-family homes in an eclectic mix of building types including triple deckers, front and side gable homes, and townhomes. The property is near Maxwell's Green, the Community Path Extension, and a short walk to Davis Square.

There are little to no impacts to this proposal. The building will have an open front porch and an improved yard for the residents to enjoy.



**DECISION:**

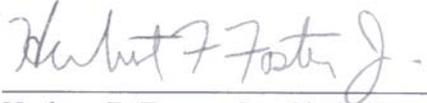
Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Danielle Evans and Brandy Brooks with Elaine Severino absent. Upon making the above findings, Susan Fontano made a motion to approve the request for a Special Permit and to withdraw the request for a Variance. Richard Rossetti seconded the motion. Wherefore the Zoning Board of Appeals voted **5-0** to **APPROVE** the request. In addition the following conditions were attached:

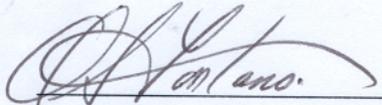
#	Condition	Timeframe for Compliance	Verified (initial)	Notes								
1	Approval is for a Special Permit per SZO §4.4.1 to alter a nonconforming structure by reconstructing the front porch while making other by-right changes including dormers. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/ Plng.									
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>November 7, 2013</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>December 16, 2013</td> <td>Modified plans submitted to OSPCD (A-010 Zoning Site Plan, EX-100 Existing Floor Plans, EX-300 Existing Elevations, A-100 Floor Plans, A-101 Floor Plans, A-300 Elevations, A-301 Elevations)</td> </tr> <tr> <td>January 23, 2014</td> <td>Modified plans submitted to OSPCD (L-00 Landscape Plan)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	November 7, 2013	Initial application submitted to the City Clerk's Office	December 16, 2013	Modified plans submitted to OSPCD (A-010 Zoning Site Plan, EX-100 Existing Floor Plans, EX-300 Existing Elevations, A-100 Floor Plans, A-101 Floor Plans, A-300 Elevations, A-301 Elevations)	January 23, 2014	Modified plans submitted to OSPCD (L-00 Landscape Plan)
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January 23, 2014	Modified plans submitted to OSPCD (L-00 Landscape Plan)											
Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.												
<b>Pre-Construction</b>												
2	The Applicant will be required to demonstrate that the updated project plans meet the current City of Somerville stormwater policy. Utility, grading, and drainage plans must be submitted to the Engineering Department for review and approval.	BP	Eng.									
<b>Construction Impacts</b>												
3	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									

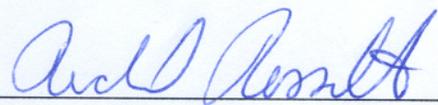


4	All construction materials and equipment must be stored onsite. If occupancy of the street layout is required, such occupancy must be in conformance with the requirements of the Manual on Uniform Traffic Control Devices and the prior approval of the Traffic and Parking Department must be obtained.	During Construction	T&P	
<b>Design</b>				
5	Applicant shall provide final material samples for siding, trim, windows, and doors to Planning Staff for review and approval prior to construction.	BP	Plng.	
<b>Site</b>				
6	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD	
<b>Miscellaneous</b>				
7	The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the building and all on-site amenities, including landscaping, fencing, lighting, parking areas and storm water systems, ensuring they are clean, well kept and in good and safe working order.	Cont.	ISD	
<b>Public Safety</b>				
8	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
9	To the extent possible, all exterior lighting must be confined to the subject property, cast light downward and must not intrude, interfere or spill onto neighboring properties.	CO	Plng.	
<b>Final Sign-Off</b>				
10	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.	
11	The Applicant shall submit a revised site plan for Planning Staff review and approval including a compliant parking layout.	BP	Plng.	

Attest, by the Zoning Board of Appeals:

  
\_\_\_\_\_  
Herbert F. Foster, Jr., Chairman

  
\_\_\_\_\_  
Orsola Susan Fontano, Clerk

  
\_\_\_\_\_  
Richard Rossetti

  
\_\_\_\_\_  
Danielle Evans

  
\_\_\_\_\_  
Brandy Brooks

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 \_\_\_\_\_

