



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

MICHAEL F. GLAVIN
EXECUTIVE DIRECTOR

PLANNING DIVISION

ZONING BOARD OF APPEALS MEMBERS

HERBERT F. FOSTER, JR., *CHAIRMAN*
ORSOLA SUSAN FONTANO, *CLERK*
RICHARD ROSSETTI
DANIELLE EVANS
ELAINE SEVERINO
JOSH SAFDIE (ALT.)
BRANDY BROOKS (ALT.)

Case #: ZBA # 2013-29
Site: 25 Elmwood Avenue
Date of Decision: June 5, 2013
Decision: Petition Approved with Conditions
Date Filed with City Clerk: June 6, 2012

ZBA DECISION

Applicant Name:	Paula Vancini
Applicant Address:	25 Elmwood Street, Somerville, MA 02144
Property Owner Name:	Paula Vancini
Property Owner Address:	25 Elmwood Street, Somerville, MA 02144
Agent Name:	N/A

Legal Notice: Owner and Applicant, Paula Vancini, seek a Special Permit under SZO §4.4.1 to alter an existing, non-conforming, single-family dwelling by construction an addition within the existing non-conforming side yard setback.

<u>Zoning District/Ward:</u>	RB zone/Ward 7
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	March 5, 2013
<u>Date(s) of Public Hearing:</u>	June 5, 2013
<u>Date of Decision:</u>	June 5, 2013
<u>Vote:</u>	5-0

Appeal #ZBA 2013-09 was opened before the Zoning Board of Appeals at Somerville High School Cafeteria on June 5, 2013. 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 (1) hearing 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

DESCRIPTION:

The applicant proposes a rear 1-story addition to accommodate an aging parent. The addition is 406 square feet and will have a kitchen, den, bedroom, and bathroom. The addition is connected to the existing structure through a hall that connects with the existing dining area. To accommodate the addition, the concrete block garage will be demolished.

The footprint on the lot will increase from 1,200 to 1,606 square feet. The ground coverage will increase from 39% to 49% but the landscaped and pervious area will also increase from 29% to 34%. The FAR will increase to .65, a FAR of 1.0 is required an RB district. The rear setback will be in compliance at 20.61 feet and the side yard will be reduced to 7.03 feet which is still in compliance of the SZO because of the width of the lot.

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 Staff does not find 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.

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.

Furthermore, the addition proposed is consistent with the housing goals stated in SomerVision, including but not limited to, Somerville being a community where people want to live, raise a family, and retire; encouraging development of units that encourage residents to stay in the community; and encouraging housing units to be designed in accordance with universal design guidelines for visitability and adaptability.

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 proposed addition is compatible with the existing and surrounding structures and uses familiar materials like clapboards and wood shingles.



DECISION:

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Danielle Evans, Elaine Severino and Brandy Brooks. Upon making the above findings, Orsola Susan Fontano made a motion to approve the request for a Special Permit. Elaine Severino 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 under SZO §4.4.1 to alter an existing, non-conforming, single-family dwelling by constructing an addition within the existing non-conforming side yard setback. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/ PIng.											
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>March 5, 2013</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>November 15, 2012</td> <td>Modified plans submitted to OSPCD (Existing Certified Plot Plan)</td> </tr> <tr> <td>May 14, 2013</td> <td>Modified plans submitted to OSPCD (Certified Plot Plan)</td> </tr> <tr> <td>May 30, 2013</td> <td>Modified plans submitted to OSPCD (1-Existing Site Plan, 2-Proposed Site Plan, 3-Proposed Floor Plan, 4-Proposed Southwest Elevation, 5-Proposed Northwest Elevation, 6-Proposed Northeast Elevation)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	March 5, 2013	Initial application submitted to the City Clerk's Office	November 15, 2012	Modified plans submitted to OSPCD (Existing Certified Plot Plan)	May 14, 2013	Modified plans submitted to OSPCD (Certified Plot Plan)	May 30, 2013	Modified plans submitted to OSPCD (1-Existing Site Plan, 2-Proposed Site Plan, 3-Proposed Floor Plan, 4-Proposed Southwest Elevation, 5-Proposed Northwest Elevation, 6-Proposed Northeast Elevation)
	Date (Stamp Date)				Submission									
	March 5, 2013				Initial application submitted to the City Clerk's Office									
	November 15, 2012				Modified plans submitted to OSPCD (Existing Certified Plot Plan)									
May 14, 2013	Modified plans submitted to OSPCD (Certified Plot Plan)													
May 30, 2013	Modified plans submitted to OSPCD (1-Existing Site Plan, 2-Proposed Site Plan, 3-Proposed Floor Plan, 4-Proposed Southwest Elevation, 5-Proposed Northwest Elevation, 6-Proposed Northeast Elevation)													
Any changes to the approved site plan and elevations that are not <i>de minimis</i> must receive SPGA approval.														
Pre-Construction														
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, stamped by a registered PE in Massachusetts, must be submitted to the Engineering Department for review and approval if applicable.	BP	Eng.											
Construction Impacts														



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	
Design				
5	An exterior light and electrical receptacle is required for the first (or all) level of the porch and an electrical receptacle is required for the second level (if there is no access to the ground).	Final sign off	Wiring Insp.	
Site				
6	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards	Perpetual	Plng. / ISD	
Public Safety				
7	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
8	The addition will remain free-flowing with no obstructions to the existing structure.	Perpetual	Plng/ ISD	
Misc				
9	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	
Final Sign Off				
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.	



Attest, by the Zoning Board of Appeals:

Herbert Foster, *Chairman*
Orsola Susan Fontano, *Clerk*
Danielle Evans
Elaine Severino
Brandy Brooks (Alt.)

Attest, by the Senior Planner:

Lori Massa

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 _____

