



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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JOSH SAFDIE (ALT.)

Case #: ZBA # 2012-108
Site: 22 Fairfax Street
Date of Decision: January 23, 2013
Decision: Petition Approved with Conditions
Date Filed with City Clerk: February 6, 2013

ZBA DECISION

Applicant Name:	Brian Aldrich
Applicant Address:	22 Fairfax Street, #2, Somerville, MA 02144
Property Owner Name:	Brian Aldrich
Property Owner Address:	22 Fairfax Street, #2, Somerville, MA 02144
Agent Name:	N/A

Legal Notice: Applicant and Owner, Brian Aldrich, seeks a Special Permit to alter a nonconforming structure under SZO §4.4.1 to expand the porch on the rear façade of an existing two-family residence.

<u>Zoning District/Ward:</u>	RA zone/Ward 7
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	December 17, 2012
<u>Date(s) of Public Hearing:</u>	January 23, 2013
<u>Date of Decision:</u>	January 23, 2013
<u>Vote:</u>	5-0

Appeal #ZBA 2012-108 was opened before the Zoning Board of Appeals at Somerville City Hall on January 23, 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 hearing of deliberation, the Zoning Board of Appeals took a vote.



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

Applicant, Brian Aldrich, proposes to alter this two-family dwelling by expanding the two-story porch on the rear façade to enable better use of this outside space. The existing porch is 16'2" in length by 3'6" in width and the proposed porch expansion would be 16" in length by 7'4" in width. The porch would be similar to the existing, which is typical of many rear porches in this neighborhood, and the stairs would remain at their existing location. Additionally, a motion sensor light is already located on the house and this device would also remain at the existing location.

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 alteration proposed would not be substantially more detrimental to the neighborhood than the existing structure. The design will be consistent with the existing two-story porch, which is similar to many others within the neighborhood, and will not impact the chimney located at the rear of the building.

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 conserve the value of land and buildings; and to preserve and increase the amenities of the municipality.

The proposal is consistent with the purpose of the Residence A district, §6.1.1, 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."

Expanding the two-story porch on the rear façade to be 7'4" in width is a design that is compatible with the built and unbuilt surrounding area. This alteration will be consistent with the existing porch and retain privacy for abutters while enabling better use of this outdoor space for the residents.



DECISION:

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Danielle Evans and Elaine Severino. Upon making the above findings, Susan Fontano made a motion to approve the request for a Special Permit. 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 to alter a nonconforming structure to expand the porch on the rear façade at an existing two-family residence. 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>(December 17, 2012)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>September 26, 2012 (January 8, 2013)</td> <td>Plot/site plan submitted to OSPCD</td> </tr> <tr> <td>(January 8, 2013)</td> <td>Photographs submitted to OSPCD (1, 2, & 3)</td> </tr> <tr> <td>April 17, 2012 (January 8, 2013)</td> <td>Elevation/construction plan submitted to OSPCD</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	(December 17, 2012)	Initial application submitted to the City Clerk's Office	September 26, 2012 (January 8, 2013)	Plot/site plan submitted to OSPCD	(January 8, 2013)	Photographs submitted to OSPCD (1, 2, & 3)	April 17, 2012 (January 8, 2013)	Elevation/construction plan submitted to OSPCD
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Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.														
2	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 Inspector											
3	New siding type and color, trim and other materials necessary to replace as a result of the proposal shall match the existing siding, trim, and other materials;	CO	PIng											
4	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP											
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	PIng.											

Attest, by the Zoning Board of Appeals:

Herbert Foster, *Chairman*
Orsola Susan Fontano, *Clerk*
Richard Rossetti
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 _____

