



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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PLANNING DIVISION

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BRANDY BROOKS (ALT.)

Case #: ZBA # 2013-36
Site: 17 Fremont Avenue
Date of Decision: June 19, 2013
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: June 20, 2013

ZBA DECISION

Applicant Name:	Stephanie Hirsch
Applicant Address:	17 Fremont Avenue, Somerville, MA 02143
Property Owner Name:	Stephanie Hirsch & Joseph Calzaretta
Property Owner Address:	17 Fremont Avenue, Somerville, MA 02143
Agent Name:	N/A

<u>Legal Notice:</u>	Applicant/Owners Stephanie Hirsch & Joseph Calzaretta seek a Special Permit under SZO §4.4.1 to alter a nonconforming single-family house by adding a small addition in the front, and new windows, door, canopy and deck in the rear and by altering an accessory structure roof and windows.
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<u>Zoning District/Ward:</u>	RB zone/Ward 2
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	May 21, 2013
<u>Date(s) of Public Hearing:</u>	June 19, 2013
<u>Date of Decision:</u>	June 19, 2013
<u>Vote:</u>	5-0

Appeal #ZBA 2013-36 was opened before the Zoning Board of Appeals at Somerville City Hall on June 19, 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
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722
www.somervillema.gov

DESCRIPTION:

Applicant and Owners, Stephanie Hirsch and Joseph Calzaretta, propose to construct an addition of approximately 24 square feet in the front of the structure to the right of the porch, add new windows, door, canopy, and deck in the rear, and alter the roof and windows of an accessory structure in the rear.

The Applicants propose to extend a one-story portion of the structure on the right side of the front porch that will be under the existing porch roof. The proposed addition will bring the front exterior wall approximately six feet towards the street and will be in-line with the existing doorway. The Applicants propose to use the front addition as a ½ bathroom and modify the existing first floor layout by constructing a new coat closet in the foyer and install built-in shelving in the living room.

The footprint of the proposed porch will increase and the steps will encroach into the rear yard setback, which is the driveway, preventing the existing one parking space from being used. As a result of the proposed porch, the one provided parking space will be eliminated. The Applicant/Owner does not have a car, but when they did have one, they found it very difficult to get into the driveway because of the narrow width of the dead end street. The Applicant/Owner is hoping to facilitate more interactions with their neighbors via their porch design. The stairs will be of wood construction; therefore future homeowners will be able to disassemble the stairs easily.

The Applicants also propose to remove an existing one-story rear addition in the rear that is separating from the main structure, which is currently used as space for a mudroom and a storage room. The Applicants propose to construct a trapezoidal deck 14' 9" in length by 12' 9" in width, approximately 166 square feet, which will abut the rear façade of the building. The deck will be approximately 3' 2" above grade.

The Applicants are also proposing to alter the accessory structure in the rear. The Applicants propose the following alterations to the accessory structure: install a new standing seam metal shed roof, install two windows to the rear elevation, two windows to each side elevation, and remove one existing window, and install two double doors on the front elevation. The existing accessory structure will be used for hobbies, storage, and other uses incidental to the existing structure.

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 proposal to construct an addition, a deck, and alter an accessory structure will enable the homeowners to create a new ½ bathroom and better use outdoor space in their back yard without a great deal of impact to the exterior form of the house.

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 B district, §6.1.2, 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 proposal has been designed to be compatible with the built and unbuilt surrounding area. The proposal will increase the existing building footprint by 182 square feet. The addition in the front will not encroach farther into the front yard than the current entry door on the front porch. The front porch will remain as a prominent feature of the house.

The removal of the one story addition in the rear and the construction of a deck will not encroach on the rear yard setback; therefore, will not generate any impacts on neighbors or park uses nor will the alterations of the existing accessory structure in the rear.



DECISION:

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Danielle Evans and Brandy Brooks with Elaine Severino absent and Josh Safdie recused. 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 to construct an addition of approximately 24 square feet in the front of the structure to the right of the porch, add new windows, door, canopy, and deck in the rear, and alter the roof and windows of an accessory structure in the rear. 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>(May 21, 2013)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>July 2, 2012</td> <td>Plot/site plan submitted to OSPCD (A0.0)</td> </tr> <tr> <td>June 4, 2013</td> <td>Floor plans and elevations submitted to OSPCD (A1.1, A1.2, A2.1, A2.2, X1.1, X1.2, and X2.1)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	(May 21, 2013)	Initial application submitted to the City Clerk's Office	July 2, 2012	Plot/site plan submitted to OSPCD (A0.0)	June 4, 2013	Floor plans and elevations submitted to OSPCD (A1.1, A1.2, A2.1, A2.2, X1.1, X1.2, and X2.1)
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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 level of the deck.	Final sign off	Wiring Inspector									
3	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP									
4	The Applicant/Owner shall not construct the front porch stairs in a manner that encroaches farther into the right side yard setback than the current existing structure.	Final sign off	Plng.									
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.									



Attest, by the Zoning Board of Appeals:

Herbert Foster, *Chairman*
Orsola Susan Fontano, *Clerk*
Richard Rossetti
Danielle Evans
Brandy Brooks (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 _____

