



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

MICHAEL F. GLAVIN  
EXECUTIVE DIRECTOR

PLANNING DIVISION

**ZONING BOARD OF APPEALS MEMBERS**

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

**Case #: ZBA 2014-13**  
**Site: 71-73 Grant Street**  
**Date of Decision: April 16, 2014**  
**Decision: *Petition Approved with Conditions***  
**Date Filed with City Clerk: April 24, 2014**

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**ZBA DECISION**

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<b>Applicant Name:</b>	Evelyn Ullman
<b>Applicant Address:</b>	73 Grant Street, Somerville, MA 02145
<b>Property Owner Name:</b>	Evelyn Ullman
<b>Property Owner Address:</b>	73 Grant Street, Somerville, MA 02145
<b>Agent Name:</b>	N/A

Legal Notice: Applicant & Owner, Evelyn Ullman, seeks a Special Permit per SZO §4.4.1 to relocate and/or add windows, doors, and skylights on a nonconforming structure.

<u>Zoning District/Ward:</u>	RB zone/Ward 4
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	March 11, 2014
<u>Date(s) of Public Hearing:</u>	April 16, 2014
<u>Date of Decision:</u>	April 16, 2014
<u>Vote:</u>	5-0

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Appeal #ZBA 2014-13 was opened before the Zoning Board of Appeals at Somerville City Hall on April 16, 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 one hearing of deliberation, the Zoning Board of Appeals took a vote.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143  
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[www.somervillema.gov](http://www.somervillema.gov)

**DESCRIPTION:**

The proposal is to make window and door alterations to make the building more conforming to the building code. The Applicant is the new owner of the home and is fixing what was, most likely, done without a building permit. The door to the rear porch on the second and third floor will be relocated. There will be a window added in the door's place. On the third floor, a larger skylight will be installed to accommodate head height above a toilet. The existing skylight will be removed.

**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."

Under section 4.4.1, lawfully existing nonconforming structures other than one- and two-family dwellings may be enlarged, extended, renovated or altered only by special permits. These window and door modifications require a special permit. The renovations will make the property more conforming to building code and safer for residents of the building.

In considering a special permit under §4.4 of the SZO, the Board did 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.

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 2 and 3 family homes. This block of Grant Street is primarily triple deckers. The neighborhood has easy access to Foss Park and the Broadway commercial corridor.

There are no impacts of the proposed design. The renovations will make the back decks more usable because there will be a safer access from shared spaces in each unit versus access from a staircase. The alterations are compatible with the neighborhood character.



**DECISION:**

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Danielle Evans, Elaine Severino and Brandy Brooks with Herbert Foster and Josh Safdie absent. Upon making the above findings, Richard Rossetti made a motion to approve the request for a Special Permit. Brandy Brooks 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 relocate and/or add windows, doors, and skylights on a nonconforming structure. 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 11, 2014</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>(April 10, 2014)</td> <td>Modified plans submitted to OSPCD (Mortgage Plot Plan, Renovation Description Letter, Level 3 Plan, Context Photos Page 1-5)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	March 11, 2014	Initial application submitted to the City Clerk's Office	(April 10, 2014)	Modified plans submitted to OSPCD (Mortgage Plot Plan, Renovation Description Letter, Level 3 Plan, Context Photos Page 1-5)
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Any changes to the approved (elevations/use) 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/reports 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	All new siding must match in material and finish to the existing siding.	BP	PIng.							



6	Applicant must replace the glass in the boarded up door leading to the third level front porch.	CO	Plng.	
7	The rear porches shall never be enclosed. If rebuilt, the third floor rear deck should not have a roof.	Perpetual	Plng.	
<b>Miscellaneous</b>				
8	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>				
9	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
<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.	



Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, Acting *Chairman*  
Richard Rossetti, Acting *Clerk*  
Danielle Evans  
Elaine Severino  
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 \_\_\_\_\_

