



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

PLANNING DIVISION

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**Case #: ZBA # 2013-11**  
**Site: 20-22 Greenville Street**  
**Date of Decision: April 3, 2013**  
**Decision: *Petition Approved with Conditions***  
**Date Filed with City Clerk: April 9, 2013**

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**ZBA DECISION**

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<b>Applicant Name:</b>	Arthur Choo, Jr. AIA
<b>Applicant Address:</b>	Choo & Company, Inc., One Billings Road, Quincy, MA 02171
<b>Property Owner Name:</b>	Lai Wan Leung
<b>Property Owner Address:</b>	200 Lincoln Street, Suite 203, Boston, MA 02111
<b>Agent Name:</b>	N/A

Legal Notice: Applicant, Arthur Choo Jr., AIA, Choo & Company, Inc., and Owner, Chun Wah Ng & Tsang Kong Hon, seek a Special Permit to legalize a 3-family dwelling under SZO §7.11.2.b and alter a nonconforming structure under SZO §4.4.1 to alter the roof and add dormers.

<u>Zoning District/Ward:</u>	RA zone/Ward 3
<u>Zoning Approval Sought:</u>	§7.11.2.b & §4.4.1
<u>Date of Application:</u>	February 27, 2013
<u>Date(s) of Public Hearing:</u>	April 3, 2013
<u>Date of Decision:</u>	April 3, 2013
<u>Vote:</u>	5-0

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Appeal #ZBA 2013-11 was opened before the Zoning Board of Appeals at Somerville City Hall on April 3, 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.



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**DESCRIPTION:**

The proposal is to legalize the third unit in the structure and build two gable dormers on the front of the house and a shed dormer in the rear. The interior of the structure will be reconfigured. Unit 1 will be on the first and second floors and have 3 bedrooms, Unit 2 will be on all 3 floors and have 4 bedrooms and Unit 3 will be on the third floor and have 1-bedroom.

There would be six parking spaces on the lot in the back yard. Two new trees and other landscaping will be installed around the house, parking area and rear yard.

**FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1 & §7.11.2.b):**

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. There will be slightly more massing of the building with the proposed dormers; however, the footprint of the building and existing setbacks will not be altered.

The use complies with the definition of a special residential conversion the lot area per dwelling unit complies with the requirement.

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 providing for and maintaining the uniquely integrated structure of uses in the City and encouraging the most appropriate use of land throughout the City.

Although the proposal is for a three-family and providing for one- and two-families is the goal in the district, the use is residential and takes the same form as two-family house.

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 property has been functioning as a three-family house. The dormers were designed appropriately for the house. The front dormer was broken up into two to reduce the visible mass on the roof. The dormers start down from the roof peak and back from the main wall of the house. The shed dormer on the back is not greater than 50% of the length of the slope to which it is attached. It is not highly visible at this location in the rear of the property and faces a gas station.

Having a six car parking lot in the rear of the structure is not preferable but it is an existing condition and there are some landscaped areas in the side and front yards that create usable outdoor space.



**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	<p>Approval is for the legalization of the third unit and alteration of the structure to add dormers. This approval is based upon the following application materials and the plans submitted by the Applicant:</p> <table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>Feb 27, 2013</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>Mar 25, 2013</td> <td>Modified plans submitted to OSPCD (A-1.0 Site Plan)</td> </tr> <tr> <td>Feb 20, 2013 &amp; Mar 26</td> <td>Modified plans submitted to OSPCD (A-1.1 – 1.2 floor plans)</td> </tr> </tbody> </table> <p>Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.</p>	Date (Stamp Date)	Submission	Feb 27, 2013	Initial application submitted to the City Clerk's Office	Mar 25, 2013	Modified plans submitted to OSPCD (A-1.0 Site Plan)	Feb 20, 2013 & Mar 26	Modified plans submitted to OSPCD (A-1.1 – 1.2 floor plans)	BP/CO	ISD/Plng.	
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2	The Applicant or Owner shall install a sprinkler system, central station and an updated fire alarm system.	CO	FP									
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									
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  
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 \_\_\_\_\_

