



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

PLANNING DIVISION

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JOSH SAFDIE (ALT.)

Case #: ZBA # 2012-22
Site: 109 Hancock Street
Date of Decision: April 18, 2012
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: April 26, 2012

ZBA DECISION

Applicant Name:	George Westerman & Marilyn Augustyn
Applicant Address:	109 Hancock Street, Somerville, MA 02144
Property Owner Name:	George Westerman & Marilyn Augustyn
Property Owner Address:	109 Hancock Street, Somerville, MA 02144
Agent Name:	N/A

<u>Legal Notice:</u>	Applicants and Owners, George Westerman and Marilyn Augustyn seek a Special Permit under SZO §4.4.1 for relief under the provisions of SZO §8.5.E to alter a nonconforming structure to increase the floor area ratio of the property, including the addition and modification of basement windows.
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<u>Zoning District/Ward:</u>	RA zone/Ward 6
<u>Zoning Approval Sought:</u>	§4.4.1 & §8.5.E
<u>Date of Application:</u>	March 16, 2012
<u>Date(s) of Public Hearing:</u>	April 18, 2012
<u>Date of Decision:</u>	April 18, 2012
<u>Vote:</u>	5-0

Appeal #ZBA 2012-22 was opened before the Zoning Board of Appeals at Somerville City Hall on April 18, 2012. 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:

Applicants and owners, George Westerman and Marilyn Augustyn, would like to renovate a portion of the existing basement to create a family room to be used by the property owners/residents of 109 Hancock Street. The portion of the basement proposed to be finished is 15 feet in length by 9'4" in width. Finishing this portion of the basement would add 151 square feet of living area to the dwelling and increase the floor area ratio from 0.92 to 0.98. The new net floor area of the dwelling would be 2,817 square feet.

The portion of the basement to be finished is located at the front of the building and would utilize the three-sided bay to the right of the front porch. As part of this proposal the basement would gain one additional window (noted as W2 on plans) located on the right side of the three-sided bay, and enlarge two existing windows (noted as W1 and W3 on plans) located in the middle of the three-sided bay and on the adjacent right side elevation. All three windows will have white vinyl frames with one light of insulated glass. This is consistent with the vinyl windows already existing in the dwelling. The top of the window frames will correspond to the new basement ceiling and be located directly under the basement sill. All three windows will retain their location under the corresponding first floor window and will be installed above grade with no window wells or exterior casings. Both Windows 1 and 2 will become the width of the window directly above. Window 3 will remain the same width (36"), which is 3" less than the width of the window above it and will be elongated by 7". The window is currently 14" in height and is proposed to become 21" in height.

Current and proposed window dimensions are listed below:

W1	Existing - 36" in width by 14" in height	Proposed - 48" in width by 27" in height
W2	Not Applicable	Proposed - 31" in width by 27" in height
W3	Existing - 36" in width by 14" in height	Proposed - 36" in width by 21" in height

This proposal also includes the installation of a spiral stair beneath the existing staircase. This spiral stair will connect the family room in the basement to the first floor where it can be accessed by the second floor unit via the existing staircase. The new staircase is proposed to be five feet in diameter with a maximum rise of 9.5" and a minimum tread of 7.5". To create a landing for the new stair, the first floor entry will have a 1 foot wide by 4 feet long portion of wall and floor removed, located adjacent to the existing staircase, and a small closet, located under the current stair, will also be removed. The new stairwell will have 6'6" of headroom available.

The proposed family room would have a seven foot ceiling height and stud walls. 5/8" sheetrock would be used for both the walls and ceiling along with 3.5" fiberglass insulation in each stud and joist bay. Between the proposed family room and remaining storage area, 5/8" sheetrock will be used on either side of the stud wall.

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 Permit.
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 construction process will take place in the basement level of the existing structure and therefore, with construction impacts limited to the interior of the building, no significant disruption to the neighborhood is anticipated.



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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 protect health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to conserve the value of land and buildings; and to encourage the most appropriate use of land throughout the City."

The subject building is a pre-existing nonconforming structure that is consistent with the purpose of the RA district, SZO §6.1.1. The district is designed 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."

No impacts are anticipated due to finishing a portion of the existing basement to create a family room. The construction process will take place in the basement level of the existing structure and therefore, with construction impacts limited to the interior of the building, no significant disruption to the neighborhood is anticipated. The structure will remain a 2½ story, two-family dwelling and will continue to be used for residential purposes.

5. Adverse Environmental Impacts: The proposed use, structure or activity will not constitute an adverse impact on the surrounding area resulting from: 1) excessive noise, level of illumination, glare, dust, smoke, or vibration which are higher than levels now experienced from uses permitted in the surrounding area; 2) emission of noxious or hazardous materials or substances; 3) pollution of water ways or ground water; or 4) transmission of signals that interfere with radio or television reception.

No adverse environmental impacts are anticipated from this project. All proposed work and elements to be added as part of the project will be inside the structure and predominantly in the basement. No new noise, glare, smoke, vibration, nor emissions of noxious materials nor pollution of water ways or ground water nor transmission of signals that interfere with radio or television reception are anticipated as part of the project. The structure will remain a 2½ story, two-family dwelling and will continue to be used for residential purposes.



DECISION:

Present and sitting were Members Herbert Foster, Richard Rossetti, Danielle Evans, Scott Darling and Elaine Severino with Susan Fontano absent. Upon making the above findings, Richard Rossetti made a motion to approve the request for a Special Permit. Scott Darling 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 relief under the provisions of SZO §8.5.E to finish a portion of the basement to add a family room to an existing two-family residence. 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>(March 16, 2012)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>February 13, 2012 (March 28, 2012)</td> <td>Plot Plan</td> </tr> <tr> <td>February 13, 2012 (March 28, 2012)</td> <td>Basement Renovation Plan</td> </tr> <tr> <td>January 29, 2011 (March 28, 2012)</td> <td>Building Floor Plans (Sheets B, 1, 2, and 3)</td> </tr> <tr> <td>(March 28, 2012)</td> <td>Proposed Basement Window Specifications</td> </tr> <tr> <td>March 21, 2012 (March 28, 2012)</td> <td>Existing Conditions – Front and West Elevations</td> </tr> <tr> <td>March 21, 2012 (April 5, 2012)</td> <td>Proposed Basement Windows – Front and West Elevations</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	(March 16, 2012)	Initial application submitted to the City Clerk's Office	February 13, 2012 (March 28, 2012)	Plot Plan	February 13, 2012 (March 28, 2012)	Basement Renovation Plan	January 29, 2011 (March 28, 2012)	Building Floor Plans (Sheets B, 1, 2, and 3)	(March 28, 2012)	Proposed Basement Window Specifications	March 21, 2012 (March 28, 2012)	Existing Conditions – Front and West Elevations	March 21, 2012 (April 5, 2012)	Proposed Basement Windows – Front and West Elevations
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Any changes to the approved interior plan or elevations that are not <i>de minimis</i> must receive SPGA approval.																				
2	The structure shall remain a two-family dwelling; no additional dwelling units shall be added.	Cont.	ISD																	
3	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*
Richard Rossetti, *Acting Clerk*
T.F. Scott Darling, III, Esq.
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 _____



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