



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

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Case #: ZBA # 2012-106
Site: 86 Highland Avenue
Date of Decision: February 6, 2013
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: February 13, 2013

ZBA DECISION

Applicant Name:	Leo Souza
Applicant Address:	95 Washington Street, #20, Malden, MA 02148
Property Owner Name:	Frank Privitera
Property Owner Address:	59 Union Square, Somerville, MA 02143
Agent Name:	N/A

Legal Notice: Applicant, Leo Souza, and Owner, Frank Privitera, seek a Special Permit to alter a nonconforming structure to modify the front entrance of an existing multi-family dwelling, which includes the installation of double doors, columns and balustrade.

<u>Zoning District/Ward:</u>	RC zone/Ward 3
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	December 24, 2012
<u>Date(s) of Public Hearing:</u>	1/23 & 2/6/13
<u>Date of Decision:</u>	February 6, 2013
<u>Vote:</u>	5-0

Appeal #ZBA 2012-106 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 two hearings of deliberation, the Zoning Board of Appeals took a vote.



DESCRIPTION:

Applicant, Leo Souza, and Owner, Frank Privitera, propose to alter this multi-unit residential structure by modifying the front entrance to install a covered double door with columns to support a second story balustrade. The existing entrance is a single door with a three-stair, six foot long front stoop. The proposed entrance would enlarge the entry by using two double doors which open onto an expanded three-stair concrete stoop that measures 12'8" in length by 4' wide. Four columns on either side of the new double doors would support the covering and a second story balustrade. With classic detailing, the columns will be ten feet tall and measure 1'-3/4" wide at the base and 11-15/16" at the top. The balustrade will be 12'4" in length and project four feet, the width of the stoop, from the building. The balusters would be 4" wide by 28" in height and be spaced approximately one inch apart with posts on either end.

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 design of the modified front entrance will improve the façade and interact more with the streetscape.

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 promote "the health, safety, and welfare of the inhabitants of the City of Somerville; to provide for and maintain the uniquely integrated structure of uses in the City; 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; to preserve the historical and architectural resources of the City; and to preserve and increase the amenities of the municipality.

The proposal is consistent with the purpose of the Residence C district, §6.1.3, which is, "To establish and preserve a district for multi-family residential and other compatible uses which are of particular use and convenience to the residents of the district."

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 modification of the front entrance to include a covered stoop, columns, and a balustrade is designed to be compatible with the built and unbuilt surrounding area. This alteration will improve the fenestration pattern of the primary façade and, therefore, enhance the streetscape.



DECISION:

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Elaine Severino and Josh Safdie with Danielle Evans absent. 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 a Special Permit to alter a nonconforming structure to modify the front entrance, including the installation of double doors, columns and balustrade at an existing multi-family dwelling. 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>(December 24, 2012)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>October 26, 2012 (January 17, 2013)</td> <td>Plot plan submitted to OSPCD</td> </tr> <tr> <td>July 7, 2012 (January 16, 2013)</td> <td>Site and elevation plans submitted to OSPCD (E-1, E-2, E-3, A1, A2, S1, S2, & S3)</td> </tr> </tbody> </table> <p>Any changes to the approved elevations that are not <i>de minimis</i> must receive SPGA approval.</p>	Date (Stamp Date)	Submission	(December 24, 2012)	Initial application submitted to the City Clerk's Office	October 26, 2012 (January 17, 2013)	Plot plan submitted to OSPCD	July 7, 2012 (January 16, 2013)	Site and elevation plans submitted to OSPCD (E-1, E-2, E-3, A1, A2, S1, S2, & S3)	BP/CO	ISD/Plng.	
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2	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	Plng.									
3	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements;	CO	FP									
4	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									
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
Elaine Severino (Alt.)
Josh Safdie (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 _____

