



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

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Case #: ZBA # 2012-107
Site: 9 Kingman Road
Date of Decision: February 6, 2013
Decision: Petition Approved with Conditions
Date Filed with City Clerk: February 13, 2013

ZBA DECISION

Applicant Name:	Susan Boyle
Applicant Address:	9 Kingman Road, Somerville, MA 02143
Property Owner Name:	Susan Boyle Revocable Trust
Property Owner Address:	9 Kingman Road, Somerville, MA 02143
Agent Name:	N/A

<u>Legal Notice:</u>	Applicant, Susan Boyle, and Owner, Susan Boyle Revocable Trust, seek a Special Permit to alter a nonconforming structure under SZO §4.4.1 to add a dormer to the left side of the roof and to reconstruct a deck above the second story of the rear façade at an existing two-family dwelling.
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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>	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 2012-107 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 hearing of deliberation, the Zoning Board of Appeals took a vote.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
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DESCRIPTION:

Applicant, Susan Boyle, proposes to alter this two-family dwelling by adding a shed dormer to the left side roof plane to enlarge a bathroom and reconstruct a deck above the second story rear addition. The dormer will be more than ten feet from the front gable and will measure 8'-9" in length. Four glass block windows will be centered on the façade of the shed dormer, measuring 4'-4" in length.

The reconstructed deck will be the same dimensions as the previously removed deck, which is 16'-8" feet in length by approximately 15 feet in width. The railings will be 3'-5" in height with posts located every 3.5 feet.

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 glass block in the façade of the dormer is unobtrusive and would not be highly visible, and the rear deck is pre-existing.

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 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 preserve the historical and architectural resources of the City; to encourage the most appropriate use of land throughout the City; 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 design for the shed dormer on the left side roof plane is compatible with the neighborhood and does not reduce the privacy of the adjacent property. Through the City, numerous decks located above rear additions enable additional outside space for residents.



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 add a dormer to the left side of the roof and to reconstruct a deck above the second story of the rear façade. 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>November 13, 2012 (January 17, 2013)</td> <td>Plot plan submitted to OSPCD</td> </tr> <tr> <td>November 8, 2012 (January 15, 2013)</td> <td>Elevation/floor plans submitted to OSPCD (A1, A2, A3, A4, R1 & R2)</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	November 13, 2012 (January 17, 2013)	Plot plan submitted to OSPCD	November 8, 2012 (January 15, 2013)	Elevation/floor plans submitted to OSPCD (A1, A2, A3, A4, R1 & R2)	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	An exterior light and electrical receptacle is required for the first (or all) level of the porch and an electrical receptacle is required for the second level (if there is no access to the ground);	Final sign off	Wiring Inspector									
4	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements; and	CO	FP									
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.									
6	The Applicant shall bring each side railing of the rear deck in one foot.	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 _____

