



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

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JOSH SAFDIE (ALT.)

Case #: ZBA # 2013-04
Site: 49 Lowden Avenue
Date of Decision: March 6, 2013
Decision: Petition Approved with Conditions
Date Filed with City Clerk: March 13, 2013

ZBA DECISION

Applicant Name:	Frank Rocci
Applicant Address:	19 Oldham Road, Arlington, MA 02474
Property Owner Name:	Frank Rocci
Property Owner Address:	19 Oldham Road, Arlington, MA 02474
Agent Name:	N/A

Legal Notice: Applicant & Owner, Frank Rocci, seeks a Special Permit under SZO §4.4.1 to alter a nonconforming structure by extending the length of an existing dormer on the right side facade. RA zone. Ward 6.

<u>Zoning District/Ward:</u>	RA zone/Ward 6
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	February 5, 2013
<u>Date(s) of Public Hearing:</u>	March 6, 2013
<u>Date of Decision:</u>	March 6, 2013
<u>Vote:</u>	5-0

Appeal #ZBA 2013-04 was opened before the Zoning Board of Appeals at Somerville City Hall on March 6, 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:

Applicant and Owner, Frank Rocci, proposes to alter a nonconforming structure by extending the length of an existing shed dormer on the right side. The existing dormer, located near the center of the roof plane, is currently eight feet in length with one sash window. The Applicant proposes to extend the length of this dormer toward the rear of the structure by twelve feet, for a total dormer length of 20 feet, to create an additional 75 square feet for a new master bathroom. Another window of the same size would be added to the façade of this expansion.

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 alteration proposed would not be substantially more detrimental to the neighborhood than the existing structure. The proposal to extend the shed dormer by 12 feet, for a total of 20 feet, will create an additional 75 square feet for use as a master bathroom. Since the expansion is located toward the rear of the structure, the additional 12 feet in length would be minimally visible from 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 promoting "the health, safety, and welfare of the inhabitants of the City of Somerville; 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 encourage the most appropriate use of land throughout the City."

The proposal is consistent with the purpose of the Residence A district, §6.1.1, which is, "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."



DECISION:

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Danielle Evans, Elaine Severino and Josh Safdie with Richard Rossetti absent. Upon making the above findings, Susan Fontano made a motion to approve the request for a Special Permit. Danielle Evans 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 to alter a nonconforming structure by extending the length of an existing dormer on the right side facade. 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>(February 5, 2013)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>December 11, 2012 (February 27, 2013)</td> <td>Plot plan submitted to OSPCD (page numbers)</td> </tr> <tr> <td>January 18, 2013 (February 27, 2013)</td> <td>Existing and proposed plans submitted to OSPCD (A1, A2, A3, A4, &A5)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	(February 5, 2013)	Initial application submitted to the City Clerk's Office	December 11, 2012 (February 27, 2013)	Plot plan submitted to OSPCD (page numbers)	January 18, 2013 (February 27, 2013)	Existing and proposed plans submitted to OSPCD (A1, A2, A3, A4, &A5)
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Any changes to the approved elevation plans that are not <i>de minimis</i> must receive SPGA approval.												
2	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	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	New siding type and color, roofing, trim and materials of the dormer expansion shall match or be complimentary to the rest of the existing structure.	CO	Plng									
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*
Danielle Evans
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 _____

