



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

MICHAEL F. GLAVIN
EXECUTIVE DIRECTOR

PLANNING DIVISION

ZONING BOARD OF APPEALS MEMBERS

ORSOLA SUSAN FONTANO, CHAIRMAN
RICHARD ROSSETTI, CLERK
DANIELLE EVANS
ELAINE SEVERINO
JOSH SAFDIE (ALT.)

Case #: ZBA 2015-15
Site: 206 Lowell Street
Date of Decision: May 6, 2015
Decision: Petition Approved with Conditions
Date Filed with City Clerk: May 12, 2015

ZBA DECISION

Applicant Name:	Brett & Taryn LaFlamme
Applicant Address:	206 Lowell Street, Somerville, MA 02144
Property Owner Name:	Brett & Taryn LaFlamme
Property Owner Address:	206 Lowell Street, Somerville, MA 02144
Agent Name:	Al Weisz
Agent Address:	93 Hudson Street, Somerville, MA 02144

Legal Notice: Applicant and Owner, Brett & Taryn LaFlamme, week a Special Permit to extend a rear deck on a nonconforming sideyard.

<u>Zoning District/Ward:</u>	RB zone/Ward 5
<u>Date of Application:</u>	April 11, 2015
<u>Date(s) of Public Hearing:</u>	May 6, 2015
<u>Date of Decision:</u>	May 6, 2015
<u>Vote:</u>	4-0

Appeal #ZBA 2015-15 was opened before the Zoning Board of Appeals at Somerville High School Auditorium on May 6, 2015. 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.



DESCRIPTION:

The proposal is to build a deck that extends from the back of the house along the narrow sideyard and wraps the rear addition.

FINDINGS FOR SPECIAL PERMIT:

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."*

Per the SZO, lawfully existing one- and two-family dwellings which are nonconforming with respect to dimensional requirements may be enlarged, expanded, renovated, or altered by special permit. The extension of a nonconforming side yard requires a special permit.

In considering a special permit under the SZO, the Board finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure.

In the proposed zoning code, the deck is by-right. The rear addition, in size and location, is also by-right. Depending on the construction timeline, the applicant will make the rear addition comply with the rear addition component requirements and proceed with construction.

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 preserve the historical and architectural resources of the City; and to encourage housing for persons of all income levels.

The proposal is consistent with the purpose of the district, 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 surrounding neighborhood is a mix of one-, two-, and three-family homes mostly facing the sidestreets. Lowell Street is a mix of residential and commercial development. The Lowell Street Station area plan highlights the mixed use potential of the current one-story commercial buildings near the subject property.

There are little to no impacts of the proposal. The existing deck which extends into the rear yard setback will now comply with the proposed code. There will also be an increase in usable green space.

5. Housing Impact: *Will not create adverse impacts on the stock of existing affordable housing.*

There will be no impacts on the stock of existing affordable housing.

6. SomerVision Plan: *Complies with the applicable goals, policies and actions of the SomerVision plan, including the following, as appropriate: Preserve and enhance the character of Somerville’s neighborhoods, transform key opportunity areas, preserve and expand an integrated, balanced mix of safe, affordable and environmentally sound rental and homeownership units for households of all sizes and types from diverse social and economic groups; and, make Somerville a regional employment center with a mix of diverse and high-quality jobs. The areas in the SomerVision map that are designated as enhance and transform should most significantly contribute towards the SomerVision goals that are outlined in the table below. The areas marked as conserve are not expected to greatly increase the figures in the table since these areas are not intended for large scale change.*

The proposal will have no impact on the metrics of SomerVision but will allow a property owner to make modest alterations to the property.

DECISION:

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Danielle Evans , Elaine Severino with Josh Safdie absent. Upon making the above findings, Richard Rossetti made a motion to approve the request for a Special Permit. Elaine Severino seconded the motion. Wherefore the Zoning Board of Appeals voted **4-0** to **APPROVE** the request. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	Approval is for a rear deck on the narrow sideyard. 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>April 1, 2015</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>(April 29, 2015)</td> <td>Modified plans submitted to OSPCD (Plot Plan, X1.1 Existing Plan, A1.1 Proposed First FP, A3.3 Proposed Elevation)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	April 1, 2015	Initial application submitted to the City Clerk’s Office	(April 29, 2015)	Modified plans submitted to OSPCD (Plot Plan, X1.1 Existing Plan, A1.1 Proposed First FP, A3.3 Proposed Elevation)
	Date (Stamp Date)				Submission					
April 1, 2015	Initial application submitted to the City Clerk’s Office									
(April 29, 2015)	Modified plans submitted to OSPCD (Plot Plan, X1.1 Existing Plan, A1.1 Proposed First FP, A3.3 Proposed Elevation)									
Any changes to the approved plan or elevations that are not <i>de minimis</i> must receive SPGA approval.										
Construction Impacts										
2	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							



3	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	
Miscellaneous				
4	The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the building and all on-site amenities, including landscaping, fencing, lighting, parking areas and storm water systems, ensuring they are clean, well kept and in good and safe working order.	Cont.	ISD	
Public Safety				
5	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
Final Sign-Off				
6	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:

Orsola Susan Fontano, *Chairman*
Richard Rossetti, *Clerk*
Danielle Evans
Elaine Severino

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 _____

