



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

PLANNING DIVISION

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Case #: ZBA # 2013-29
Site: 25 Madison Street
Date of Decision: May 15, 2013
Decision: Petition Approved with Conditions
Date Filed with City Clerk: May 21, 2013

ZBA DECISION

Applicant Name:	Rachael S. Traub
Applicant Address:	25 Madison Street, Somerville, MA 02143
Property Owner Name:	Rachael S. Traub
Property Owner Address:	25 Madison Street, Somerville, MA 02143
Agent Name:	N/A

Legal Notice: Applicant and Owner, Rachael Traub, seeks a Special Permit under SZO §4.4.1 to enlarge the front entry porch of an existing single-family dwelling.

<u>Zoning District/Ward:</u>	RA zone/Ward 3
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	April 15, 2013
<u>Date(s) of Public Hearing:</u>	5/15
<u>Date of Decision:</u>	May 15, 2013
<u>Vote:</u>	5-0

Appeal #ZBA 2013-29 was opened before the Zoning Board of Appeals at Somerville City Hall on May 15, 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 (1) hearing(s) of deliberation, the Zoning Board of Appeals took a vote.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
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www.somervillema.gov

DESCRIPTION:

Applicant and Owner, Rachael Traub, proposes to enlarge the front entry porch of an existing single-family dwelling. The existing entry porch, which is unsafe and unstable, measures approximately seven feet in width by approximately four feet in depth, and encroaches within the ten foot minimum front yard setback. The Applicant proposes to extend the depth of the porch by approximately 2.5 feet, which would align the front of the porch with the front of the projecting polygonal bay, located to the right of the porch. The proposal would retain 6.5 feet between the porch and the sidewalk, and the new porch posts and railings would remain consistent with what currently exists.

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. Enlarging the front entry porch will enable the occupants to more fully utilize the porch, as more than an entry stoop. There will likely be no impact on the surrounding neighborhood as the additional space does not increase the number of cars, people, or usable floor area.

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 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 Residential 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."

The proposal, to enlarge the front entry porch by an additional 14 square feet, is compatible with the site and the neighborhood. This project will enable the occupants to more fully utilize the porch, as more than an entry stoop. The additional square feet of space would encourage more use of this outdoor space and add more eyes to the street.



There will likely be no impact on the surrounding neighborhood as the additional space does not increase the number of cars, people, or usable floor area.

DECISION:

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Danielle Evans and Elaine Severino, Josh Safdie. Upon making the above findings, Orsola 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	Approval is for a Special Permit to enlarge the front entry porch of an existing single-family dwelling. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/PIng.									
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>(April 16, 2013)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>February 16, 2013 (May 6, 2013)</td> <td>Site plan submitted to OSPCD (Sheet 1-1)</td> </tr> <tr> <td>February 16, 2013 (May 6, 2013)</td> <td>Renovation plan submitted to OSPCD (Sheet ZBA1)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	(April 16, 2013)	Initial application submitted to the City Clerk's Office	February 16, 2013 (May 6, 2013)	Site plan submitted to OSPCD (Sheet 1-1)	February 16, 2013 (May 6, 2013)	Renovation plan submitted to OSPCD (Sheet ZBA1)
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Any changes to the approved site 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									
Design												
3	New siding type and color, roofing, trim and materials of the addition shall match or be complimentary to the rest of the existing structure.	BP	PIng.									
4	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									
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.	
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Attest, by the Zoning Board of Appeals:

Herbert Foster, *Chairman*
Orsola Susan Fontano, *Clerk*
Richard Rossetti
Danielle Evans
Elaine Severino
Josh Safdie (Alt.)
Brandy Brooks (Alt.)

Attest, by the Senior Planner:

Lorri Massa

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 _____

