



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

PLANNING DIVISION

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JOSH SAFDIE (ALT.)

Case #: ZBA # 2011-67
Site: 48 Newbury Street
Date of Decision: September 21, 2011
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: October 4, 2011

ZBA DECISION

Applicant Name:	Gerald Britton & Grace Kessenich
Applicant Address:	48 Newbury Street, Somerville, MA 02144
Property Owner Name:	Gerald Britton & Grace Kessenich
Property Owner Address:	48 Newbury Street, Somerville, MA 02144
Agent Name:	Christopher Royer
Agent Address:	100 Garden Street, Cambridge, MA 02138

Legal Notice: Applicant and Owner Gerald Britton & Grace Kessenich seek a special permit to alter a nonconforming structure under SZO §4.4.1 to construct a covered porch and stairs for a new front entryway and add an approx 100 ft addition to the 3rd story with a hipped roof and rear balcony on an existing single-family residence.

<u>Zoning District/Ward:</u>	RB zone/Ward 7
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	August 23, 2011
<u>Date(s) of Public Hearing:</u>	September 21, 2011
<u>Date of Decision:</u>	September 21, 2011
<u>Vote:</u>	

Appeal #ZBA 2011-67 was opened before the Zoning Board of Appeals at Somerville City Hall on September 21, 2011. 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:

The proposal includes renovating several aspects of the existing house. The front door will be relocated from the side of the enclosed porch to the front of the house. There will be a new covered porch and stairs. A balcony will be added on top of the enclosed porch and one of the windows on the second story will become a door to access the balcony. The window in the half story will be made slightly smaller. An approximately 100 sf addition will be constructed in the top story of the house by building out over an existing two-story portion of the house. The addition will have a hipped roof. The addition will provide headroom for stairs and a hallway that will provide access to a bedroom, bathroom and a new balcony on the rear of the house. There will be a total of three bedrooms in the house. Renovations to the back of the house include adding windows and doors, a balcony on the existing single-story portion of the house, and a deck where an existing patio is located. The house will be clad with light colored hardieplank. The decks and balconies will be made of composite materials.

Part of the existing concrete driveway will be replaced with grass and a portion of a concrete patio will be replaced with a deck.

FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1 & §5.1):

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 new front entryway will be an improvement to the current entryway, which is on the side of the enclosed porch and not as visible and inviting as the new entryway will be. The windows on the house will have a more traditional pattern. The addition on the side of the house with the hipped roof keeps the basic form of the house intact and the hipped rooflines integrates into the gable roof in a positive way. No windows are proposed for the northeast side of the house because the house is too close to the lot line to install windows. The adjacent house is close enough to the subject house that the wall without windows will not be very visible.

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 conserving the value of land and buildings and the purpose of the Residence A district in renovating this house that will remain a single-family home.

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."

As discussed in finding 2 above, the alterations to the structure will improve the appearance of the existing house. Also, the renovations include several green building practices that will reduce the overall energy consumption and rainwater runoff from the site.



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DECISION:

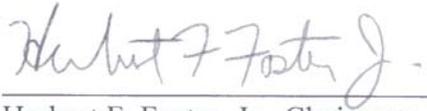
Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Danielle Evans and Scott Darling. Upon making the above findings, Susan Fontano made a motion to approve the request for a special permit. Scott Darling seconded the motion. Wherefore the Zoning Board of Appeals voted **5-0** to **APPROVE** the request. In addition the following conditions were attached:

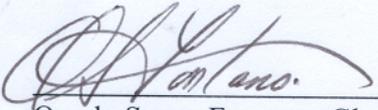
#	Condition	Timeframe for Compliance	Verified (initial)	Notes										
1	<p>Approval is to renovate the nonconforming single-family house including constructing a covered porch and stairs for a new front entryway, adding a balcony to the front of the house and adding an approx 100 ft addition to the 3rd story with a hipped roof and a rear balcony. 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>8/23/11</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>6/22/11</td> <td>Plans submitted to OSPCD (Plot Plan)</td> </tr> <tr> <td>8/19/11</td> <td>Revised plans submitted to OSPCD (0 Site Plan, 1: 1st fl plan; 2: 2nd fl plan; 3: 3rd fl plan; 4: NW Elevation, 5: SW Elevation,</td> </tr> <tr> <td>9/1/11</td> <td>6: SE Elevation, 7: NE Elevation)</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	8/23/11	Initial application submitted to the City Clerk's Office	6/22/11	Plans submitted to OSPCD (Plot Plan)	8/19/11	Revised plans submitted to OSPCD (0 Site Plan, 1: 1st fl plan; 2: 2 nd fl plan; 3: 3 rd fl plan; 4: NW Elevation, 5: SW Elevation,	9/1/11	6: SE Elevation, 7: NE Elevation)	BP/CO	ISD/Plng.	
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2	The Applicant shall install a code compliant fire alarm system.	CO	FP											
3	The Applicant shall install one new exterior light fixture and one new exterior electrical receptacle for the each of the new outdoor deck spaces.	Final Sign Off	Wiring Inspector											
4	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.											

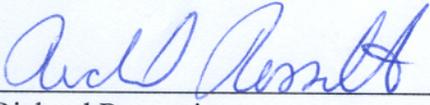


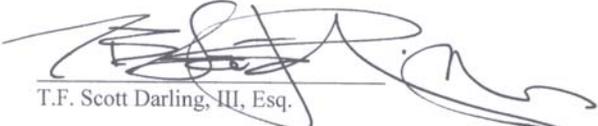
Attest, by the Zoning Board of Appeals:

Herbert Foster, *Chairman*
Orsola Susan Fontano, *Clerk*
Richard Rossetti
T.F. Scott Darling, III, Esq.
Danielle Evans


Herbert F. Foster, Jr., Chairman


Orsola Susan Fontano, Clerk


Richard Rossetti


T.F. Scott Darling, III, Esq.


Danielle Evans

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.



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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 _____



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