



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

PLANNING DIVISION

ZONING BOARD OF APPEALS MEMBERS

HERBERT F. FOSTER, JR., *CHAIRMAN*
ORSOLA SUSAN FONTANO, *CLERK*
RICHARD ROSSETTI
T. F. SCOTT DARLING, III, ESQ.
DANIELLE EVANS
ELAINE SEVERINO (ALT.)
JOSH SAFDIE (ALT.)

Case #: ZBA # 2011-60
Site: 23 Porter Street
Date of Decision: October 5, 2011
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: October 11, 2011

ZBA DECISION

Applicant Name:	Lalo Development, LLC
Applicant Address:	311 Highland Avenue, Somerville, MA 02144
Property Owner Name:	Lalo Development, LLC
Property Owner Address:	311 Highland Avenue, Somerville, MA 02144
Agent Name:	Richard G. DiGirolamo, Esq.
Agent Address:	424 Broadway, Somerville, MA 02145

Legal Notice: Applicant and Owner Lalo Development, LLC seeks a special permit to alter a nonconforming structure under SZO §4.4.1 to construct a 2½ story addition in the rear of an existing three-family dwelling.

<u>Zoning District/Ward:</u>	RB zone/Ward 3
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	July 11, 2011
<u>Date(s) of Public Hearing:</u>	8/17, 9/7, 9/21 & 10/5/11
<u>Date of Decision:</u>	October 5, 2011
<u>Vote:</u>	4-1

Appeal #ZBA 2011-60 was opened before the Zoning Board of Appeals at Somerville City Hall on August 17, 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 three hearings of deliberation, the Zoning Board of Appeals took a vote.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722

www.somervillema.gov



DESCRIPTION:

The Applicant is proposing a 2½ story, 3,292 gross floor area addition at the rear of the structure and the property. The addition would run north-south across the width of the property and would be located in the rear half of the parcel. While the addition would extend the nonconforming structure deeper into the lot, the entire addition itself would be within the required side and rear yard setbacks. The main roof pitch and style of the proposed dormers on the addition will match those on the existing structure. All windows on the existing structure will be replaced and all those installed on the new addition will match in a double hung, two over one style. Additionally, all the entry doors on the existing structure and the proposed addition will be made to match, as will the windows adjacent to the entry doors in a double hung, six over six style. The addition will also contain porch railings that will be made to match those on the existing structure, which will be replaced as part of the project.

The landscaping will also be greatly improved to enhance the on-site vegetation from its currently chaotic state as part of the project. The improved landscaping will help to screen the proposed eight parking spaces on the site as well as create a buffer between the parking area and 19 Porter Street to the south. Furthermore, the brick pavers shown at the parking entry will help to create a transition to and from the parking area off of Porter Street.

As a result of the addition, substantial interior renovations will occur in the existing structure. The entire existing structure will become one large dwelling unit with two floors. The first floor will contain two bedrooms, two bathrooms, a dining room, a kitchen, a breakfast area, a nursery nook, and a mudroom. The second floor will have four bedrooms, two bathrooms, a play space, a study, and two exterior decks along with a large open space in the center that will look down to the first floor. The proposed rear addition will create two new units, each with a first and second floor. One unit will have three bedrooms, 2½ bathrooms, a kitchen, living room, dining area, and a study/common area. The other unit will have two bedrooms, 2½ bathrooms, a kitchen, living room, dining room, family room, and a study/guest room. Both of the units will contain a second story porch and a fenced in backyard. Overall, the project will take the existing structure, expand it, and rework the living space to create three dwellings units of 2,577 net square feet (Unit 1), 1,711 net square feet (Unit 2), and 1,582 net square feet (Unit 3).

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 §4.4.1 of the SZO, the Board finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure.

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 providing for and maintaining "the uniquely integrated structure of uses in the City; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to conserve the value of land and buildings; to preserve the historical and architectural resources of the City; to encourage the most appropriate use of land throughout the



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722

www.somervillema.gov



City; to encourage housing for persons of all income levels; and to preserve and increase the amenities of the municipality.”

The proposal is consistent with the purpose of the RB district (6.1.2. RB - Residence Districts) 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 project is compatible with the characteristics of the surrounding area. The Applicant is proposing a 2½ story, 3,292 gross floor area addition at the rear of the structure and the property. With the addition and the proposed renovations to the existing structure, the property will still be a 2½ story, three unit, residential use which is consistent with the surrounding area. Furthermore, the project will improve a property that is currently in a disorderly and dilapidated state, which will be a benefit for the entire neighborhood.

5. Adverse environmental impacts: The proposed use, structure or activity will not constitute an adverse impact on the surrounding area resulting from: 1) excessive noise, level of illumination, glare, dust, smoke, or vibration which are higher than levels now experienced from uses permitted in the surrounding area; 2) emission of noxious or hazardous materials or substances; 3) pollution of water ways or ground water; or 4) transmission of signals that interfere with radio or television reception.

No adverse environmental effects are anticipated from this project. No new noise, lighting, glare, smoke, dust, vibration, nor emissions of noxious materials nor pollution of water ways or ground water are anticipated as part of the proposal. The structure will remain a 2½ story building that contains three dwelling units and will continue to be used for residential purposes.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722

www.somervillema.gov



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 **4-1** to **APPROVE** the request with Danielle Evans voting in opposition. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes	
1	Approval is to alter a nonconforming structure under SZO §4.4.1 to construct a 2½ story addition in the rear of an existing three-family dwelling. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/Plng.		
	Date (Stamp Date)				Submission
	(July 11, 2011)				Initial application submitted to the City Clerk’s Office
	March 1, 2010 (July 25, 2011)				Plot Plan
	July 29, 2011 (August 5, 2011)				Plans submitted with application: Existing and Proposed Floor Plans and Proposed Elevations (A.01 – A.09)
	(August 31, 2011)				Updated Cover Sheet
	August 26, 2011 (August 31, 2011)				Updated Site Plan (S.01)
	August 26, 2011 (August 31, 2011)				Updated Landscape Plan (L.01)
	Any changes to the approved site plans or elevations that are not <i>de minimis</i> must receive SPGA approval.				
2	Applicant shall receive a sign off from Fire Prevention on a fire alarm system/possible sprinkler system for the structure.	CO	FP		
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		
4	New siding type and color, roofing, and materials of the addition and those on the existing structure shall all match one another.	CO	Plng.		



5	The Applicant will be required to demonstrate that the project meets the current City of Somerville stormwater policy. Utility, grading, and drainage plans must be submitted to the Engineering Department for review and approval.	BP	Eng.	
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.	
7	The Applicant shall submit an existing conditions site survey stamped by a registered land surveyor in Massachusetts.	BP	Eng.	
8	The Applicant shall submit a proposed grading and drainage plan, stamped by a registered PE in Massachusetts that demonstrates compliance with the City's stormwater policy.	BP	Eng.	
9	The Applicant shall submit a proposed drainage report, stamped by a registered PE in Massachusetts that demonstrates compliance with the City's stormwater policy.	BP	Eng.	
10	The vote of this Board, on this particular case, shall stand by itself and not be used as precedent in future cases that come before the Zoning Board of Appeals.	Perpetuity	Plng.	
11	Replace modern door with 12-light wood door.	CO	Historic	
12	Replace one 2/2 double-hung window on center bay with a 9-light Simpson® 'Bungalow' wood door and stairs.	CO	Historic	
13	Remove a basement window.	CO	Historic	
14	Construct a 'dry-laid' flat fieldstone retaining wall.	CO	Historic	
15	Replace picket fence porch railings with generic simple rails, posts and balusters.	CO	Historic	
16	Construct a new addition and landscape per plans and elevations with OSPCD stamp dates of August 5, 2011 and August 31, 2011.	CO	Historic	



Attest, by the Zoning Board of Appeals:

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

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 _____



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722

www.somervillema.gov

