



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

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Case #: ZBA 2014-40
Site: 62 Putnam Street
Date of Decision: June 4, 2014
Decision: Petition Approved with Conditions
Date Filed with City Clerk: June 10, 2014

ZBA DECISION

Applicant Name:	Jack & Carol Mullane
Applicant Address:	62 Putnam Street, Somerville, MA 02143
Property Owner Name:	Trust Putnam Realty
Property Owner Address:	62 Putnam Street, Somerville, MA 02143
Agent Name:	N/A

Legal Notice: Applicants, Jack and Carol Mullane, and Owner, Putnam Realty Trust, seek a Special Permit under §SZO 4.4.1 to alter a nonconforming single-family dwelling by enlarging an existing rear addition. Ward 3. RA zone.

<u>Zoning District/Ward:</u>	RA zone/Ward 3
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	May 1, 2014
<u>Date(s) of Public Hearing:</u>	June 4, 2014
<u>Date of Decision:</u>	June 4, 2014
<u>Vote:</u>	5-0

Appeal #ZBA 2014-40 was opened before the Zoning Board of Appeals at the Visiting Nurse Association on June 4, 2014. 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 Applicant proposes to enlarge an existing single-story rear addition, which includes alterations to windows and the rear deck to provide a better interior plan and a moderately enlarged deck area. The main massing and rear addition are both 2½ stories while the second rear addition is a single story, approximately 45 square feet. The proposal would add approximately 70 square feet to the existing second rear addition for a dining area. The deck would be enlarged by approximately 16 square feet to extend the additional 3 foot length of the addition. The right and left side elevations would have two additional windows on each façade while the rear façade would be composed of two pairs of windows.

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."*

Under SZO §4.4.1, an existing single or two-family dwelling may alter a nonconformity through the granting of a Special Permit. Therefore, due to the existing nonconforming right (north) side yard setback, the proposed change, to enlarge the existing rear addition to create a dining area, requires a 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 changes proposed will minimally increase the habitable space and not affect the streetscape, or negatively impact the adjacent property. The proposed enlarged addition will look into the side yard and would remain as one story. Other than nonconforming right (north) side yard setback, the proposal would comply with ground coverage (21%), landscape (52%) pervious area (52%), and floor area ratio (0.37).

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 I, 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 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; and to encourage the most appropriate use of land throughout the City.

The proposal is consistent with the purpose of the RA 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."

The proposal to add habitable space through a moderately enlarged single-story rear addition will enable the occupants to expand their kitchen to include a dining area. The addition is contextual to the existing structure and does not exceed the width of the first rear addition. This proposal would not negatively impact the streetscape, nor be detrimental to adjacent properties.



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 parcel is located in a Residence A zoning district near City Hall, Somerville High and the Central Library, in the Central Hill neighborhood. The surrounding Residential A zoning district is composed of single and two-family dwellings along Putnam Street while Highland Avenue is composed of a mix of uses, including municipal, commercial, and residential. The surrounding dwellings along Putnam Street are predominantly similar in that they are gable-end, 2½ story structures.

The additional living space will have minimal to no impact on abutters, will not affect the streetscape, and minimally enlarges the existing footprint. The enlarged addition will overlook the side yard and will remain as one story. Proposed alterations to the building will enhance the interior plan through the addition of a dining area and is contextual with the existing structure.

DECISION:

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Danielle Evans and Elaine Severino with Josh Safdie absent. Upon making the above findings, 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	<p>Approval is for a Special Permit to alter a nonconforming single-family dwelling by enlarging an existing rear addition. 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>(May 1, 2014)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>March 11, 1992 (May 29, 2014)</td> <td>Plot plan submitted to OSPCD</td> </tr> <tr> <td>April 30, 2014 (May 29, 2014)</td> <td>Proposed plans submitted to OSPCD (C1.1, A1.1, A3.1, A3.2, & A3.3)</td> </tr> <tr> <td>March 17, 2014 (May 29, 2014)</td> <td>Existing elevations submitted to OSPCD (X3.1, X3.2, & X3.3)</td> </tr> <tr> <td>February 23, 2014 (May 29, 2014)</td> <td>Existing Plan – First Floor (X1.1)</td> </tr> </tbody> </table> <p>Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.</p>	Date (Stamp Date)	Submission	(May 1, 2014)	Initial application submitted to the City Clerk's Office	March 11, 1992 (May 29, 2014)	Plot plan submitted to OSPCD	April 30, 2014 (May 29, 2014)	Proposed plans submitted to OSPCD (C1.1, A1.1, A3.1, A3.2, & A3.3)	March 17, 2014 (May 29, 2014)	Existing elevations submitted to OSPCD (X3.1, X3.2, & X3.3)	February 23, 2014 (May 29, 2014)	Existing Plan – First Floor (X1.1)	BP/CO	ISD/PIng.	
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Pre-Construction				
2	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.	
Construction Impacts				
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	
Design				
4	The new siding, trim, roofing material, and other exterior wall details shall match or be complimentary to the existing in size, color and detail.	CO	Plng.	
5	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				
6	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
Final Sign-Off				
7	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
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 _____

