



**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 # 2011-57**  
**Site: 13 Robinson Street**  
**Date of Decision: October 19, 2011**  
**Decision: *Petition Approved with Conditions***  
**Date Filed with City Clerk: October 25, 2011**

---

**ZBA DECISION**

---

<b>Applicant Name:</b>	Alice Grossman
<b>Applicant Address:</b>	13 Robinson Street, Somerville, MA 02144
<b>Property Owner Name:</b>	Alice Grossman
<b>Property Owner Address:</b>	13 Robinson Street, Somerville, MA 02144
<b>Agent Name:</b>	Jennifer Mello
<b>Agent Address:</b>	Pomeroy & Company, Inc., 18 Spice Street, Charlestown, MA 02129

Legal Notice: Applicant and owner, Alice Grossman, seeks a Special Permit under SZO §4.4.1 to convert the existing roof over the first floor wing into a deck on the rear of an existing one family residence.

<u>Zoning District/Ward:</u>	RA zone/Ward 5
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	July 5, 2011
<u>Date(s) of Public Hearing:</u>	8/3, 8/17, 9/7, 9/21, 10/5 & 10/19/11
<u>Date of Decision:</u>	October 19, 2011
<u>Vote:</u>	5-0

---

Appeal #ZBA 2011-57 was opened before the Zoning Board of Appeals at Somerville City Hall on August 3, 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.



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

[www.somervillema.gov](http://www.somervillema.gov)



## **DESCRIPTION:**

The Applicant is proposing to remove the existing rear 15 ½ foot wide by 6 foot deep roof, gutters, downspouts, and roof framing in order to replace it with a 15 ½ foot wide by 6 foot deep mahogany deck over a rubber roof. The corner of the asphalt roof that extends around the building to the other side will be removed, but only for installation of the deck, and will be replaced as is. The deck will be surrounded by 4x4 cedar posts that are connected together by 3/8" diameter cables that will be spaced 5" apart. There will be a copper flashing that connects the rubber roof to the drip edge of the eave. To access the deck a new 3 foot wide by 6 ½ foot tall door will be installed as well as a new double hung 3 foot wide by 4 ½ foot tall window to the right of the door.

## **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, Staff find that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The new deck, window, and door are all located in the rear of the existing structure and will not be visible from the Robinson Street right-of-way. The property will remain a 2 ½ story, single family residence, which is consistent with the surrounding neighborhood.

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; providing adequate light and air; conserving the value of land and buildings; encouraging the most appropriate use of land throughout the City.

The proposal is consistent with the purpose of the district (6.1.1. RA - Residence Districts), 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 project is compatible with the characteristics of the surrounding neighborhood. The addition of the deck, window and door on the rear façade will have a minimal impact as it is not visible from the public way and would not alter the streetscape in any manner. The property will remain a 2 ½ story, single family residence, which is consistent with the surrounding 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;



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

[www.somervillema.gov](http://www.somervillema.gov)



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 impacts are anticipated from this project. No new noise, lighting, glare, smoke, 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, single family dwelling and will continue to be used for residential purposes.

**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 alter a nonconforming structure under SZO §4.4.1 to replace a roof with a deck in the rear of an existing single family residence. 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>(July 5, 2011)</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>July 1, 2011 (July 15, 2011)</td> <td>Modified existing and proposed deck plans, site plan, demolition plan, and elevations submitted to OSPCD (A1 &amp; A2)</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	(July 5, 2011)	Initial application submitted to the City Clerk’s Office	July 1, 2011 (July 15, 2011)	Modified existing and proposed deck plans, site plan, demolition plan, and elevations submitted to OSPCD (A1 & A2)	BP/CO	Plng.	
Date (Stamp Date)	Submission									
(July 5, 2011)	Initial application submitted to the City Clerk’s Office									
July 1, 2011 (July 15, 2011)	Modified existing and proposed deck plans, site plan, demolition plan, and elevations submitted to OSPCD (A1 & A2)									
2	The Applicant or Owner shall meet the Fire Prevention Bureau’s requirements.	CO	FP							
3	The Applicant shall install a new exterior light fixture and a new exterior electrical receptacle for each of the levels of the new outdoor deck space in compliance with the National Electrical Code 2011.	CO	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

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](http://www.somervillema.gov)

