



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

PLANNING DIVISION

***ZONING BOARD OF APPEALS MEMBERS***

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DANIELLE EVANS  
ELAINE SEVERINO (ALT.)  
JOSH SAFDIE (ALT.)

**Case #: ZBA # 2012-13**  
**Site: 200 Summer Street**  
**Date of Decision: March 14, 2012**  
**Decision: *Petition Approved with Conditions***  
**Date Filed with City Clerk: March 15, 2012**

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**ZBA DECISION**

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<b>Applicant Name:</b>	James W. Kirylo
<b>Applicant Address:</b>	200 Summer Street, Somerville, MA 02143
<b>Property Owner Name:</b>	James W. Kirylo
<b>Property Owner Address:</b>	200 Summer Street, Somerville, MA 02143
<b>Agent Name:</b>	N/A

Legal Notice: Applicant and Owner James Kirylo, seeks a Special Permit to alter a nonconforming structure under SZO §4.4.1 to expand a second story porch across the front of an existing single-family residence.

<u>Zoning District/Ward:</u>	RB zone/Ward 3
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	February 9, 2012
<u>Date(s) of Public Hearing:</u>	March 14, 2012
<u>Date of Decision:</u>	March 14, 2012
<u>Vote:</u>	5-0

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Appeal #ZBA 2012-13 was opened before the Zoning Board of Appeals at Somerville City Hall on March 14, 2012. 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 currently has a first floor porch that extends 13 feet along the front of the dwelling and then 18.6 feet down the left side of the building. There is also a second floor porch with a roof over it that is located only on the left side of the dwelling. The Applicant would like to remove the roof over this second story porch and extend the porch around to the front of the structure so that it matches the current dimensions of the first floor porch. As part of this proposal, new eight foot high columns will be installed to support the second story porch to replace the existing iron railing supports and a new header will also be installed to establish the base of the new second floor porch. The new section of porch would be 13 feet wide and 4 feet deep and would have a 3.5 foot high railing with balusters across its entire length set four inches apart. The new section of second story porch would be accessed through an existing door on the left side of the structure.

**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 Permit.

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. There shall be minimal impacts to the surrounding neighborhood as a result of the proposed project because the existing first floor front porch is already nonconforming with regard to the front yard setback. The proposed new section of second story front porch would be constructed within the existing footprint of the first floor porch and therefore would not create any new structural nonconformities or increase any existing nonconformities at the property. The proposed second story front porch would not extend any closer to the front or left side property lines and therefore no impacts to the abutters are anticipated. The property will remain a 2½ story, single-family residential use 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 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 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 also consistent with the purpose of the 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."



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The project is compatible with the characteristics of the surrounding neighborhood. The proposed second story front porch would not extend any closer to the front or left side property lines and therefore no impacts to the abutters are anticipated. The proposed second story porch would not extend across the entire front of the existing dwelling and the proposed columns on the first and second stories would line up vertically to maintain symmetry on the front of the structure. This proposed porch design would therefore not greatly alter the look of the existing structure or negatively impact the Summer Street streetscape. The proposed porch extension would not appear to be detrimental to the immediate abutters or the surrounding area and therefore, there are no anticipated negative impacts from the proposal. The property will remain a 2½ story, single-family residential use 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; 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 proposal. No new noise, glare, smoke, vibration, nor emissions of noxious materials nor pollution of water ways or ground water nor transmission of signals that interfere with radio or television reception are anticipated as part of the project. The structure will remain a 2½ story, single-family dwelling and will continue to be used for residential purposes.



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**DECISION:**

Present and sitting were Members Herbert Foster, Richard Rossetti, Scott Darling, Elaine Severino and Josh Safdie with Susan Fontano and Danielle Evans absent. Upon making the above findings, Richard Rossetti 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	Approval is to alter a nonconforming structure under SZO §4.4.1 to expand a second story porch across the front of an existing single-family residence. 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>(February 9, 2012)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>December 19, 2011 (March 5, 2012)</td> <td>Plot Plan</td> </tr> <tr> <td>(March 5, 2012)</td> <td>Front Elevation</td> </tr> <tr> <td>(March 5, 2012)</td> <td>Side Elevation</td> </tr> <tr> <td>(March 5, 2012)</td> <td>Construction Detail</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	(February 9, 2012)	Initial application submitted to the City Clerk's Office	December 19, 2011 (March 5, 2012)	Plot Plan	(March 5, 2012)	Front Elevation	(March 5, 2012)	Side Elevation	(March 5, 2012)	Construction Detail
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(March 5, 2012)	Side Elevation															
(March 5, 2012)	Construction Detail															
Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.																
2	The porch shall be constructed at the dimensions indicated on the plans.	Final Sign Off	ISD													
3	The Applicant shall install one (1) exterior light fixture and one (1) exterior electrical receptacle for the second floor outdoor porch space.	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	PIng.													



Attest, by the Zoning Board of Appeals:

Herbert Foster, *Chairman*  
Richard Rossetti, *Acting Clerk*  
T.F. Scott Darling, III, Esq.  
Elaine Severino (Alt.)  
Josh Safdie (Alt.)

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 \_\_\_\_\_



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