



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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MICHAEL F. GLAVIN  
EXECUTIVE DIRECTOR

PLANNING DIVISION

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DANIELLE EVANS  
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JOSH SAFDIE (ALT.)  
BRANDY BROOKS (ALT.)

**Case #: ZBA 2014-59**  
**Site: 346 Summer Street**  
**Date of Decision: August 6, 2014**  
**Decision: Petition Approved with Conditions**  
**Date Filed with City Clerk: August 8, 2014**

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**ZBA DECISION**

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|                                |                                     |
|--------------------------------|-------------------------------------|
| <b>Applicant Name:</b>         | Paul Lavelle                        |
| <b>Applicant Address:</b>      | P.O. Box 40034, Cambridge, MA 02140 |
| <b>Property Owner Name:</b>    | Paul Lavelle                        |
| <b>Property Owner Address:</b> | P.O. Box 40034, Cambridge, MA 02140 |
| <b>Agent Name:</b>             | N/A                                 |

Legal Notice: Applicant & Owner, Paul Lavelle, seek a Special Permit per SZO §4.4.1 to enclose a rear porch.

|                                   |                |
|-----------------------------------|----------------|
| <u>Zoning District/Ward:</u>      | RA zone/Ward 6 |
| <u>Zoning Approval Sought:</u>    | §4.4.1         |
| <u>Date of Application:</u>       | July 1, 2014   |
| <u>Date(s) of Public Hearing:</u> | August 6, 2014 |
| <u>Date of Decision:</u>          | August 6, 2014 |
| <u>Vote:</u>                      | 5-0            |

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Appeal #ZBA 2014-59 was opened before the Zoning Board of Appeals at Somerville City Hall on August 6, 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.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143  
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**DESCRIPTION:**

The proposal is to legalize enclosing an existing rear screened porch. The Applicant, by the request of his tenants, enclosed the porch by removing the screens and closing walls and installing two windows last year. It wasn't until he was painting the enclosure that he was notified that building and special permit approvals would be needed.

**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."*

Per SZO §4.4.1 lawfully existing nonconforming structure other than one- and two-family dwellings may be enlarged, extended, renovated or altered only by special permit. The alteration on a nonconforming side lot line and the expansion of a nonconforming FAR require a Special Permit. The FAR will increase from 1.04 to 1.07.

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.

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.

The proposal is consistent with the purposes of the RA district, 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 subject property is located in a Residence A district, just beyond Davis Square and the Cambridge/Somerville line. The surrounding residential neighborhood is composed of similar gable-end dwellings that are a mix of single, two- and three-family dwellings; however, the uses become more varied west of the home as it transitions to Davis Square.

There are little to no impacts to the proposal. Planning Staff usually supports designs with more windows but seeing that the alterations are complete there are no recommended changes to the structure.

5. Housing Impact: *Will not create adverse impacts on the stock of existing affordable housing.*



There are no impacts to the existing stock of affordable housing, this applicant was responsive to tenant requests.

6. SomerVision Plan: *Complies with the applicable goals, policies and actions of the SomerVision plan, including the following, as appropriate: Preserve and enhance the character of Somerville’s neighborhoods, transform key opportunity areas, preserve and expand an integrated, balanced mix of safe, affordable and environmentally sound rental and homeownership units for households of all sizes and types from diverse social and economic groups; and, make Somerville a regional employment center with a mix of diverse and high-quality jobs. The areas in the SomerVision map that are designated as enhance and transform should most significantly contribute towards the SomerVision goals that are outlined in the table below. The areas marked as conserve are not expected to greatly increase the figures in the table since these areas are not intended for large scale change.*

This project complies with the SomerVision plan by allowing homeowners to make improvements to their property.

**DECISION:**

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Danielle Evans and Elaine Severino. 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  | Approval is to enclose the existing rear porch. This approval is based upon the following application materials and the plans submitted by the Applicant:   | BP/CO                    | ISD/<br>Plng.      |       |                   |            |              |  |                 |  |
|  | <table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>July 1, 2014</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>(July 23, 2014)</td> <td>Modified plans submitted to OSPCD (Plot Plan, First Floor Plan, Second Floor Plan, Third Floor Plan, Basement Floor Plan, Photo)</td> </tr> </tbody> </table>    |                          |                    |       | Date (Stamp Date) | Submission | July 1, 2014 | Initial application submitted to the City Clerk’s Office | (July 23, 2014) | Modified plans submitted to OSPCD (Plot Plan, First Floor Plan, Second Floor Plan, Third Floor Plan, Basement Floor Plan, Photo) |
|  | Date (Stamp Date)   |                          |                    |       | Submission        |            |              |  |                 |  |
| July 1, 2014   | Initial application submitted to the City Clerk’s Office  |                          |                    |       |                   |            |              |  |                 |  |
| (July 23, 2014)  | Modified plans submitted to OSPCD (Plot Plan, First Floor Plan, Second Floor Plan, Third Floor Plan, Basement Floor Plan, Photo)  |                          |                    |       |                   |            |              |  |                 |  |
| Any changes to the approved plan and elevations that are not <i>de minimis</i> must receive SPGA approval. |   |                          |                    |       |                   |            |              |  |                 |  |
| <b>Construction Impacts</b>  |   |                          |                    |       |                   |            |              |  |                 |  |
| 2  | The Applicant shall at his expense replace any existing equipment (including, but not limited to street sign poles, signs, traffic signal poles, traffic signal equipment, wheel chair ramps, granite curbing, etc) and the entire sidewalk immediately abutting the subject property if damaged as a result of construction activity. All new sidewalks and driveways must be constructed to DPW standard. | CO                       | DPW                |       |                   |            |              |  |                 |  |
| 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                |       |                   |            |              |  |                 |  |



| <b>Site</b>           |  |                |       |  |
|-----------------------|--|----------------|-------|--|
| 4                     | The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the building and all on-site amenities, including landscaping, fencing, lighting, parking areas and storm water systems, ensuring they are clean, well kept and in good and safe working order. | Cont.          | ISD   |  |
| <b>Public Safety</b>  |  |                |       |  |
| 5                     | The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.   | CO             | FP    |  |
| <b>Final Sign-Off</b> |  |                |       |  |
| 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. |  |



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 \_\_\_\_\_

