



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

MICHAEL F. GLAVIN
EXECUTIVE DIRECTOR

PLANNING DIVISION

ZONING BOARD OF APPEALS MEMBERS

HERBERT F. FOSTER, JR., *CHAIRMAN*
ORSOLA SUSAN FONTANO, *CLERK*
RICHARD ROSSETTI
DANIELLE EVANS
ELAINE SEVERINO
JOSH SAFDIE (ALT.)
BRANDY BROOKS (ALT.)

Case #: ZBA # 2013-66
Site: 56 Wallace Street
Date of Decision: December 11, 2013
Decision: Petition Approved with Conditions
Date Filed with City Clerk: December 12, 2013

ZBA DECISION

Applicant Name:	Kevin Kelleher
Applicant Address:	1 Hanson Road, Saugus, MA 01906
Property Owner Name:	Marla Wessland
Property Owner Address:	56 Wallace Street, Somerville, MA 02144
Agent Name:	N/A

Legal Notice: Applicant, Kevin Kelleher, and Owner, Marla Wessland, seek a Special Permit under SZO §4.4.1 to alter the primary façade of an existing two-family nonconforming dwelling. Alterations will include the addition of a second story porch and the alteration of window to a door.

<u>Zoning District/Ward:</u>	RA zone/Ward 6
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	September 23, 2013
<u>Date(s) of Public Hearing:</u>	11/6, 11/20, 12/11/13
<u>Date of Decision:</u>	December 11, 2013
<u>Vote:</u>	5-0

Appeal #ZBA 2013-66 was opened before the Zoning Board of Appeals at Somerville City Hall on November 6, 2013. 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

DESCRIPTION:

The Applicant proposes to alter the primary façade of an existing two-family nonconforming dwelling through the addition of a second story porch and the alteration of a window to a door to access this porch. The existing first story porch would be rebuilt and extends slightly into the bay. The addition of the second story porch would match the footprint of the porch below and extend to the far side of the center window. The window located above the entry would become a door to access this porch. The railings and balusters would be composed of a horizontal steel cable system while the floor would be wood decking.

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 of the SZO, the Board finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. Altering the primary façade, which includes the addition of a second-story porch, will enable occupants to have outside space that overlooks street and surrounding neighborhood. There will likely be no impact on the surrounding neighborhood as the proposed porch is similar to many others within the City and does not increase the number of cars, people, or usable floor area.

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 protect health; to secure safety from fire, panic and other dangers; 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; and to preserve and increase the amenities of the municipality."

The proposal is consistent with the purpose of the Residence A 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."

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 proposal, to modify the primary façade which includes the addition of a second story porch, is compatible with the site and the neighborhood. This additional porch will enable occupants to have outside space that overlooks street and surrounding neighborhood. There will likely be no impact on the surrounding neighborhood as the proposed porch is similar to many others within the City and does not increase the number of cars, people, or usable floor area.



DECISION:

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Elaine Severino, Josh Safdie and Brandy Brooks with Herbert Foster and Danielle Evans absent. Upon making the above findings, Richard Rossetti made a motion to approve the request for a Special Permit. Brandy Brooks 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 for a Special Permit to alter the primary façade of an existing two-family nonconforming dwelling, which includes the addition of a second story porch and the alteration of window to a door. 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>(September 23, 2013)</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>June 19, 2013 (December 4, 2013)</td> <td>Plot plan submitted to OSPCD</td> </tr> <tr> <td>November 13, 2013 (December 4, 2013)</td> <td>Existing elevation submitted to OSPCD (EX)</td> </tr> <tr> <td>December 3, 2013 (December 4, 2013)</td> <td>Proposed elevation submitted to OSPCD (C)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	(September 23, 2013)	Initial application submitted to the City Clerk’s Office	June 19, 2013 (December 4, 2013)	Plot plan submitted to OSPCD	November 13, 2013 (December 4, 2013)	Existing elevation submitted to OSPCD (EX)	December 3, 2013 (December 4, 2013)	Proposed elevation submitted to OSPCD (C)
	Date (Stamp Date)				Submission									
	(September 23, 2013)				Initial application submitted to the City Clerk’s Office									
	June 19, 2013 (December 4, 2013)				Plot plan submitted to OSPCD									
November 13, 2013 (December 4, 2013)	Existing elevation submitted to OSPCD (EX)													
December 3, 2013 (December 4, 2013)	Proposed elevation submitted to OSPCD (C)													
Any changes to the approved elevations that are not <i>de minimis</i> must receive SPGA approval.														
Construction Impacts														
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											
Design														
3	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											



4	The length of the second story porch shall extend past the far side of the center window so as to include this window within the porch area.	Building Permit	ISD/Plng	
5	The floor of the second story porch shall align and transition into the cornice of the first story bay through use of the same design and material.	Building Permit	ISD/Plng.	
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:

Orsola Susan Fontano, *Acting Chairman*
Richard Rossetti, *Acting Clerk*
Elaine Severino
Josh Safdie (Alt.)
Brandy Brooks (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 _____

