



City of Somerville

ZONING BOARD OF APPEALS

City Hall 3rd Floor, 93 Highland Avenue, Somerville, MA 02143

DECISION

PROPERTY ADDRESS: 11 Garfield Avenue
CASE NUMBER: ZP25-000008
OWNER: Duncan Swain
OWNER ADDRESS: 11 Garfield Avenue, Somerville, MA 02145
APPLICANT: Julia Marsh Rabin
APPLICANT ADDRESS: 7 Pickman Road, Beverly, MA 01915
DECISION: Approved with Conditions (SP)
DECISION DATE: March 19, 2025

This decision summarizes the findings made by the Zoning Board of Appeals (the "Board") regarding the development review application submitted for 11 Garfield Avenue.

LEGAL NOTICE

Julia Marsh Rabin seeks zoning relief to construct a Projecting Porch on a non-conforming building type in an Urban Residence (UR) zoning district, which requires a Special Permit.

RECORD OF PROCEEDINGS

On March 19, 2025, the Zoning Board of Appeals held a public hearing advertised in accordance with M.G.L. 40A and the Somerville Zoning Ordinance. Present and sitting at the public hearing were Board Members Chair Susan Fontano, Ann Fullerton, Anne Brockelman, and Brian Cook.

The Applicant provided an overview of the project and the requested zoning relief. The Chair opened the public testimony portion of the hearing. An abutter spoke in favor of the project. The Chair closed the public testimony portion of the hearing.

Following the public comment portion of the hearing, the Board discussed the application with the Applicant.

Following discussion, the Board moved to approve the requested Special Permit for zoning relief to construct a Projecting Porch on a non-conforming building type in an Urban Residence (UR) zoning district.

PLANS & DOCUMENTS

Application plans, documents, and supporting materials submitted and incorporated are identified below.

| Document | Pages | Prepared By | Date |
|---|-------|---|-------------------|
| 11 Garfield Avenue - Hardship Variance Narrative | 4 | Julia Marsh Rabin 7 Pickman Road Beverly, MA 01915 | Undated |
| 11 Garfield Avenue – Proposed Additions/Renovations (Arch Plans) | 12 | JMR Architecture and Design, LLC 7 Pickman Road Beverly, MA 01915 | February 11, 2025 |
| 11 Garfield Avenue – Certified Plot Plan (Existing Conditions Survey) | 1 | Hancock Survey Associates, Inc. 185 Centre Street, Danvers, MA 01923 | January 26, 2024 |
| 11 Garfield Avenue – Neighborhood Meeting Report | 1 | Julia Marsh Rabin 7 Pickman Road Beverly, MA 01915 | January 13, 2025 |

SPECIAL PERMIT FINDINGS

In accordance with the Somerville Zoning Ordinance, the Board may approve or deny a special permit upon making findings considering, at least, each of the following:

- i. *The comprehensive plan and existing policy plans and standards established by the City.*

The Board finds that this project supports the goals laid out in SomerVision 2040, the City's Comprehensive Plan, including the following: "Support families and promote their longevity in Somerville".

- ii. *The intent of the zoning district where the property is located.*

The Board finds that the proposal meets the intent of the UR zoning district which is, in part, "[T]o create, maintain, and enhance areas appropriate for multi-unit residential buildings."

- iii. *The extent and nature of the proposed alteration*

The Board finds that Projecting Porch is proposed at the rear of the property, largely hidden from view from the street.

- iv. *The ability of conforming alterations to meet the demonstrated need of the Applicant.*

The Board finds that the proposed Projecting Porch meets the demonstrated need of the Applicant.

- v. *Consistency of the proposed alterations with the evolution of neighboring structures.*

The Board finds that Projecting Porch is conforming to the dimensional standards found in SZO §3.2.12.h. and it would not disrupt any existing residential context.

- vi. *Establishment of permeable lot surface, to the maximum extent possible.*

The Boards finds that the proposal will overall reduce impervious surface on the lot.

vii. Conformance to design guidelines applicable to the district where the property is located

The Board finds that this proposal meets applicable design guidelines for the Urban Residence district described in SZO §3.2.14.a.iii., given that it proposed at the rear of the property and there is a 6 FT stockade fence at the rear property line.

DECISION

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Acting Clerk Brian Cook moved to approve the Special Permit for relief to construct a Projecting Porch on a non-conforming building type in an Urban Residence (UR) zoning district. Anne Brockelman seconded. The Board voted **4-0** to approve the Special Permit subject to the following conditions:

Validity

- This Decision must be recorded with the Middlesex South Registry of Deeds.

Public Record

- Digital copies of all required application materials reflecting any physical changes required by the Board, if applicable, must be submitted to the Planning, Preservation & Zoning Division for the public record. Materials must be submitted in accordance with the document format standards of relevant Submittal Requirements.
- A digital copy of the recorded Decision stamped by the Middlesex South Registry of Deeds must be submitted to the Planning, Preservation, & Zoning Division for the public record

Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chair*
Anne Brockelman, *Vice Chair*
Brian Cook, *Acting Clerk*
Ann Fullerton

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. 15.5.3.

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.

FOR SITE PLAN APPROVAL(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 _____