



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

PLANNING DIVISION

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POOJA PHALTANKAR, (ALT.)

**Case #: ZBA 2018-76**  
**Site: 21 Kenneson Road**  
**Date of Decision:** July 18, 2018  
**Decision:** *Petition Approved with Conditions*  
**Date Filed with City Clerk:** July 23, 2018

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**ZBA DECISION**

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**Applicant / Owner Name:** Mario & Ana Brum  
**Applicant / Owner Address:** 21 Kenneson Road, #2, Somerville, MA  
**Alderman:** Matthew McLaughlin

**Legal Notice:** Applicants and Owners, Mario & Ana Brum, seek Special Permits under §4.4.1 of the SZO to construct a porch roof within the front yard setback. RB zone. Ward 1.

<u>Zoning District/Ward:</u>	RB Zone. Ward 1.
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	May 29, 2018
<u>Date(s) of Public Hearing:</u>	July 18, 2018
<u>Date of Decision:</u>	July 18, 2018
<u>Vote:</u>	5-0

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Appeal #ZBA 2018-76 was opened before the Zoning Board of Appeals in the Aldermanic Chambers, Somerville City Hall, 93 Highland Ave, Somerville. 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.



**DESCRIPTION:**

The Applicant proposes to construct a covered porch/entryway above the front door. The covered porch/entryway is located within the front yard setback.

**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 §4.4.1 of the SZO. This section of the report goes through §4.4.1 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."***

The non-conformity impacted by the Applicant's proposal is the front yard setback. In the RB zone, a front yard setback of 15 feet is required. However, certain building elements such as bay windows and front steps may project further into the front yard setback without being considered non-conforming as long as a minimum 10-foot setback from that projection to the property line is maintained.

In the case of 21 Kenneson Road, the front porch to be covered rests at 5.6 feet from the front property line. This proposal breaches even the 10-foot setback requirement, a Special Permit is needed, as required under §4.4.1 of the SZO.

*Section 4.4.1 states that "[l]awfully existing one-and two-family dwellings which are only used as residences, which are nonconforming with respect to dimensional requirements, may be enlarged, extended, renovated or altered by special permit granted by the SPGA in accordance with the procedures of Article 5."*

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. The proposal will allow the property owners to provide protection from the elements for both residents and guests of the building entering and exiting through the front door. The proposed alteration will also add a visual improvement to the structure by adding an architectural component that projects from an otherwise flat-fronted building façade. Lastly, the proposed alteration will not increase the already non-conforming front yard setback, but will be built within it.

**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 Board finds that the proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to promote 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 lessen congestion in the streets; to protect health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to conserve the value of land and buildings; to adequately protect the natural environment; to encourage the most appropriate use of land throughout the City; and to preserve and increase the amenities of the municipality.

The Board also finds that the proposal is consistent with the purpose of the RB district, which is, “[t]o 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.” The proposed alteration does not change the existing use of the building which is 3-family and consistent with what is allowed in the RB zone. The proposed alteration provides visual and functional improvement to the building.

**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."***

*Surrounding Neighborhood:* Other quintessentially-designed triple-deckers on Kenneson Road also present covered front porches of various styles. All of the other front porches on the Kenneson Road triple-deckers are larger than the one proposed by the Applicants but appear to rest about the same distance from their front property lines. 17 and 22 Kenneson Road serve as examples. 15 Kenneson Road appears, at one time, to have been a triple-decker, but the third floor has since been removed. This building also presents a covered front porch.

*Impacts of Proposal (Design and Compatibility):* The Board finds that the proposed covered porch is designed to be well-proportioned in relation to the front façade of the building and does not loom as large to the street as those attached to the other triple-deckers along this public way. The proposed covered porch is 5.6 feet from the property line, but this appears to be consistent with where the covered porches of the other triple-deckers on the street complete in relation to their front property lines. The Board finds that the proposed design will be a visual improvement to the building.

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

**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.

## **DECISION:**

### **Special Permit under §4.4.1**

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Elaine Severino, Danielle Evans, Josh Safdie, Anne Brockelman, and Pooja Phaltankar. Upon making the above findings, Richard Rossetti made a motion to approve the request for a **Special Permit**. Elaine Severino seconded the motion. 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 construct a roof over a front entry porch that is within the front yard setback. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/Plng.							
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>May 29, 2018</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>July 9, 2018</td> <td>Elevation renderings submitted to OSPCD</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	May 29, 2018	Initial application submitted to the City Clerk's Office	July 9, 2018	Elevation renderings submitted to OSPCD
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Any changes to the approved elevations that are not <i>de minimis</i> must receive SPGA approval.										
<b>Construction Impacts</b>										
2	The applicant shall post the name and phone number of the general contractor at the site entrance where it is visible to people passing by.	During Construction	Plng.							
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							
4	Construction shall occur from 7:30am – 5:00pm Monday-Friday ONLY. There shall be no construction or construction-related work allowed on the weekends or holidays.	During Construction	ISD							
<b>Design</b>										
5	Applicant shall provide final material samples for siding, trim, windows, and doors to Planning Staff for review and approval prior to the issuance of a building permit.	BP	Plng.							
<b>Miscellaneous</b>										
6	Granting of the applied for use or alteration does not include the provision for short term rental uses, such as AirBnB, VRBO, or the like. Separate approvals are needed for the aforementioned uses.	Perpetual	ISD / Plng.							
<b>Public Safety</b>										
7	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP							
8	Per Somerville fire safety regulations, grills, barbecues, chimineas and the like are NOT permitted on decks or porches.	Perpetual	FP/ISD							
9	To the extent possible, all exterior lighting must be confined to the subject property, cast light downward and must not intrude, interfere or spill onto neighboring properties.	CO	Plng.							
<b>Final Sign-Off</b>										



10	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.	
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Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chairman*  
Richard Rossetti  
Danielle Evans  
Elaine Severino  
Josh Safdie  
Anne Brockelman (*Alt.*)  
Pooja Phaltankar (*Alt.*)

Attest, by City Planner: \_\_\_\_\_  
Sarah White

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 \_\_\_\_\_

