



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

PLANNING DIVISION

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Case #: ZBA # 2011-23
Site: 22-24 Hudson Street
Date of Decision: April 20, 2011
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: April 29, 2011

ZBA DECISION

Applicant Name:	Thomas & Evelyn Battinelli
Applicant Address:	22-24 Hudson Street, Somerville, MA 02145
Property Owner Name:	Derrick Snare
Property Owner Address:	158 Central Street, Somerville, MA 02145
Agent Name:	Derrick Snare
Agent Address:	158 Central Street, Somerville, MA 02145

Legal Notice: Applicant, Derick Snare and owners, Thomas and Evelyn Battinelli, seek a special permit to alter a nonconforming structure under SZO §4.4.1 to construct a dormer on an existing three-family residence.

<u>Zoning District/Ward:</u>	RA zone/Ward 5
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	March 22, 2011
<u>Date(s) of Public Hearing:</u>	April 20, 2011
<u>Date of Decision:</u>	April 20, 2011
<u>Vote:</u>	5-0

Appeal #ZBA 2011-23 was opened before the Zoning Board of Appeals at Somerville City Hall on April 20, 2011. 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 proposal is to expand the gable dormer on the left (east) side of the dwelling that is approximately 13 feet long. The Applicant would like to expand this dormer 8½ feet towards the front of the structure, which would make the dormer a total of 21½ feet long. This length, combined with the length of the existing smaller shed dormer on that side of the structure, would total just less than 50% the length of the roof on that side, which is the maximum percentage allowed in an RA district. A dormer beyond this size would reclassify the house as a three-story house, and no more than 2.5 stories are allowed in the RA district. The dormer would sit three feet in from the edge of the roof line. As part of the dormer expansion, the Applicant is proposing to remove the gable roof on the dormer and install a shed style roof across the entire dormer. The dormer will provide headroom for a study to be created in the expanded space, allowing for the owners to move their current office space out of one of their children's bedrooms. There are currently two large windows on the dormer and the Applicant is proposing to add an additional two windows of the same size on the expanded portion of the dormer, as well as a smaller window on the side of the dormer that faces the street.

FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1 & §5.1):

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 Staff 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, Staff find that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure as conditioned. The dwelling will continue to be considered a 2½ story structure by the Assessor's Office because the dormer's length is less than 50% of the length of the structure. Privacy is not a concern as there are already several windows on this side of the dwelling facing the neighboring structures at 18 and 20 Waldo Street, which also have multiple windows on the rear of their structures which face 22-24 Hudson Street.

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."

One purpose of the ordinance is to preserve the historical and architectural resources of the City; this particularly applies to this proposal. This house is not designated as a Local Historic District but it contributes to the architectural fabric of the City. The proposal would be consistent with the purpose of the district as an alteration to the three-family dwelling. However, the shed style dormer is discouraged because they can greatly alter the appearance of the structure in a negative manner. While shed dormers provide greater headroom within the structure, they do not always respect the architectural character of the original structure, and they provide a significant visible profile from the front façade that makes the dormer overpower the house. The shed style dormer option (Proposed A) as shown in drawings 3 and 4, will change the character of the traditional 2½ story gambrel appearance of the structure. Planning Staff would much rather see the hipped gable dormer style illustrated (Proposed B) in drawings 5 and 6. This is a more preferable design than the creation of a 21½ foot large shed dormer. This would not be consistent with the dormers in the surrounding area because of its large size. While there are dormers on many of the structures in the surrounding area, these are predominantly small in stature. The owners have stated concerns regarding the cost of construction for a hipped gable dormer and the amount of snow that would be pushed onto their driveway from the design of the hipped gable dormer as reasons why



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they would prefer to construct a shed style dormer. The Applicant has also submitted additional materials and images from the surrounding area to support their case to construct a shed style dormer.

Staff finds that either the shed or hipped gable dormer design proposal, as conditioned, **is consistent** with the purposes established for the RA district in which the property is located, namely “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.” Staff finds that this dormer expansion, whether it be a hipped gable or shed style design, as conditioned, will not negatively impact the local neighborhood uses in the area.

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."

There are dormers on many of the homes in the neighborhood that surround the subject property, both of shed and gable dormer style. However, many of the shed style dormers in the area are not as large as the one proposed in drawings 3 and 4 (Proposed A). A shed dormer on this home in this location is not compatible with the design of this house. The original dormer was therefore designed with an articulated roof line that should be retained in any new dormer design.

Planning Staff has included conditions attached to the special permit that would dictate whether the dormer be designed in a shed style (Condition #2) or as a hipped gable style (Condition #3). Planning Staff has left the decision as to which dormer design should be implemented to the Zoning Board of Appeals. As stated above, Staff would prefer to see the hipped gable dormer design implemented, as opposed to the shed style design. If the Board chooses to accept Staff's recommendation and desires the hipped gable style dormer as drawn in "Proposed B", drawings 5 and 6, the Board should eliminate Condition #2 as part of the decision. However, if the Board prefers the shed style design for the dormer as shown in "Proposed A", drawings 3 and 4, they should eliminate Condition #3 from the list of conditions.

As part of the Zoning Board of Appeals decision of April 20, 2011, the Board chose to remove condition #3 referencing the design of a hipped gable dormer.



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DECISION:

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Danielle Evans, Scott Darling and Elaine Severino with Herbert Foster and Josh Safdie 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 construct a dormer on an existing three-family residence. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	Plng.							
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>(March 22, 2011)</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>March 25, 2011 with a revision date of April 6 (April 7, 2011)</td><td>Plans submitted to OSPCD (floor plan and front & side elevations)</td></tr></table>				Date (Stamp Date)	Submission	(March 22, 2011)	Initial application submitted to the City Clerk’s Office	March 25, 2011 with a revision date of April 6 (April 7, 2011)	Plans submitted to OSPCD (floor plan and front & side elevations)
	Date (Stamp Date)				Submission					
	(March 22, 2011)				Initial application submitted to the City Clerk’s Office					
March 25, 2011 with a revision date of April 6 (April 7, 2011)	Plans submitted to OSPCD (floor plan and front & side elevations)									
Any changes to the approved elevations that are not <i>de minimis</i> must receive SPGA approval.										
2	The Applicant and Owner shall use drawing number 3 entitled “Floor Plan (partial) & Front Elevation – Proposed ‘A’” and drawing number 4 entitled “Side Elevation – Proposed ‘A’” (both stamped by OSPCD on April 7, 2011) for the design of the shed dormer.	Zoning Board of Appeals Hearing	Plng.							
3	The Applicant or Owner shall meet the Fire Prevention Bureau’s requirements.	CO	FP							
4	The roofing, siding and trim on the subject dormer shall match that of the existing structure.	Final sign off	Plng.							
5	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, *Acting Chairman*
Richard Rossetti, *Acting Clerk*
T.F. Scott Darling, III, Esq.
Danielle Evans
Elaine Severino (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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