



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

PLANNING DIVISION

**ZONING BOARD OF APPEALS MEMBERS**

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ELAINE SEVERINO  
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ANNE BROCKELMAN, (ALT.)

**Case #: ZBA 2016-77**  
**Site: 103 Electric Avenue**  
**Date of Decision: September 7, 2016**  
**Decision: Petition Approved with Conditions**  
**Date Filed with City Clerk: September 21, 2016**

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**ZBA DECISION**

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<b>Applicant Name:</b>	Gabriela Arruda
<b>Applicant Address:</b>	103 Electric Avenue, Somerville, MA 02144
<b>Property Owner Name:</b>	Douglas Leuppert
<b>Property Owner Address:</b>	103 Electric Avenue, Somerville, MA 02144
<b>Agent Name:</b>	N/A

<u>Legal Notice:</u>	Applicant, Gabriela Arruda, and Owner, Douglas Leuppert, seek a Special Permit under SZO §4.4.1 to alter a non-conforming structure, including increasing the FAR.
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<u>Zoning District/Ward:</u>	RA zone/Ward 7
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	June 20, 2016
<u>Date(s) of Public Hearing:</u>	8/17 & 9/7/16
<u>Date of Decision:</u>	September 7, 2016
<u>Vote:</u>	5-0

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Appeal #ZBA 2016-77 was opened before the Zoning Board of Appeals at Somerville City Hall on August 17, 2016. 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 Applicant proposes to change the gambrel-shaped cross gable to a shed dormer as part of a renovation to the 2<sup>nd</sup>s and 3<sup>rd</sup> floors which, together, comprise one unit.

**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. in detail.

**1. Information Supplied:****Regarding SZO §4.4.1:**

- The Board finds that the information provided by the Applicant conforms to the requirements of §4.4.1 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."*****Regarding SZO §4.4.1:**

- As regards this project, the property is non-conforming with regard to lot size, floor area ratio and left side yard setbacks. While there are other non-conformities, the nature of the work proposed triggers these two.
- This structure is located in the RA zone where only one-and two-family residential structures are allowed. This property will remain two units. The RA zone also only allows for a floor area ratio (FAR) of .75. The property is currently non-conforming with regard to FAR at .83. The proposed renovations will increase the FAR to .88.
- The gambrel-style cross-gable will be removed and converted to a shed dormer. The existing cross gable rests 2.6 feet from the property line. The proposed shed dormer will fall within the same distance from the property line. \*\*All new windows within 3 feet of a property line must be inoperable and made of fire-proof materials or must be made of glass block according to building code.\*\*

*Section 4.4.1 states that Lawfully existing non-conforming structures other than one- and two-family dwellings may be enlarged, extended, renovated or altered only by special permit authorized by the SPGA in accordance with the procedures of [Article 5](#). The SPGA must find that such extension, enlargement, renovation or alteration is not substantially more detrimental to the neighborhood than the existing nonconforming building. In making the finding that the enlargement, extension, renovation or alteration will not be substantially more detrimental, the SPGA may consider, without limitation, impacts upon the following: traffic volumes, traffic congestion, adequacy of municipal water supply and sewer capacity, noise, odor, scale, on-street parking, shading, visual effects and neighborhood character.*

**Regarding SZO §4.4.1:**

- In considering a Special Permit under §4.4.1 of the SZO, the Board finds that, while the loss of the gambrel-style cross-gable is regrettable due to its being in keeping with the architectural style of its construction period, the construction of the shed dormer would not be substantially more detrimental to the neighborhood than existing conditions.

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."*

**Regarding SZO §4.4.1:**

- 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 secure safety from fire, panic and other dangers; to encourage the most appropriate use of land throughout the City; and to encourage housing for persons of all income levels.
- The proposal is consistent with the purpose of the RA residence 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."*

- Electric Avenue is comprised of one- and two-family residential structures presenting gable-form and gable/gambrel rooflines.

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

- The proposal will not add to the stock of 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, 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.*

- The proposal will not add any new units to the city's housing stock and will not add to the overall SomerVision goals in this manner.



**DECISION:**

Present and sitting were Members Orsola Susan Fontano, Danielle Evans, Elaine Severino, Josh Safdie and Anne Brockelman with Richard Rossetti recused. Upon making the above findings, Danielle Evans made a motion to approve the request for a Special Permit. Elaine Severino 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 the removal of the gambrel cross-gable and the construction of a shed dormer in its place.	BP/CO	ISD/ Plng.					
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>June 29, 2016</td><td>Initial submission to City Clerk</td></tr></table>				Date (Stamp Date)	Submission	June 29, 2016	Initial submission to City Clerk
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June 29, 2016	Initial submission to City Clerk							
<u>Any changes to the approved plan that are not determined to be de minimis by Planning Staff must receive ZBA approval.</u>								
Construction Impacts								
2	The Applicant shall, at their 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	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	ISD/Plng.					
4	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					
Design								
5	The new dormer shall be clad with wood or cementitious siding. No vinyl siding shall be used. Trim shall be composite or wood. <u>It is required that Planning Staff review and approve all exterior materials before they are installed.</u>	CO	ISD/Plng					
6	The new dormer shall be of a length that is 50% or less of the roof plan to which it is attached.	CO	ISD/Plng					
7	All new window openings that are 3 feet or less of the property line shall be either: 1) inoperable and made of fireproof material or, 2) made of glass block.	CO	ISD/Plng					
Site								



8	The site shall be landscaped and maintained post-construction.	Perpetual	Plng. / ISD	
<b>Miscellaneous</b>				
9	The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the building and property.	Perpetual	ISD/Plng	
<b>Public Safety</b>				
10	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
11	All smoke detectors shall be hard-wired.	CO	FP	
<b>Final Sign-Off</b>				
12	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	ISD/Plng.	

Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chairman*  
 Danielle Evans  
 Elaine Severino  
 Josh Safdie  
 Anne Brockelman (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 \_\_\_\_\_

