



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

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**Case #: ZBA 2016-138**  
**Site: 225 Powder House Boulevard**  
**Date of Decision: January 4, 2017**  
**Decision: Petition Approved with Conditions**  
**Date Filed with City Clerk: January 9, 2017**

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**ZBA DECISION**

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<b>Applicant Name:</b>	Karen A. Errico
<b>Applicant Address:</b>	225 Powder House Boulevard, Somerville, MA 02144
<b>Property Owner Name:</b>	Karen A. Errico
<b>Property Owner Address:</b>	225 Powder House Boulevard, Somerville, MA 02144
<b>Agent Name:</b>	Rocco J. Antonelli, Jr.
<b>Agent Address:</b>	278 Elm Street, Suite 226, Somerville, MA 02144

Legal Notice: Applicant and Owner, Karen A. Errico, seeks a Special Permit under SZO §4.4.1 to construct a dormer within the required left side yard of a nonconforming structure.

<u>Zoning District/Ward:</u>	RA zone/Ward 7
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	November 4, 2016
<u>Date(s) of Public Hearing:</u>	January 4, 2017
<u>Date of Decision:</u>	January 4, 2017
<u>Vote:</u>	5-0

Appeal #ZBA 2016-138 was opened before the Zoning Board of Appeals at Somerville City Hall on January 4, 2017. 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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[www.somervillema.gov](http://www.somervillema.gov)

**DESCRIPTION:**

The proposal is to construct a shed dormer within the required left side yard setback of the nonconforming structure. The Applicant/Owner has received a building permit, as a matter of right, to construct two dormers, one on each side of the ridge, which are outside of the required setbacks and to add living area in the attic. The proposed dormer within the setback allows for headroom in the stairwell to access the attic area.

**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."*

The structure is currently nonconforming with respect to the following dimensional requirements: lot area, lot area per dwelling unit, left side yard, frontage, and pervious area. The proposed alteration to construct a dormer will occur within the nonconforming left side yard setback. The current dimension of the left side yard is 4.8 feet where 8 feet is required. This alteration to a nonconforming structure requires the Applicant to obtain a special permit under §4.4.1 of the Somerville Zoning Ordinance (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 for the homeowners to have adequate headroom in their stairway leading to the finished attic. The proposal has been designed with setbacks and at a height that minimally impacts the neighbors and no other nonconforming dimensional requirements will be altered. The structure currently conforms to the maximum requirements for height and FAR and will remain conforming as a result of the proposal.

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 provide for and maintain the uniquely integrated structure of uses in the City; 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 conserve the value of land and buildings; 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 RA 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.” The proposal will preserve the structure as a two-family home, is compatible with the neighborhood, and will not be inconvenient to the residents of the district.

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:* The surrounding neighborhood is comprised of two- and three-family dwellings. The roof type in the neighborhood is an eclectic mix of gable, hipped, and flat roofs. There are instances in the neighborhood where shed dormers have been constructed on gable roofs.

*Impacts of Proposal (Design and Compatibility):* The height of the proposed dormer is approximately 2 feet above the attic floor and has been designed to minimize its visibility from the public way. Staff finds that the proposed dormer is designed in a manner that is compatible with the characteristics of the built and unbuilt surrounding area and land uses.

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

There will be no adverse impacts on the stock of existing affordable housing.

7. SomerVision Plan: *Complies with the applicable goals, policies and actions of the SomerVision plan, including: Preserve and enhance the character of Somerville's neighborhoods.*

The proposed dormer has been designed to respect neighborhood forms and patterns.



**DECISION:**

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Danielle Evans, Elaine Severino and Josh Safdie with Anne Brockelman absent. Upon making the above findings, Richard Rossetti 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 construction of a dormer on the left side of the roof. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/PIng.									
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>November 4, 2016</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>November 2, 2016</td><td>Plans submitted to OSPCD (CS1.1, CS1.2, A101, A102, A103, A201, A202, A203, A301, A906, and A902)</td></tr><tr><td>May 26, 2016</td><td>Plot plan submitted to OSPCD (PL-1)</td></tr></table>				Date (Stamp Date)	Submission	November 4, 2016	Initial application submitted to the City Clerk's Office	November 2, 2016	Plans submitted to OSPCD (CS1.1, CS1.2, A101, A102, A103, A201, A202, A203, A301, A906, and A902)	May 26, 2016	Plot plan submitted to OSPCD (PL-1)
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May 26, 2016	Plot plan submitted to OSPCD (PL-1)											
Any changes to the approved elevations that are not <i>de minimis</i> must receive SPGA approval.												
<b>Construction</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	PIng.									
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									
<b>Public Safety</b>												
4	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP									
<b>Final Sign-Off</b>												
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	PIng.									

Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chairman*  
Richard Rossetti, *Clerk*  
Danielle Evans  
Elaine Severino  
Josh Safdie

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 \_\_\_\_\_

