



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

***PLANNING BOARD***

***MEMBERS***

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JOSEPH FAVALORO  
ELIZABETH MORONEY  
JAMES KIRYLO

**Case #:** ZBA 2009-07  
**Date:** April 2, 2009  
**Recommendation:** Conditional Approval

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**PLANNING BOARD REPORT**

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**Site:** 80 Bay State Avenue #2

**Applicant Name:** James P. Hanley

**Applicant Address:** 80 Bay State Ave #2, Somerville MA 02144

**Property Owner Name:** same

**Agent Name:** none

**Alderman:** Gewirtz

Legal Notice: Applicant & Owner James Hanley seeks a special permit (SZO §4.4.1) to alter a nonconforming dwelling by extending a shed dormer by 9 feet and adding a window to the front of the house.

Zoning District/Ward: Residence A / Ward 6

Zoning Approval Sought: Special Permit under §4.4.1

Date of Application: March 9, 2009

Date(s) of Public Hearing: April 15, 2009

Date of Decision: N/A

Vote: N/A

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Dear ZBA members:

At its regular meeting on April 2, 2009 the Planning Board heard the above-referenced application. Based on materials submitted by the Applicant and the Staff recommendation, the Board voted (4-0), with Michael Capuano absent, to recommend **conditional approval** of the requested **Special Permit**.

In conducting its analysis, the Planning Board found:

**I. PROJECT DESCRIPTION**



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143  
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1. Subject Property: The subject property is a two-family dwelling on a 3800 square foot lot. The structure is 2  $\frac{3}{4}$  stories and has an existing shed dormer on the left side of the structure. There is a driveway between the subject property and the adjacent property to the left.
2. Proposal: The proposal is to extend the shed dormer by 9 feet to create a space for a bathroom. The side elevation shows that there would be six feet from the dormer's edge to the front façade of the house. There would be a window on the dormer wall and a skylight on the roof. The proposal also includes adding a window to the 3<sup>rd</sup> story between the two existing windows.



80 Bay State Ave



3. Nature of Application: The structure is currently nonconforming with respect to several dimensional requirements, including minimum lot size, lot area per dwelling unit, floor area ratio (FAR), front yard setback, side yard setback, number of stories and street frontage.

The proposed dormer would affect nonconforming aspects of the structure. The nonconforming side yard is 2.7 feet deep and the minimum is 7.2 feet. The nonconforming front yard setback is 13.6 feet and the minimum is 15 feet. The nonconforming FAR is 0.89 and the maximum is 0.75. The nonconforming number of stories is 2  $\frac{3}{4}$  and the maximum is 2  $\frac{1}{2}$ . These existing nonconformities require the Applicant to obtain special permits under §4.4.1 of the Somerville Zoning Ordinance (SZO).

4. Surrounding Neighborhood: The surrounding area is comprised of two- and three-family homes.



Many have a gambrel or gable dormer on one side of the house and a shed dormer on the other.

5. Impacts of Proposal: The extension of the shed dormer does not significantly alter the roofline of the house. The shed dormer is already constructed to the ridge of the house and to the exterior wall. The adjacent house has a gambrel dormer that is aligned with the existing shed dormer. Since the extended portion would not abut the neighboring dormer, the Board does not anticipate privacy concerns. Several abutters have written letters of support for the project.

6. Green Building Practices: The Applicant stated that they will install the following to improve energy efficiency: Energy Star compliant central AC system on the 2<sup>nd</sup> and 3<sup>rd</sup> floors, foam insulation into the entire attic and accessible gambrel roofs, new windows and skylight with a U-Factor of less than 0.35.

7. Comments:  
Ward Alderman: Has been contacted but has not provided comments.

## **II. 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.

The Applicant submitted revised plans which corrected the following discrepancies between the plans and house. The side elevation now shows the eave of the house that extends across the existing dormer. This elevation also shows the dormer starting at the ridge of the house, not below. Finally, the distance from the edge of the new dormer to the front façade was clarified to be six feet.

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, the Board finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The extension of the shed dormer on the gambrel roof does not substantially alter the character of the house.

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 providing for and maintaining the uniquely integrated structure of uses in the City; and the purpose of the Residence A 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."

Typically the Board does not recommend shed dormers because they alter the character of the traditional



housing stock in the City. There is an existing shed dormer on this property that has a pitch that is not significantly different than the pitch of the gambrel roof. Also, several houses on this street have gambrel roofs with a gambrel dormer on one side and a shed dormer on the other. The extension of the dormer is compatible with the built surrounding area.

### III. RECOMMENDATION

#### Special Permit under §4.4.1

Based on the above findings and subject to the following conditions, the Planning Board recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT**.

#	Condition	Timeframe for Compliance	Verified (initial)	Notes								
1	Approval is for the extension of an existing shed dormer by 9 feet and addition of a window to the front facade. This approval is based upon the following application materials and the plans submitted by the Applicant:	CO	Plng.									
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>(March 9, 2009)</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>March 2, 2009 (March 31, 2009)</td><td>Plans submitted to OSPCD (A-1, A-2, A-5, A-6, A-7)</td></tr><tr><td>April 1, 2009 (April 2, 2009)</td><td>Revised plans submitted to OSPCD (A-3, A-4)</td></tr></table>				Date (Stamp Date)	Submission	(March 9, 2009)	Initial application submitted to the City Clerk's Office	March 2, 2009 (March 31, 2009)	Plans submitted to OSPCD (A-1, A-2, A-5, A-6, A-7)	April 1, 2009 (April 2, 2009)	Revised plans submitted to OSPCD (A-3, A-4)
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April 1, 2009 (April 2, 2009)	Revised plans submitted to OSPCD (A-3, A-4)											
Any changes to the approved elevations that are not <i>de minimis</i> must receive ZBA approval.												
2	The dormer shall be no closer than 6 feet from the front façade of the house.	CO	Plng.									
3	The Applicant shall obtain a Certificate of Compliance from Fire Prevention.	CO	FP									
4	The Applicant shall contact Planning Staff at least five working days in advance of a request for a final sign-off on the building permit 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.									

Sincerely,

Kevin Prior  
Chairman

Cc: Applicant/Owner: James Hanley



