



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

PLANNING DIVISION

***ZONING BOARD OF APPEALS MEMBERS***

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DANIELLE FILLIS  
ELAINE SEVERINO (ALT.)  
JOSH SAFDIE (ALT.)

**Case #: ZBA #2009-31**  
**Site: 74 Cedar Street**  
**Date of Decision: September 2, 2009**  
**Decision: *Petition Approved with Conditions***  
**Date Filed with City Clerk: September 3, 2009**

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**ZBA DECISION**

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<b>Applicant Name:</b>	Gregory Carleton
<b>Applicant Address:</b>	74 Cedar Street, Somerville, MA 02143
<b>Property Owner Name:</b>	Gregory Carleton
<b>Property Owner Address:</b>	74 Cedar Street, Somerville, MA 02143
<b>Agent Name:</b>	Derrick Snare
<b>Agent Address:</b>	158 Central Street, Somerville, MA 02145

<b><u>Legal Notice:</u></b>	Applicant & Owner Gregory Carleton seeks a special permit under §4.4.1 to expand a nonconforming two-family residential structure by constructing a shed dormer and two gable dormers to the sides of the house to create a third story. RB zone. Ward 5.
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<b><u>Zoning District/Ward:</u></b>	RB zone/Ward 5
<b><u>Zoning Approval Sought:</u></b>	§4.4.1
<b><u>Date of Application:</u></b>	July 13, 2009
<b><u>Date(s) of Public Hearing:</u></b>	8/19 & 9/2/09
<b><u>Date of Decision:</u></b>	September 2, 2009
<b><u>Vote:</u></b>	5-0

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Appeal #ZBA 2009-31 was opened before the Zoning Board of Appeals at Somerville City Hall on August 19, 2009. 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 proposal is to construct two gable dormers on the right side of the house (northeast) to add headroom for two bedrooms. The proposal also includes constructing a shed dormer on the left side of the house (southwest) for a bathroom and closet. The Applicant submitted a letter explaining his family's need for the use of the third story. Since the length of the shed dormer would be just over sixty percent of the roof's length, the half story would be considered a third story. The collective length of the gable dormers would also be just over fifty percent of the roof's length. The siding of the dormers would match that of the house.

## **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."

In considering a special permit under §4.4 of the SZO, the Board finds that the dormers proposed would not be substantially more detrimental to the neighborhood than the existing structure. The dormers would be over fifty percent of the roof's length making the structure three stories; however, the design as described in finding four addresses these concerns.

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. The shed dormer would change the character of the traditional 2 ½ story gable structure; however, the Applicants have redesigned the shed dormer to reduce its impact. The Board finds that the design and placement of the gable dormers do not alter the character of the 2 ½ story gable structure. These structures are prevalent in this neighborhood and the City. This house is not designated as a Local Historic District but it contributes to the architectural fabric of the City. The Board finds that the special permit for the dormers would be consistent with the general purpose and intent of the Ordinance.

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."

The shed dormer has been redesigned so that it is compatible with the built surrounding area. It would be on the less public side of the house, and would not extend over the existing portion of the house that projects into the required side yard setback. The windows would be placed symmetrically and would account for a significant portion of the dormer's main wall. The dormer would be 8.75 feet from the front edge of the house and its pitch of the dormer would be fairly steep. There are a few feet between the subject property and the adjacent house; however, the redesigned dormer was reduced in size so that it would be six feet from the side property line. Since the abutting house does not have a dormer the Board does not anticipate privacy concerns and the Applicant submitted a letter of support from this Abutter.

The gable dormers are compatible with the built surrounding area. They would be centered symmetrically on the roof and align with the bay window and existing windows below them. The dormers would start below the roof

ridge and would be set back slightly from the building's main wall making them appear secondary to the predominant gable roof and ridge height. Also, the roof shingles cover much of the dormer which causes them to better blend in with the roof. Windows would account for a significant portion of the dormer's front wall face, which improves the look of dormers.

**DECISION:**

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Danielle Fillis and Scott Darling. Upon making the above findings, Susan Fontano 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 for the construction of two 9.3'± gable dormers and one 18'± shed dormer. 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>July 13, 2009</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>Aug 20, 2008 (July 30, 2009)</td><td>Plans submitted to OSPCD (plot plan)</td></tr><tr><td>May 28, 2009 (July 30, 2009)</td><td>Plans submitted to OSPCD (Existing: floor plans, elevations, sections; Proposed: 2<sup>nd</sup> floor plan, NE elevation, sections)</td></tr><tr><td>Aug 14, 2009 (Aug 14, 2009)</td><td>Revised plans submitted to OSPCD (Proposed: 3<sup>rd</sup> floor plan, roof plan, SE elevation, NW elevation, SW elevation)</td></tr></table>				Date (Stamp Date)	Submission	July 13, 2009	Initial application submitted to the City Clerk's Office	Aug 20, 2008 (July 30, 2009)	Plans submitted to OSPCD (plot plan)	May 28, 2009 (July 30, 2009)	Plans submitted to OSPCD (Existing: floor plans, elevations, sections; Proposed: 2 <sup>nd</sup> floor plan, NE elevation, sections)	Aug 14, 2009 (Aug 14, 2009)	Revised plans submitted to OSPCD (Proposed: 3 <sup>rd</sup> floor plan, roof plan, SE elevation, NW elevation, SW elevation)
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Any changes to the approved plans that are not <i>de minimis</i> must receive ZBA approval.														
2	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP											
3	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.											

Attest, by the Zoning Board of Appeals:

Herbert Foster, *Chairman*  
Orsola Susan Fontano, *Clerk*  
Richard Rossetti  
T.F. Scott Darling, III, Esq.  
Danielle Fillis

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 \_\_\_\_\_