



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

PLANNING DIVISION

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JOSH SAFDIE (ALT.)

Case #: ZBA #2009-41
Site: 12 Governor Winthrop Road
Date of Decision: September 16, 2009
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: September 17, 2009

ZBA DECISION

Applicant Name:	Lawrence Hilderbrand
Applicant Address:	30 Sheridan Street, Woburn, MA 01801
Property Owner Name:	Frances Di Chiappari
Property Owner Address:	12 Governor Winthrop Road, Somerville, MA 02145
Agent Name:	N/A

<u>Legal Notice:</u>	Applicant Lawrence Hilderbrand & Owner Frances Di Chiappari seek a special permit under §4.4.1 to expand a nonconforming two-family residential structure by constructing two shed dormers on a gable roof.
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<u>Zoning District/Ward:</u>	RA zone/Ward 4
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	August 12, 2009
<u>Date(s) of Public Hearing:</u>	September 16, 2009
<u>Date of Decision:</u>	September 16, 2009
<u>Vote:</u>	5-0

Appeal #ZBA 2009-41 was opened before the Zoning Board of Appeals at Somerville City Hall on September 16, 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.



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DESCRIPTION:

The proposal is to reroof the house to have a gable roof and two shed dormers on either side of the house. The living space on the third story would be for a third bedroom that would be relocated from the second floor. The bedroom would be 430± s.f. The dormer would also accommodate a closet and bathroom. The height of the house would be 35 feet, which is slightly higher than the current roofline. The shed dormers would be 7.8 feet from the front of the house and would be 11.4 feet in length.

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 alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The dormer is not expected to impact the house adjacent to the nonconforming side yard – that house does not have dormers and there are approximately 10 feet between the houses. The house would remain a 2 ½ story because the dormers would be less than 50% of the length of the roof.

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 maintain the uniquely integrated structure of uses in the City and purpose of the RA district in altering this two-family home.

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 change in the style of the house is consistent with other gable roofed houses on the street, although they are the minority. The Applicant and the Planning Board saw the change in roof line as the only way to accomplish the owner's need for living space and to keep a coherent design to the structure. The dormer design is appropriate for the house. The windows on the dormers would be placed symmetrically and would account for a significant portion of the dormers' main wall. The dormers would be 7.8 feet from the front edge of the house. The dormers would not be set back from the building's main walls; however, they would start one foot below the roof ridge, which helps make them appear secondary to the predominant gable roof and ridge height.



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DECISION:

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Danielle Fillis and Elaine Severino. Upon making the above findings, Susan Fontano made a motion to approve the request for a special permit. Richard Rossetti 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 11.4± feet shed dormers on a gable roof. 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>Aug 12, 2009</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>Jun 1, 2009</td><td>Plans submitted to OSPCD (Plot Plan)</td></tr><tr><td>Jun 4, 2009 (Aug 31, 2009)</td><td>Modified plans submitted to OSPCD (A-0 Elevations, A-1 Existing floor plans, A-2 Proposed Floor Plan, A-3 Sections)</td></tr></table>				Date (Stamp Date)	Submission	Aug 12, 2009	Initial application submitted to the City Clerk's Office	Jun 1, 2009	Plans submitted to OSPCD (Plot Plan)	Jun 4, 2009 (Aug 31, 2009)	Modified plans submitted to OSPCD (A-0 Elevations, A-1 Existing floor plans, A-2 Proposed Floor Plan, A-3 Sections)
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Any changes to the approved elevations 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
Danielle Fillis
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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