



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

**PLANNING DIVISION**  
**STAFF**

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FREDERICK J. LUND, *SENIOR DRAFTSMAN*

**Case #:** ZBA 2009-41  
**Date:** August 18, 2009  
**Recommendation:** Conditional Approval

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**PLANNING STAFF REPORT**

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**Site:** 12 Governor Winthrop Road

**Applicant Name:** Lawrence Hilderbrand

**Applicant Address:** 30 Sheridan St, Woburn, MA 01801

**Property Owner Name:** Frances Di Chiappari

**Property Owner Address:** 12 Governor Winthrop Rd

**Agent Name:** none

**Alderman:** Walter Pero

Legal Notice: 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.

Zoning District/Ward: Residence A / 4

Zoning Approval Sought: Special Permit under §4.4.1 & §5.1

Date of Application: August 12, 2009

Date(s) of Public Meeting/Hearing: 9/3/09 and 9/16/09

Date of Decision: N/A

Vote: N/A

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**I. PROJECT DESCRIPTION**

1. Subject Property: The subject property is a two-family dwelling on a 4050 square foot lot. The structure is 2 ½ stories with a hipped roof. There is a gable dormer at the front of the house.
2. Proposal: 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



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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.



*Left(L) and Right(R) Sides of 12 Governor Winthrop 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, front and side yard setbacks, and street frontage.

The proposed dormers would affect the nonconforming left side yard, which is 6 feet. The minimum required by the Somerville Zoning Ordinance (SZO) is 7.6 feet for a 2 ½ story structure (reduced from 8 feet because it is a narrow lot). The existing nonconformity requires the Applicant to obtain a special permit under §4.4.1 of the SZO.

The house would continue to be considered a 2 ½ story structure because the dormers length is less than 50 percent of the length of the structure.

4. Surrounding Neighborhood: There are several hipped roofed houses with a gable dormer in the front in this neighborhood. There are a few gable roofed houses. There are predominately two-family houses in the immediate area and the Assembly Square Mall is in close proximity.

5. Impacts of Proposal: The change in the style of the house is the only foreseen impact of the proposal. The Applicant and Staff 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 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.

6. Green Building Practices: None.

7. Comments:

*Fire Prevention:* Has been contacted but has not provided comments.

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

## **II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1 & §5.1):**

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 Staff 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, Staff find 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 Staff 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.

**III. RECOMMENDATION****Special Permit under §4.4.1 & §5.1**

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

#	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.									

