



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 #2010-31
Site: 90 Hudson Street
Date of Decision: August 4, 2010
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: August 13, 2010

ZBA DECISION

Applicant Name:	James Piwinski & Margaret Piwinski
Applicant Address:	90 Hudson Street, Somerville, MA 02143
Property Owner Name:	James Piwinski & Margaret Piwinski
Property Owner Address:	90 Hudson Street, Somerville, MA 02143
Agent Name:	N/A

<u>Legal Notice:</u>	Applicants and Owners, James and Margaret Piwinski, seek a Special Permit under SZO §4.4.1 in order to increase floor area ratio and extend an existing dormer within the non-conforming side yard.
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<u>Zoning District/Ward:</u>	RB zone/Ward 5
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	June 16, 2010
<u>Date(s) of Public Hearing:</u>	August 4, 2010
<u>Date of Decision:</u>	August 4, 2010
<u>Vote:</u>	5-0

Appeal #ZBA 2010-31 was opened before the Zoning Board of Appeals at Somerville City Hall on August 4, 2010. 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 extends the left side shed dormer by 7.4 ft towards the front of the house. The completed dormer will be 15.10 ft in length and will end approximately 15 ft from the front façade. The extension will create an additional 12.5 sf of livable space and will enable the owner to add a shower stall to an existing half bath. Two skylights are proposed on the roof of the dormer extension.

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 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. The use of the proposed area as a shower with skylights rather than windows will provide privacy for both structures. While Staff normally does not encourage shed dormers extending from the roof apex, Staff finds the design acceptable as it is an extension of the existing form. In addition, the 12.5 sf extension only increases floor area ratio to the third decimal place.

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. The proposal is also consistent with the purpose of the district, which is "[t]o establish and preserve medium density neighborhoods of one-, two- and three-family homes, free from other uses except those which are both compatible with and convenient to the residents of such districts."

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 style of the house would remain consistent with other structures on the street. The shed dormer extending from the roof apex is not a form typically recommended by Staff, but the presence of this type of dormer on the existing structure and on neighboring homes makes it acceptable. The impact on the structure's appearance from the street is negligible, since the close proximity of the adjacent structure acts as screen. The extension is also proportional and balanced with the existing dormer in the right side yard. The additional 12.5 sf will not significantly increase the mass of the structure.



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DECISION:

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Danielle Evans, Scott Darling and Elaine Severino. Upon making the above findings, Richard Rossetti 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 extension of an existing dormer within the non-conforming side yard and an increase in floor area ratio. 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>June 16, 2010</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>May 15, 2010</td><td>Plans submitted to OSPCD (Floor plans and elevations, sheets X1.3, X1.4, X3.1, A1.3, A1.4, A3.1)</td></tr><tr><td>June 15, 2010</td><td>Plans submitted to OSPCD (Site plan, sheet C1.0)</td></tr></table>				Date (Stamp Date)	Submission	June 16, 2010	Initial application submitted to the City Clerk's Office	May 15, 2010	Plans submitted to OSPCD (Floor plans and elevations, sheets X1.3, X1.4, X3.1, A1.3, A1.4, A3.1)	June 15, 2010	Plans submitted to OSPCD (Site plan, sheet C1.0)
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Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA 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 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	Plng.									



Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Acting Chairman*
Richard Rossetti, *Acting Clerk*
T.F. Scott Darling, III, Esq.
Danielle Evans
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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