



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

PLANNING DIVISION

***ZONING BOARD OF APPEALS MEMBERS***

HERBERT F. FOSTER, JR., *CHAIRMAN*  
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DANIELLE EVANS  
ELAINE SEVERINO (ALT.)  
JOSH SAFDIE (ALT.)

**Case #: ZBA 2010-41**

**Site: 30 Ivaloo Street**

**Date of Decision: October 6, 2010**

**Decision: *Petition Approved with Conditions***

**Date Filed with City Clerk: October 7, 2010**

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**ZBA DECISION**

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<b>Applicant Name:</b>	Michael Batterton
<b>Applicant Address:</b>	30 Ivaloo Street, Somerville, MA 02143
<b>Property Owner Name:</b>	Michael Batterton
<b>Property Owner Address:</b>	30 Ivaloo Street, Somerville, MA 02143
<b>Agent Name:</b>	N/A

<u>Legal Notice:</u>	Applicant and Owner, Michael Batterton, seeks a Special Permit under SZO §4.4.1 in order to increase floor area ratio and construct a 28.5 ft. shed dormer on the right side of the house.
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<u>Zoning District/Ward:</u>	RB zone/Ward 2
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	August 4, 2010
<u>Date(s) of Public Hearing:</u>	9/15 & 10/6/10
<u>Date of Decision:</u>	October 6, 2010
<u>Vote:</u>	5-0

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Appeal #ZBA 2010-41 was opened before the Zoning Board of Appeals at Somerville City Hall on September 15, 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. Case was opened and continued without testimony on September 15, 2010. After one hearing of deliberation on October 6, 2010, the Zoning Board of Appeals took a vote.



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## **DESCRIPTION:**

Applicant proposes to construct a 28.5 ft shed dormer on the southwest side with a 2 ft. setback from the front of the existing roof and a steep pitch. The dormer would be flush with the rear roof line to allow for installation of a 6 ft. French door and a new 8.5 ft. x 2 ft terrace with a railing. Two new windows would be installed to line up with and match the windows on the first and second floors. There would also be two Velux skydomes. The new dormer would allow for additional living space in an expanded bedroom, the creation of office space and a full bathroom.

## **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, 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 adjacent house. While Board normally does not encourage shed dormers extending from the roof apex, Board finds the design acceptable as it is an extension of the existing form. The applicant is working to make sure that there overhang in the rear roof line remains in some form. The Board will continue to work with the applicant on this detail. While Board would prefer the dormer to end two feet before the rear wall of the structure, this particular rear yard is screened in such a way that the rear of the dormer will not create any impact on neighboring properties. The increase in floor area ratio will not cause the structure to exceed the allowable FAR for a Residence B Zone.

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 "To 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 presence of shed dormers on neighboring homes and condominiums makes it an acceptable form. The impact of the expansion of the existing dormer on the structure's appearance from the street is minimal, as the close proximity of the adjacent structure acts as a screen and the dormer is toward the rear of the property. The impact of the new shed dormer will be reduced because it will be setback 2 ft. from the front face to maintain the gable roofline in the front of the home.



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**DECISION:**

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Danielle Evans and Josh Safdie with Scott Darling absent. 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 a new 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>August 10, 2010</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>August 25, 2010</td><td>Modified plans submitted to OSPCD</td></tr><tr><td>September 9, 2010</td><td>Modified plans submitted to OSPCD</td></tr></table>				Date (Stamp Date)	Submission	August 10, 2010	Initial application submitted to the City Clerk’s Office	August 25, 2010	Modified plans submitted to OSPCD	September 9, 2010	Modified plans submitted to OSPCD
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September 9, 2010	Modified plans submitted to OSPCD											
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 continue to work with Planning staff on the design of the rear of the dormer. If the applicant finds it possible to move the door to the center of the rear roof line, the applicant shall revise plans to pull the rear of the dormer back from the rear roof line by a minimum of two feet. Final design of this detail shall be subject to review and approval by Planning staff.	BP	Plng.									
4	The material and colors of siding on the dormer shall match the siding and colors of the existing structure.	BP	Plng..									
5	All construction materials and equipment must be stored onsite. If occupancy of the street layout is required, such occupancy must be in conformance with the requirements of the Manual on Uniform Traffic Control Devices and the prior approval of the Traffic and Parking Department must be obtained.	During Construction	T&P									
6	The Applicant shall contact Planning Board 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.									



7	Dormer shall have no less than a minimum roof pitch of four inches per foot. The Applicant shall provided necessary documentation to Planning staff to adequately describe proposed roof pitch.	BP	Plng.	
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Attest, by the Zoning Board of Appeals:

Herbert Foster, *Chairman*  
Orsola Susan Fontano, *Clerk*  
Richard Rossetti  
Danielle Evans  
Josh Safdie (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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