



CITY OF SOMERVILLE, MASSACHUSETTS

PLANNING BOARD

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Case #: ZBA2008-32

Site: 43 Russell Road

Date: August 13, 2008

Recommendation: Conditional Approval

PLANNING BOARD REPORT

Applicant Name: Lancer Contracting

Applicant Address: 71 Concord Ave, Belmont, MA 02478

Property Owner Name: Cynthia Dill and Boris Goldowsky

Property Owner Address: 43 Russell Road, Somerville, MA 02144

Alderman: Trane

Legal Notice: The applicant seeks Special Permit approval under SZO §4.4.1 for the alteration of a non-conforming structure in order to construct three dormers.

Zoning District/Ward: RA / 7

Zoning Approval Sought: Special Permit under SZO§4.4.1

Date of Application: June 23, 2008

Date(s) of Public Hearing: [Planning Board: 7/17/08, 8/7/08 / ZBA: 8/20/08]

Date of Decision: N/A

Vote: N/A

Dear ZBA members:

At its regular meeting on August 7, 2008 the Planning Board heard the above-referenced application. Based on materials submitted by the Applicant and the Staff recommendation, the Board voted (5-0), with Joseph Favaloro absent, to recommend **conditional approval** of the requested **Special Permit**.

In conducting its analysis, the Planning Board found:

I. PROJECT DESCRIPTION

1. Subject Property: The property is an approximately 3220 s.f. lot on which sits a 2.5 story, two unit, wood structure.

2. Proposal: The Applicant is proposing to extend an existing shed dormer and to construct two additional shed dormers from the roof ridge line to enlarge the space of two bedrooms. The dormer on the right side of the house would extend 12'5" towards the rear of the house from the existing dormer. The two proposed dormers on the left side of the house would be 12'5" wide in the rear and 10'3" wide towards the front of the house. The rear dormers will be set back approximately 4' from the rear roof line and the front dormer will be approximately 1' from the front roof line. The side roof line extends approximately a half foot beyond the side supporting wall which creates 1'6" of distance between the dormer bottom and the side roof line.

3. Nature of Application: The structure is currently nonconforming with respect to side and front yard setback requirements. The existing nonconformity requires the Applicant to obtain special permits under §4.4.1 of the Somerville Zoning Ordinance (SZO). Section 4.4.1 states that "[l]awfully existing one- and two-family dwellings which are only used as residences, which are nonconforming with respect to dimensional requirements, may be enlarged, extended, renovated or altered by special permit granted by the SPGA in accordance with the procedures of Article 5."

4. Surrounding Neighborhood: The subject property is located in an RA district. Reflective of the underlying RA zoning, the immediate neighborhood is predominantly residential, with a mix of one- and two-family homes.

5. Impacts on Abutting Properties: The dormer will add bulk to the structure and make it appear asymmetrical from the front.

5. Green Building Practices: None.

6. Comments:

Fire Prevention: Steve Keenan has been contacted and has yet to respond.

Alderman: Alderman Trane has been contacted and has yet to respond.

II. 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."

The Applicant requires a special permit under §4.4.1 of the SZO. Under §4.4.1, "The SPGA, as a condition of granting a special permit under this Section must find that such extension, enlargement, renovation or alteration is not substantially more detrimental to the neighborhood than the existing nonconforming structure."

The Board finds that the applicant has made a substantial effort to address concerns regarding the reduction in size, asymmetry and the appearance of the proposed dormers. The Board finds the dormers would not be substantially more detrimental to the surrounding neighborhood than the existing structure, as required under §4.4.1 of the SZO. The Board will condition strong trim features around the windows similar to the trim on the windows below the roof line.

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 Board finds that the proposal **is consistent** with the purposes set forth in Article 1 of the Zoning Ordinance, and with, to the extent possible for a lawful pre-existing nonconforming structure, those purposes established for the RA district in which the property is located, namely, "[t]o establish and preserve quiet neighborhoods of one- and two-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 Board finds that the proposal **is compatible** with the site and area as other houses in the neighborhood have similarly designed dormers. The proposed dormers would be dimensionally nonconforming in terms of the side and front yard set backs and the proposed conditions would help to mitigate any visual impact.

III. RECOMMENDATION

Special Permit under §4.4.1

Based on the above findings, the Planning Board recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT**.

The Board finds that this application complies with the requirements for granting a special permit as set forth under §5.1.4 and that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure.

Although the Planning Board is recommending approval of the requested Special Permit, the following conditions should be added to the permits:

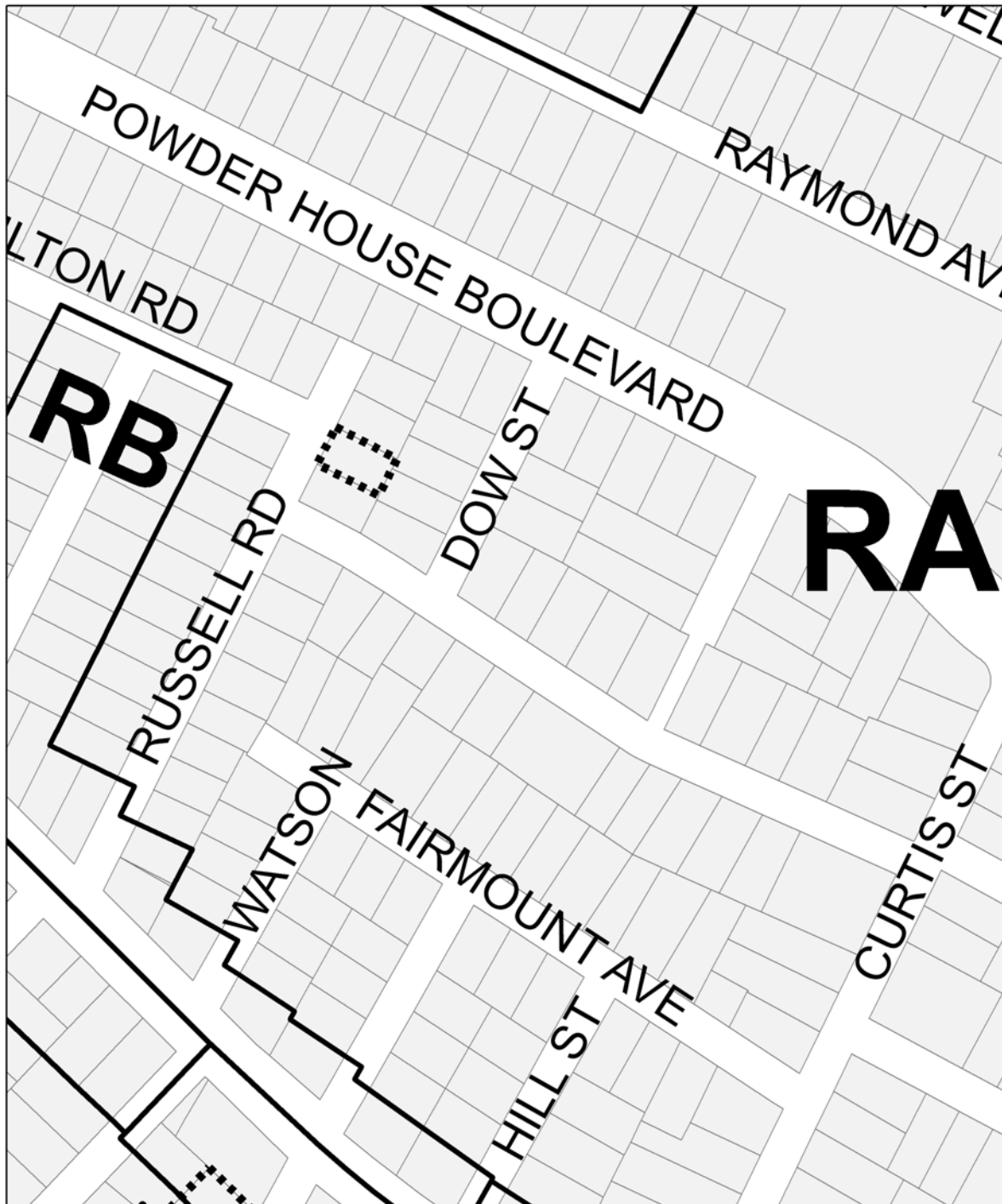
#	Condition		Timeframe for Compliance	Verified (initial)	Notes
1	Approval is to construct three shed dormers (two new dormers and one extension of an existing dormer). This approval is based upon the following application materials and the plans submitted by the Applicant and/or Agent:		Building Permit	Plng.	
	Date	Submission			

	June 23, 2008	Initial application submitted to the City Clerk's Office				
	July 17, 2008	Revised plans and elevations submitted to OSPCD (A1.0, A2.0, A2.2)				
	August 5, 2008	Revised rendering submitted to OSPCD (A5.0)				
Any changes to the approved site plan and elevations that are not di minimis must receive ZBA approval.						
2	The applicant shall provide a code compliant fire alarm system.		Building Permit	FP		
3	Additional window trim components similar to the existing windows below the roof line shall be incorporated into the design of the dormer windows.		CO	Plng.		
4	Siding of dormers shall be wood or fiber-cement siding and shall be painted a darker shade or color from that of the existing structure.		CO	Plng.		
5	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 Building Permit Signoff	Plng. / ISD		

Sincerely,



Kevin Prior
Chairman



43 RUSSELL ROAD