



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*
ORSOLA SUSAN FONTANO, *CLERK*
RICHARD ROSSETTI
T. F. SCOTT DARLING, III, ESQ.
DANIELLE EVANS
ELAINE SEVERINO (ALT.)
JOSH SAFDIE (ALT.)

Case #: ZBA #2010-06
Site: 47 Russell Road
Date of Decision: March 17, 2010
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: March 18, 2010

ZBA DECISION

Applicant Name:	Julia Lull & David Hayes
Applicant Address:	47 Russell Road, Somerville, MA 02144
Property Owner Name:	Julia Lull & David Hayes
Property Owner Address:	47 Russell Road, Somerville, MA 02144
Agent Name:	Bill Erickson, BFE Architects
Agent Address:	1840 Massachusetts Avenue, Lexington, MA 02420

Legal Notice: Applicants & Owners, Julia Lull & David Hayes, seek a Special Permit under SZO §4.4.1 to construct a dormer within the nonconforming side yard setback (8.5.H) and to expand the non-conforming floor area ratio (8.5.E).

<u>Zoning District/Ward:</u>	RA zone/Ward 7
<u>Zoning Approval Sought:</u>	§4.4.1, §8.5.H & §8.5.E
<u>Date of Application:</u>	February 9, 2010
<u>Date(s) of Public Hearing:</u>	March 17, 2010
<u>Date of Decision:</u>	March 17, 2010
<u>Vote:</u>	5-0

Appeal #ZBA 2010-06 was opened before the Zoning Board of Appeals at Somerville City Hall on March 17, 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.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722
www.somervillema.gov



DESCRIPTION:

The proposal is to add two dormers, one to each side of the house to add headroom for an existing bedroom and bathroom. The dormer on the right side of the house would extend up from the bay window and create a turret feature. There would be a shed dormer extending from bay towards the back of the house. The left side of the house would have a shed dormer and a bathroom ventilator penthouse that would appear to be a chimney. The length of the dormers would be 22 feet per side, which is just less than half of the length of the house.

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 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. As detailed in finding four below, the dormer is designed in an appropriate manner. The house would continue to be considered a 2 ½ story structure because the dormer's length is less than 50 percent of the length of the structure.

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 maintaining the uniquely integrated structure of uses in the City and conserving the value of land and buildings. Adding square feet that would be used to expand an existing bedroom and bathroom is consistent with the purpose of the RA district, which is to preserve quiet neighborhoods of one- and two-family homes.

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 dormer would be designed to be compatible with the built and unbuilt surrounding area. The dormer on the right side of the house would work with the bay window to add an interesting feature to the house. The turret would somewhat block the shed dormer behind it. Both of the shed dormers would start at the ridge; however, they would be set back slightly from the main wall of the house. They would have several windows that relate to the windows on the rest of the house. There appears to be ten feet between the houses on either side so privacy issues are most likely not a concern.

DECISION:

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Scott Darling and Elaine Severino with Danielle Evans absent. Upon making the above findings, Susan Fontano 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:



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722

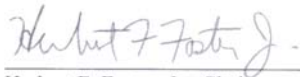
www.somervillema.gov

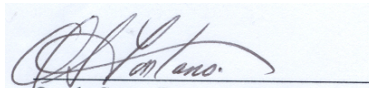


#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	Approval is for the construction of two 22± ft dormers that would add 262± sf of living space. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	Plng.							
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>Feb 9, 2010</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>Feb 9, 2010 – zoning submittal Feb 22 (Mar 1, 2010)</td><td>Modified plans submitted to OSPCD (existing floor plan, proposed floor plan, proposed elevations, building cross section)</td></tr></table>				Date (Stamp Date)	Submission	Feb 9, 2010	Initial application submitted to the City Clerk's Office	Feb 9, 2010 – zoning submittal Feb 22 (Mar 1, 2010)	Modified plans submitted to OSPCD (existing floor plan, proposed floor plan, proposed elevations, building cross section)
	Date (Stamp Date)				Submission					
	Feb 9, 2010				Initial application submitted to the City Clerk's Office					
Feb 9, 2010 – zoning submittal Feb 22 (Mar 1, 2010)	Modified plans submitted to OSPCD (existing floor plan, proposed floor plan, proposed elevations, building cross section)									
Any changes to the approved elevations that are not <i>de minimis</i> must receive ZBA approval.										
2	The Applicant or Owner shall submit information or samples of siding materials and color to Planning Staff for review and approval.	BP	Plng.							
3	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP							
4	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.							

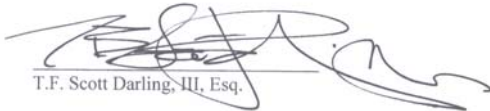



Attest, by the Zoning Board of Appeals:


Herbert F. Foster, Jr., Chairman


Orsola Susan Fontano, Clerk


Richard Rossetti


T.F. Scott Darling, III, Esq.


Elaine Severino, (Alt.)

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



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722

www.somervillema.gov



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 _____



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722

www.somervillema.gov

