



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 #2010-35
Site: 50-52 Waterhouse Street
Date of Decision: August 18, 2010
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: August 25, 2010

ZBA DECISION

Applicant Name:	Derick Snare
Applicant Address:	158 Central Street, Somerville, MA 02145
Property Owner Name:	50 H20, LLC
Property Owner Address:	37 Putnam Avenue, Cambridge, MA 02139
Agent Name:	Derick Snare
Agent Address:	158 Central Street, Somerville, MA 02145

Legal Notice: Applicant, Derick Snare and Owner, 50 H20 LLC, seeks a Special Permit under SZO §4.4.1 in order to construct third story on a two and a half story, three-unit structure within the required side-yard.

<u>Zoning District/Ward:</u>	RB zone/Ward 7
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	July 13, 2010
<u>Date(s) of Public Hearing:</u>	August 18, 2010
<u>Date of Decision:</u>	August 18, 2010
<u>Vote:</u>	5-0

Appeal #ZBA 2010-35 was opened before the Zoning Board of Appeals at Somerville City Hall on August 18, 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 hearings of deliberation, the Zoning Board of Appeals took a vote.



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DESCRIPTION:

The applicant is proposing to replace the existing 13 ft long gable dormer on the left side of the house with a 26 ft long shed dormer in order to expand the kitchen and bathroom in the third floor unit and provide adequate headroom for the second means of egress

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, the Board find that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The dormer is not expected to create any additional impacts on the house adjacent to the nonconforming side yard as there is an existing dormer in the same location. While the Board normally does not encourage shed dormers, especially replacing gable dormers, the Board finds the design acceptable as the dormer adheres to several of the dormer guidelines including setbacks from the roof apex and edges while providing a visually acceptable pitch and the inclusion of several windows. The applicant provided several different versions of the dormer including a large gable dormer, and a gable/shed hybrid dormer, but Board concluded this current design would have the least impact and was more visually appealing. The increase in floor area that the new shed dormer would provide over the gable dormer would be significant and create a second means of egress that meets current building code. The existing second egress has headroom in some parts of around 6 ft.

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 presence of shed dormers on the existing structure and on neighboring homes makes it an acceptable form. The impact on the structure's appearance from the street is minimal, as the close proximity of the adjacent structure acts as screen.



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DECISION:

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Danielle Evans and Scott Darling. 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:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	Approval is for the construction of a 26 ft dormer within the non-conforming left side-yard. 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>(7/13/2010)</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>7/28/2010 (7/30/2010)</td><td>Plans submitted to OSPCD (Floor plans and elevations, sheets 1-5)</td></tr></table>				Date (Stamp Date)	Submission	(7/13/2010)	Initial application submitted to the City Clerk's Office	7/28/2010 (7/30/2010)	Plans submitted to OSPCD (Floor plans and elevations, sheets 1-5)
	Date (Stamp Date)				Submission					
	(7/13/2010)				Initial application submitted to the City Clerk's Office					
7/28/2010 (7/30/2010)	Plans submitted to OSPCD (Floor plans and elevations, sheets 1-5)									
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 all 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.							
4	The Applicant shall limit construction work to the hours of 8am to 5pm Monday-Saturday and shall not do work on Sunday.	BP/CO	ISD							



Attest, by the Zoning Board of Appeals:

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

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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