



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

PLANNING DIVISION

ZONING BOARD OF APPEALS MEMBERS

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Case #: ZBA # 2010-82
Site: 11 Williams Court
Date of Decision: March 16, 2011
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: March 24, 2011

ZBA DECISION

Applicant Name:	Garrison & Emil Fewell
Applicant Address:	11 Williams Court, Somerville, MA 02143
Property Owner Name:	Garrison & Emil Fewell
Property Owner Address:	11 Williams Court, Somerville, MA 02143
Agent Name:	Shane Lois, Choo & Company, Inc.
Agent Address:	One Billings Road, Quincy, MA 02171

Legal Notice: Applicants and owners, Garrison and Emi Fewell, seek a special permit to alter a nonconforming structure under SZO §4.4.1 to raise the roof approximately two feet and construct a dormer on an existing two-family residence.

<u>Zoning District/Ward:</u>	RB zone/Ward 5
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	December 28, 2010
<u>Date(s) of Public Hearing:</u>	3/2 & 3/16/11
<u>Date of Decision:</u>	March 16, 2011
<u>Vote:</u>	5-0

Appeal #ZBA 2010-82 was opened before the Zoning Board of Appeals at Somerville City Hall on March 2, 2011. 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 two hearings of deliberation, the Zoning Board of Appeals took a vote.



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DESCRIPTION:

The Applicant is proposing to raise the roof of the structure approximately two feet to install two shed dormers, one on each side of the roof. The dormer on the west side of the building is proposed to be situated at the center of the structure and the east side dormer is proposed towards the front of the structure. No windows are proposed on the dormer on the west side because the existing structure is only 1.7 feet from the property line on this side. Four windows are proposed for the dormer on the east side of the building. The installation of the dormers will achieve two things. First, the dormer on the west side will allow for the necessary headroom to install a new, code compliant stairwell on the west side of the structure providing safer access to the third floor. Second, the dormers will allow for the creation of a full bathroom, closet and enhanced living space within the top story. The applicant is also proposing to remove one window on the ground floor and two on the second floor on the west side of the structure.

Upon completion of the entire building renovation, this structure will be converted from two-family dwelling to a single-family dwelling.

This application is a result of significant modification from an initial proposal that has more impacts on the design of the structure and the neighborhood. The Applicant has worked extensively with Staff going through several different possible designs solutions to alter the project to reach an outcome that could meet the needs of the applicant while meeting the required special permit findings.

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 finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The dormer on the west side of the structure is not expected to impact the dwelling adjacent to the nonconforming side yard. The dormer on this side will only be 12 feet 4 inches wide, will contain no windows, and will not greatly impact the light upon or views from the adjacent residence at 11 Linden Circle. Additionally, while the Board would prefer to see more than one window retained on the west side of the home, the proposed design would not be more detrimental to the neighborhood because the space between the homes of 11 Williams Court and 11 Linden Circle is only approximately five feet. The dormer proposed for the east side of the home will not be detrimental to the neighborhood either as it is over 17 feet away from the adjacent property line and contains four windows that are proportional to the existing windows on that side of the structure. Furthermore, the additional two feet the roof will be raised will not render the structure inconsistent with the other buildings on the street.

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 promoting "the health, safety, and welfare of the inhabitants of the City of Somerville; to provide for and maintain the uniquely integrated structure of uses in the City; to secure safety from fire, panic



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and other dangers; to provide adequate light and air; to conserve the value of land and buildings; to preserve the historical and architectural resources of the City; to encourage the most appropriate use of land throughout the City.”

The existing structure is a pre-existing nonconforming structure that is consistent with the purpose of the RB district. The RB district is designed 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 project will maintain the gable roof that currently exists on the structure which is consistent with the vast majority of the buildings in the neighborhood. The shed dormers, while not a form typically recommended by the Board, is a dormer type that is found on most structures in the area and is compatible with the neighborhood. The additional two feet the roof line will be raised will not render the structure inconsistent with other buildings on the street. The adjacent home at 11 Linden Court is taller than the existing structure, and this structure is therefore not a part of a group of homes with similar roof heights. Therefore, this higher roof will not be detrimental to the character of the neighborhood.

5. Adverse environmental impacts: The proposed use, structure or activity will not constitute an adverse impact on the surrounding area resulting from: 1) excessive noise, level of illumination, glare, dust, smoke, or vibration which are higher than levels now experienced from uses permitted in the surrounding area; 2) emission of noxious or hazardous materials or substances; 3) pollution of water ways or ground water; or 4) transmission of signals that interfere with radio or television reception.

No adverse impacts are anticipated from this project. The structure will be converted from a two-family dwelling to a single-family dwelling and will continue to be used for residential purposes. The proposed project will be providing the third floor of the structure with a bathroom and additional headroom.



DECISION:

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Scott Darling and Josh Safdie and Danielle Evans and Elaine Severino 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:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes										
1	Approval is to alter a nonconforming structure under SZO §4.4.1 to raise the roof approximately two feet and construct a dormer on an existing two-family residence. 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>(December 28, 2010)</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>December 22, 2008 (February 17, 2011)</td><td>Plot Plan</td></tr><tr><td>March 3, 2011 (March 7, 2011)</td><td>Proposed Plans (A-1.1b)</td></tr><tr><td>March 3, 2011 (March 7, 2011)</td><td>Proposed Elevations (A-1.2b)</td></tr></table>				Date (Stamp Date)	Submission	(December 28, 2010)	Initial application submitted to the City Clerk’s Office	December 22, 2008 (February 17, 2011)	Plot Plan	March 3, 2011 (March 7, 2011)	Proposed Plans (A-1.1b)	March 3, 2011 (March 7, 2011)	Proposed Elevations (A-1.2b)
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	March 3, 2011 (March 7, 2011)				Proposed Plans (A-1.1b)									
March 3, 2011 (March 7, 2011)	Proposed Elevations (A-1.2b)													
Any changes to the approved plans and elevations that are not <i>de minimis</i> must receive ZBA approval.														
2	The Applicant or Owner shall meet the Fire Prevention Bureau’s requirements.	CO	FP											
3	Siding, roofing, and materials of the dormers and the vertical addition shall match that of the existing structure. The applicant will retain and reinstall (or replicate if necessary) the decorative roof brackets on the front gable.	CO	Plng.											
4	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 sign off	Plng.											



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Attest, by the Zoning Board of Appeals:

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