



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

*MICHAEL F. GLAVIN*  
*EXECUTIVE DIRECTOR*

**PLANNING DIVISION STAFF**

GEORGE PROAKIS, *DIRECTOR OF PLANNING*  
LORI MASSA, *SENIOR PLANNER*  
ADAM DUCHESNEAU, *PLANNER*  
AMIE SCHAEFFER, *PLANNER*  
DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*

**Case #:** ZBA 2012-74

**Date:** September 27, 2012

**Recommendation:** Conditional Approval

---

**PLANNING STAFF REPORT**

---

**Site:** 24 Milton Street

**Applicant Name:** Nick Harty, Harty Construction

**Applicant Address:** 247 Haverhill Street, North Reading, MA 01864

**Property Owner Name:** Rafael Schloming

**Property Owner Address:** 24 Milton Street, Somerville, MA 02145

**Architect Name:** Al Weisz

**Architect Address:** 93 Hudson Street, Somerville, MA 02145

**Alderman:** Rebekah Gewirtz

Legal Notice: Applicant, Nick Harty of Harty Construction, and Owner, Rafael Schloming, seek a Special Permit to alter a nonconforming structure under SZO §4.4.1 to enlarge an existing dormer on the left side façade of a two-family dwelling.

Zoning District/Ward: Gewirtz / 6

Zoning Approval Sought: Special Permit §4.4.1

Date of Application: August 24, 2012

Dates of Public Hearing: Zoning Board of Appeals – **Wednesday, October 3, 2012**

---

**I. PROJECT DESCRIPTION**

1. Subject Property: The subject property is a 5,467 square foot lot with a two-family dwelling located in the Davis Square neighborhood, between Massachusetts Avenue and Elm Street. The dwelling is 2½ stories in height with a net floor area of 3,002 square feet and a floor area ratio of .55. The property

has a moderate amount of landscaping and onsite parking with a garage located at the rear of the property. The building is located in a Residence B district and abuts similar properties on either side.

There has been no prior zoning relief for the subject property.

2. Proposal: Applicant, Nick Harty of Harty Construction, and Owner, Rafael Schloming, propose to alter this two-family dwelling by enlarging a dormer in the half-story on the rear left side of the house. The roof configuration is moderately complex as the existing roof over the main house is a cross-gable and the rear addition has a gable roof at a lower height. The existing dormer is a small gable dormer located in the left rear quadrant of the main roof. This proposal would expand the existing gable dormer into a shed dormer and add 45 usable square feet to the half-story, which would become a media room. The floor area ratio would then become .56. From the peak of the rear gable, the dormer would extend left and align flush with the corresponding wall below, which will be used to support the additional weight of the dormer. The dormer would also extend to the edge of the rear gable, but the roofline of the original gable will remain existent though visibility will be minimal. The new shed dormer will not extend beyond the roofline of the cross gable on the left side of the house; therefore, the dormer will not be visible from the street. The new dormer will have three square awning windows located above the roofline of the original gable and will face toward the backyard. The windows will be 24" in width and 29" in height and will be situated side by side.



24 Milton Street:

*Left – front and left side façade*



*Right – rear façade*

3. Nature of Application: The structure is currently nonconforming with respect to multiple dimensional requirements including the left side yard setback. Under SZO §4.4.1 nonconforming structures can only alter a nonconformity by Special Permit. Therefore, the proposal to enlarge the gable dormer into a shed dormer within the 1.8 foot left side yard setback requires Special Permit approval.

4. Surrounding Neighborhood: The subject property is located in a Residence B district within the larger residential neighborhood of Davis Square, between Massachusetts Avenue and Elm Street. The surrounding neighborhood is moderately dense and composed of two-family and multi-family dwellings. The subject property abuts two-family dwellings on either side.

5. Impacts of Proposal: The proposal to expand the dormer into the entire left rear quadrant of the main roof will not be detrimental to the structure. The existing gable dormer has a window that looks

toward the abutting property; however, the design of the enlarged shed dormer has three square awning windows that face the backyard. The expansion of the dormer will not be visible from the street and does not compromise any character defining features of the building.

6. Green Building Practices: The Applicant has not indicated any green building practices as part of this application.

7. Comments:

*Fire Prevention:* Has been contacted but has not yet provided comments.

*Ward Alderman:* Alderman Gewirtz commented via email to Staff on 9/13/2012 that this project has her support.

*Wiring:* Requests that Staff determine where the service meters are located. The service meters are located in the driveway at the front right corner; the dormer expansion is proposed to be in the rear left corner.

## **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 Staff find 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 Permit.

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, Staff find that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The enlarged dormer would not be visible from the street and, as the windows are proposed to face toward the rear yard, the proposal will allow more privacy than the current gable dormer which has a window that looks to the abutting property.

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 protect health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to preserve the historical and architectural resources of the City; to encourage the most appropriate use of land throughout the City; and to preserve and increase the amenities of the municipality."

The proposal is consistent with the purpose of the Residence B district, §6.1.2, 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 design of the enlarged dormer in the left rear quadrant of the cross-gable roof is compatible with the built and unbuilt surrounding area. The enlarged dormer does not extend past the roofline of the cross-gable and will not be visible from the street due to the nature of the design. There will no longer be a window that faces the abutting property; instead three square awning windows will face the rear yard.

### III. RECOMMENDATION

#### Special Permit under §4.4.1

Based on the materials submitted by the Applicant, the above findings and subject to the following conditions, the Planning Staff recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT**.

The recommendation is based upon a technical analysis by Planning Staff of the application material based upon the required findings of the Somerville Zoning Ordinance, and is based only upon information submitted prior to the public hearing. This report may be revised or updated with new recommendations, findings and/or conditions based upon additional information provided to the Planning Staff during the public hearing process.

#	Condition	Timeframe for Compliance	Verified (initial)	Notes										
1	Approval is for a Special Permit to alter a nonconforming structure to enlarge an existing dormer on the left side façade of a two-family dwelling. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/PIng.											
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>(August 24, 2012)</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>July 5, 2012 (September 17, 2012)</td><td>Plot plan submitted to OSPCD</td></tr><tr><td>August 14, 2012 (September 17, 2012)</td><td>Site plan submitted to OSPCD (CO.15)</td></tr><tr><td>August 16, 2012 (September 17, 2012)</td><td>Existing &amp; proposed plans submitted to OSPCD (X1.25, A1.25, X3.2, &amp; A3.2)</td></tr></table>				Date (Stamp Date)	Submission	(August 24, 2012)	Initial application submitted to the City Clerk’s Office	July 5, 2012 (September 17, 2012)	Plot plan submitted to OSPCD	August 14, 2012 (September 17, 2012)	Site plan submitted to OSPCD (CO.15)	August 16, 2012 (September 17, 2012)	Existing & proposed plans submitted to OSPCD (X1.25, A1.25, X3.2, & A3.2)
	Date (Stamp Date)				Submission									
	(August 24, 2012)				Initial application submitted to the City Clerk’s Office									
	July 5, 2012 (September 17, 2012)				Plot plan submitted to OSPCD									
	August 14, 2012 (September 17, 2012)				Site plan submitted to OSPCD (CO.15)									
	August 16, 2012 (September 17, 2012)				Existing & proposed plans submitted to OSPCD (X1.25, A1.25, X3.2, & A3.2)									
Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval;														
New siding type and color, roofing, trim, and materials of the expanded dormer shall match or be complimentary to the rest of the existing structure;														
2	New siding type and color, roofing, trim, and materials of the expanded dormer shall match or be complimentary to the rest of the existing structure;	CO	PIng.											

3	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements; and	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.	

*24 Milton Street*