



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*

**Case #:** ZBA 2014-08

**Date:** March 13, 2013

**Recommendation:** Conditional Approval

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**PLANNING STAFF REPORT**

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**Site:** 37-39 Morrison Avenue

**Applicant & Owner Name:** Kimberly Mathai

**Applicant & Owner Address:** 3216 11<sup>th</sup> Avenue West Seattle, WA 98119

**Architect Name:** SFG Studios (Sharon Gaffney)

**Architect Address:** 72 Minot Street Reading, MA 01867

**Alderman:** Mark Niedergang

Legal Notice: Applicant and Owner, Kimberly Mathai, seek a Special Permit per SZO §4.4.1 to alter a nonconforming structure by extending an existing dormer, adding a 3<sup>rd</sup> floor rear deck, and window and door alterations. RA Zone. Ward 6.

Dates of Public Hearing: March 19, 2014

Please Note: This case was advertised as being in Ward 6, it is actually Ward 5. The case does not need to be re-advertised with the correct ward information.

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**I. PROJECT DESCRIPTION**

1. Subject Property: The subject property is a 3,000 square foot lot on Morrison Avenue outside of Davis Square. The property is a 2 ½ story, 3-family home.
2. Proposal: The proposal is to extend an existing dormer on the right side of the home from 11'-9" to 17'2" and create a 3<sup>rd</sup> floor rear deck. There are also by-right layout changes being made to the interior of the third floor unit. Within the third floor unit, an awkward storage area will be eliminated and both



bedrooms will increase in size. The window layout on the second floor will also be altered to allow for a kitchen renovation.

3. Green Building Practices: None listed on the application.

4. Comments:

*Fire Prevention*: Fire prevention has reviewed the plans and has no comments at this time.

*Engineering*: There is not an anticipated increase in stormwater expected post construction, engineering has no comments at this time.

*Ward Alderman*: The Alderman has reviewed the plans and has no comments at this time.

## **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 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."

Per SZO §4.4.1, a Special Permit is required to alter a non conforming structure. The dormer and window alterations are on a nonconforming side of the building at 3.2'. There is an 8' setback required. There are other by-right interior renovations being done to the home. The bedroom count will remain the same. The structure will still be considered a 2 ½ story post renovation since the dormer is less than 50% of the length of the roofline.

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.

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.

The proposal is consistent with the purpose of the district, which is, "to 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 neighborhood is residential in character, with many two- and three-family homes. The Somerville Community Path is nearby.

There are little to no impacts to this proposal. To improve the design of the dormer, a condition that of this report is to add a third window into the dormer, as evenly placed as possible. In addition, there is an added condition that the Applicant may resubmit a side elevation to better align the second floor windows, if possible.

### 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 per SZO §4.4.1 to alter a nonconforming structure by extending an existing dormer, adding a 3 <sup>rd</sup> floor rear deck, and window and door alterations. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/ Plng.									
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>February 13, 2014</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>February 12, 2014</td><td>Modified plans submitted to OSPCD (Plot Plan)</td></tr><tr><td>January 10, 2014</td><td>Modified plans submitted to OSPCD (Cover, A.01 Existing and Proposed Third Floor Plan, A.02 Front &amp; Right Elevation, A.03 Rear &amp; Left Elevation )</td></tr></table>				Date (Stamp Date)	Submission	February 13, 2014	Initial application submitted to the City Clerk's Office	February 12, 2014	Modified plans submitted to OSPCD (Plot Plan)	January 10, 2014	Modified plans submitted to OSPCD (Cover, A.01 Existing and Proposed Third Floor Plan, A.02 Front & Right Elevation, A.03 Rear & Left Elevation )
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Any changes to the approved elevations that are not <i>de minimis</i> must receive SPGA approval.												
Pre-Construction												

2	The Applicant will be required to demonstrate that the updated project plans meet the current City of Somerville stormwater policy. Utility, grading, and drainage plans/reports must be submitted to the Engineering Department for review and approval.	BP	Eng.	
<b>Construction Impacts</b>				
3	The Applicant shall at his expense replace any existing equipment (including, but not limited to street sign poles, signs, traffic signal poles, traffic signal equipment, wheel chair ramps, granite curbing, etc) and the entire sidewalk immediately abutting the subject property if damaged as a result of construction activity. All new sidewalks and driveways must be constructed to DPW standard.	CO	DPW	
4	All construction materials and equipment must be stored onsite. If occupancy of the street layout is required, such occupancy must be in conformance with the requirements of the Manual on Uniform Traffic Control Devices and the prior approval of the Traffic and Parking Department must be obtained.	During Construction	T&P	
<b>Design</b>				
5	New siding type and color, trim, and materials of the dormer shall match or be complimentary to the existing structure.	CO	Plng.	
6	Applicant will submit a revised elevation showing a third window in the dormer spaced as evenly as possible for review and approval by Planning Staff. The second floor windows should align if possible.	BP	Plng.	
7	The third story deck should match in material and finish to the existing rear decks.	CO	Plng.	
8	An exterior light and electrical receptacle is required for the deck (if there is no access to the ground).	Final sign off	Wiring Inspector	
<b>Miscellaneous</b>				
9	The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the building and all on-site amenities, including landscaping, fencing, lighting, parking areas and storm water systems, ensuring they are clean, well kept and in good and safe working order.	Cont.	ISD	
<b>Public Safety</b>				
10	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
<b>Final Sign-Off</b>				
11	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.	

