



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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LORI MASSA, *SENIOR PLANNER*

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DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*

**Case #:** ZBA 2011-45

**Date:** July 7, 2011

**Recommendation:** Conditional Approval

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**PLANNING STAFF REPORT**

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**Site:** 186 Pearl Street

**Applicant Name:** Derly Moraes

**Applicant Address:** 58 Elm Street, Framingham, MA 01701

**Property Owner Name:** Raymond Nardone

**Property Owner Address:** 186 Pearl Street, Somerville, MA 02145

**Alderman:** Bill Roche

Legal Notice: Applicant, Derly Moraes and owner, Raymond Nardone, seek a special permit to alter a nonconforming structure under SZO §4.4.1 to expand a dormer on an existing three-family residence. RB zone. Ward 1.

Zoning District/Ward: RB Zone / Ward 1

Zoning Approval Sought: Special Permit SZO §4.4.1

Date of Application: April 27, 2011

Date of Public Hearing: Zoning Board of Appeals – **July 13, 2011**

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**I. PROJECT DESCRIPTION**

1. Subject Property: The subject property is a 3,750 square foot lot with a three-family residence situated on it near the intersection of Pearl Street and McGrath Highway. The structure currently has 2,489 square feet of habitable space. The residence is 2½ stories high, not including the basement level, with a gable roof.

2. Proposal: The proposal is to extend an existing 17 foot long dormer on the right side of the structure 11 feet 6 inches towards the front façade. The expansion would make the dormer a total of 28 feet 6 inches long. The rear 12 feet of the existing dormer currently provide access to and down the rear egress stairs. This portion of the dormer is actually only the width the stairwell as can be seen in the photo below. The remaining 5 feet of the existing dormer comes directly off the peak of the main



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roof and provides additional headroom to access the rear egress stairwell. The proposed dormer expansion design would also come off the peak of the main roof and extend 11 feet 6 inches towards the front of the structure. The dormer extension will provide the headroom required per building code for the interior stairs that provide access to and from the third floor. As part of the dormer expansion, the Applicant would also like to remove the roof plate of the front facade beyond the existing downspout on the right side and extend the rear roof plate the length of the proposed dormer towards the front facade. There are currently no windows on the existing dormer but the Applicant is proposing to add three, double-hung windows onto the dormer in a style similar to those on the existing structure.

3. Nature of Application: This is a residential property within an RB district. The structure is currently nonconforming with respect to lot the minimum front and right side yard setbacks. The existing right side yard setback nonconformity requires the Applicant to obtain a special permit under Somerville Zoning Ordinance (SZO) §4.4.1 to alter a nonconforming structure to expand a dormer on an existing three-family residence.

4. Surrounding Neighborhood: The surrounding neighborhood is primarily comprised of single-, two, and three-family dwellings between 2½ and 3 stories with some commercial uses along McGrath Highway.

5. Impacts of Proposal: As proposed, the design of the dormer extension (Exterior Elevation (Side Elevation, SKA-3)) would give the rear portion of the structure a more prominent appearance than the front part of the building. By extending the rear roof plate forward and cutting back the roof plate of the front façade, an unbalanced look to the right side of the structure would be created. On the left side of the dwelling, the rear roof plate does not even extend the length of the existing dormer and it would seem odd to have the rear roof plate extend so far forward on the right side. Additionally, with the Applicant's proposed design, the right side of the structure will take on the appearance that it is a full 3 story structure. The building was originally designed as a 2½ story structure and while 3 story buildings are permitted in the RB district, this was not the original design intent for the building. Furthermore, Staff also feels that the window spacing on the proposed dormer extension could be improved to add more balance to the right façade.

While the Applicant applied for one dormer extension design style, and would prefer that this design be approved, the Staff prefers the alternative proposed design shown in Exterior Elevation (Side Elevation – Staff Edits, SKA-3). This proposed design has elements that are much more preferable in this particular case. The roof plate of the front façade is maintained as it currently sits on the right façade of the structure, as is the rear roof plate. Additionally, the proposed window spacing on the dormer extension helps to create more balance on this façade. While Staff's proposed design does reduce the size of some of the proposed windows, the design maintains the prominence of the front façade and its main roof lines. This particular design of the dormer extension is also more in harmony with state of the existing structure and would require less alteration to the right side façade than the Applicant's proposed design. Staff's proposed design would simply extend the existing dormer along the main roof line rather than alter a substantial portion of the right façade and help to maintain the 2½ story appearance of the building.

In any event, both designs of the dormer extension would not appear to be detrimental to the surrounding neighborhood. In both of the proposed design options, three windows would be added to the dormer which currently has none. These windows on the proposed dormer expansion help to add interest to the dormer and to the right side façade. Being of the same style window as those on the first and second floors of the existing structure also helps to relate the new windows to those on the rest of the dwelling. The house adjacent to 186 Pearl Street on the subject side of the property, 190 Pearl Street, is separated from the project by its driveway. Both dwellings currently have numerous windows that face each other,

therefore privacy is not a major concern. The subject property will remain a 2½ story, three-family residential use which is consistent with the surrounding neighborhood.

6. Green Building Practices: None indicated.

7. Comments:

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

*Ward Alderman:* Alderman Roche indicated in an email to Planning Staff that he had “met with the owner/occupant and fully supports this project.”

*Historic Preservation:* Has been notified but has not yet provided comments.



Existing Conditions



Rear Portion of Existing Dormer

## **II. 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 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 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 as conditioned. Privacy is not a concern as there are already multiple windows on the subject façades of 186 Pearl Street and the adjacent property, 190 Pearl Street. There are also no windows on the third floor of 190 Pearl Street and the addition of windows on the third floor of 186 Pearl Street will not worsen privacy issues between the two dwellings. The subject property will remain a 2½ story, three-family residential use which is consistent with the surrounding neighborhood.

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.”

One purpose of the ordinance is to preserve the historical and architectural resources of the City and this applies to this proposal. This house is not designated as a Local Historic District but it contributes to the architectural fabric of the City. The proposal would be consistent with the purpose of the RB district as an alteration to the three-family dwelling. However, the design of this particular dormer is discouraged because it could greatly alter the appearance of the structure in a negative manner. By removing the roof plate of the front façade beyond the existing downspout and extending the rear roof plate the length of the proposed dormer extension as shown in Exterior Elevation (Side Elevation, SKA-3), the design would not respect the architectural character of the original structure. Planning Staff would much rather see as much of the front façade’s roof plate preserved as illustrated in the elevation proposed by Staff, with edits shown in red (Exterior Elevation (Side Elevation – Staff Edits, SKA-3)). This is a more preferable design than the extension of the rear roof plate towards the front, which would be much longer than the rear roof plate on the left side of the structure. While there are dormers on many of the structures in the surrounding area, these respect the roof plates of the front façades of their structures.

Staff finds that either design for the proposed dormer extension, as conditioned, **is consistent** with the purposes established for the RB district in which the property is located, namely “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.” Staff finds that this dormer expansion, whether it is constructed with the Applicant’s proposed design or Staff’s proposed design, as conditioned, will not negatively impact the local neighborhood uses in the area.

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.”

There are dormers on many of the homes in the neighborhood that surround the subject property. However, Planning Staff finds that the dormer extension, as designed, appears too large and does not appear compatible with the design of the existing dwelling. Dormers should have the appearance that they are subordinate to the main roof lines and by not maintaining the roof plate of the front façade, the Applicant’s proposed design does not give the dormer a subordinate appearance. Furthermore, with the Applicant’s proposed design, the right side of the structure will take on the appearance that it is a full 3 story structure. The building was originally designed as a 2½ story structure and while 3 story buildings are permitted in the RB district, this was not the original design intent for the building.

Planning Staff has included conditions attached to the special permit that would dictate whether the dormer expansion is designed as the Applicant has proposed (Condition #2) or as Planning Staff has proposed (Condition #3). Planning Staff has left the decision as to which dormer extension design should be implemented to the Zoning Board of Appeals. As stated above, Staff would prefer to see the design implemented which maintains the roof lines of the front façade for as much of the structure as possible, as opposed to extending the rear roof line towards the front of the structure. If the Board chooses to accept Staff’s recommendation and desires the dormer extension design as drawn in Staff’s proposal, the Board should eliminate Condition #2 as part of the decision and the “Exterior Elevation (Side Elevation, SKA-3)” plan from Condition #1. However, if the Board prefers the dormer extension design as shown in the Applicant’s proposal, they should eliminate Conditions #3 and #4 from the list of conditions and the “Exterior Elevation (Side Elevation – Staff Edits, SKA-3)” plan from Condition #1.

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 environmental impacts are anticipated from this project. No new noise, lighting, glare, smoke, vibration, nor emissions of noxious materials nor pollution of water ways or ground water are anticipated as part of the proposal. The structure will remain a 2½ story, three-family dwelling and will continue to be used for residential purposes.

### III. RECOMMENDATION

#### Special Permit under §4.4.1 & 5.1

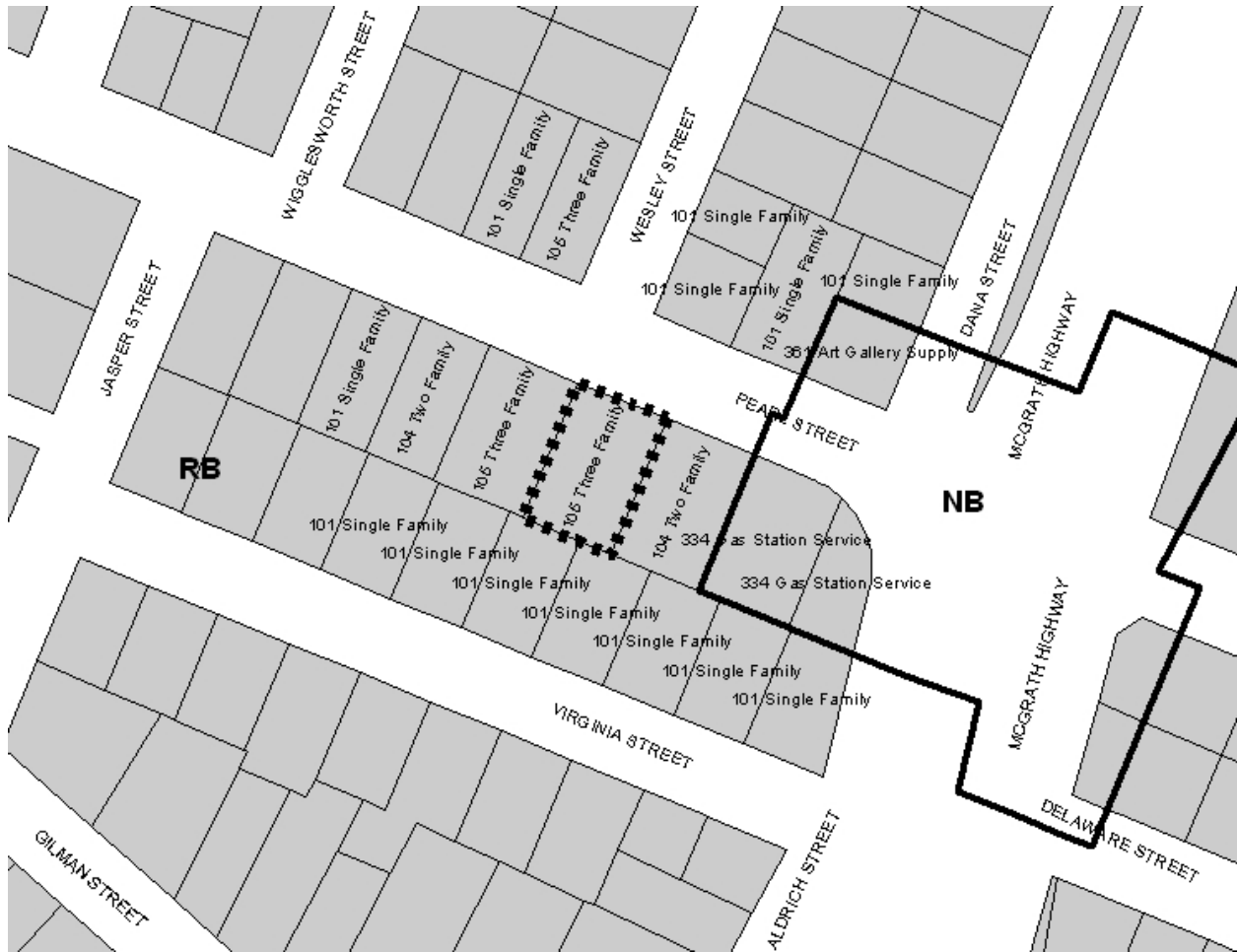
Based on the above findings and subject to the conditions below, the Planning Staff recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT**.

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 permit to alter a nonconforming structure under SZO §4.4.1 to expand a dormer on an existing three-family residence. 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>(April 27, 2011)</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>February 16, 2011 (July 1, 2011)</td><td>Plot Plan</td></tr><tr><td>July 5, 2011 (July 6, 2011)</td><td>Existing and Proposed Third Floor Plan</td></tr><tr><td>June 30, 2011 (July 1, 2011)</td><td>Exterior Elevation (Side Elevation, SKA-3)</td></tr><tr><td>June 30, 2011 (July 5, 2011)</td><td>Exterior Elevation (Side Elevation – Staff Edits, SKA-3)</td></tr></table>				Date (Stamp Date)	Submission	(April 27, 2011)	Initial application submitted to the City Clerk’s Office	February 16, 2011 (July 1, 2011)	Plot Plan	July 5, 2011 (July 6, 2011)	Existing and Proposed Third Floor Plan	June 30, 2011 (July 1, 2011)	Exterior Elevation (Side Elevation, SKA-3)	June 30, 2011 (July 5, 2011)	Exterior Elevation (Side Elevation – Staff Edits, SKA-3)
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Any changes to the approved elevations that are not <i>de minimis</i> must receive SPGA approval.																

2	The Applicant and Owner shall use the drawing entitled "Exterior Elevation (Side Elevation, SKA-3)" (stamped by OSPCD on July 1, 2011) for the design of the dormer extension.	Zoning Board of Appeals Hearing	Plng.	
3	The Applicant and Owner shall use the drawing entitled "Exterior Elevation (Side Elevation – Staff Edits, SKA-3)" (stamped by OSPCD on July 5, 2011) for the design of the dormer extension.	Zoning Board of Appeals Hearing	Plng.	
4	The Applicant shall submit an updated floor plan showing the location of the windows on the third floor in the design proposed by Planning Staff.	BP	Plng.	
5	The Applicant shall meet the Fire Prevention Bureau's requirements.	CO	FP	
6	The roofing, siding and trim on the subject dormer extension shall match that of the existing structure.	Final Sign Off	Plng.	
7	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.	





**186 Pearl Street**