



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

**Case #:** ZBA 2011-82  
**Date:** Nov 10, 2011  
**Recommendation:** Conditional Approval

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**PLANNING STAFF REPORT**

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**Site:** 40 Rogers Ave

**Applicant Name:** Walter Lorraine  
**Applicant Address:** 40 Rogers Ave, Somerville MA 02144  
**Property Owner Name:** Walter Lorraine  
**Property Owner Address:** 40 Rogers Ave, Somerville MA 02144  
**Agent Name:** None  
**Alderman:** Sean O'Donovan

Legal Notice: Applicant and Owner Walter Lorraine seeks a special permit to alter a nonconforming structure under SZO §4.4.1 to construct a three-story rear porch, alter windows on the front porch and side of the building and building a by-right dormer.

Zoning District/Ward: RA / 5

Zoning Approval Sought: Special Permit under SZO §4.4.1

Date of Application: Oct 18, 2011

Dates of Public Hearing: Zoning Board of Appeals - Nov 16, 2011

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**I. PROJECT DESCRIPTION**

1. Subject Property: The subject property is a two-family, 2 ½ story dwelling on a 3,440 sf lot. The Zoning Board approved the conversion of the house from a single-family to a two-family in 1976 for relief from the lot area per dwelling unit requirement.
2. Proposal: The proposal includes the following renovations to the two-family home. The Applicant will rebuild the two-story rear porch and add a third story. The porch will be shifted towards the middle of the house but stairs and a landing from the first to the second level will project out from the deck towards the nonconforming side yard. Sliding doors will be added to each level in the back of the



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house to access the porch. Existing windows in the rear of the property will be removed and a new window on the first and second floor will be added.

The Applicant will renovate the front porch by removing existing sliding windows and installing double hung windows that will wrap the porch. A skirt will also be added to the porch, which currently has shingles down to the ground.

On the north elevation, the Applicant will replace two double hung windows with small casement windows and replace two small casement windows with double hung windows. The scallop detail trim that currently exists on the windows will remain.

A by-right gable dormer will be installed on the south elevation to add headroom to an existing bedroom and new bathroom. The dormer will begin one foot from the ridge of the house and just less than 50% of the length of the roof to which it is attached.



*40 Rogers Ave: Front porch and nonconforming side yard (above), Existing rear porch (below)*



surrounding area is comprised of one-, two-, and three-family houses of similar form. The Brown School is located nearby.

3. Nature of Application: The structure is currently nonconforming with respect to the following dimensional requirements: lot area, lot area per dwelling unit, front and right side yard setback. The proposal alters the nonconforming side yard with the alteration of the rear porch, relocation of windows on the right side of the house, and alteration of the windows on the front porch.

The house is setback 3.5 feet from the side property line. The rear deck will be setback approximately 6 feet from the side property line. The minimum side yard setback in the district is 7 feet 5 inches. The rear yard will remain conforming at 26 feet.

The change in the windows along the right façade and the porch will not increase the nonconforming setbacks.

The alteration to the existing nonconformities requires the Applicant to obtain a special permit under §4.4.1 of the Somerville Zoning Ordinance (SZO).

The Floor Area Ratio will continue to be conforming with the slight increase in net floor area due to the dormer. The existing FAR is 0.60 and the proposed is 0.63 which is below the maximum in the district of 0.75.

4. Surrounding Neighborhood: The

5. Impacts of Proposal: The renovations to the house will not be detrimental to the structure. The front porch will have an improved appearance as it will be more open with additional windows that match the style of the other windows on the house. The rear porch will be a story taller but the bulk of the porch will be setback farther from the side yard than the existing porch. The windows on the right façade will continue to line up on the first and second floor and the two existing styles of windows will be simply changing locations. Overall the window configuration will not negatively impact the appearance of the façade.

The by-right dormer fits with the character of the house. There is an existing gable dormer on the right side of the house. The new gable dormer will be set down one foot from the ridge of the house and is less than 50% of the length of the side of the roof to which it is attached.

6. Green Building Practices: None listed on the application form.

7. Comments:

*Fire Prevention:* A code compliant fire alarm system shall be required.

*Ward Alderman:* Alderman O'Donovan is in support of the application.

*Wiring Inspector:* The Applicant shall install a new exterior light fixture and a new exterior electrical receptacle for each of the levels of the new outdoor deck space in compliance with the National Electrical Code 2011.

## **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 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, Staff find that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The rear porch will be a story taller but the bulk of the porch will be setback farther from the side yard than the existing porch. The window reconfiguration will not increase the nonconforming front and side yards.

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 maintaining the uniquely integrated structure of uses in the City and the purpose of the RA district by making an alteration to a residential structure.

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 alterations has been designed to be compatible with the built and unbuilt surrounding area. The front porch will have an improved appearance as it will be more open with additional windows that match the style of the other windows on the house. Also, the skirt on the porch is a typical porch detail that will define it as a porch. The windows on the right façade will continue to line up on the first and second floors and the two existing styles of windows will be simply changing location. Overall the window configuration will not negatively impact the appearance of the façade.

The by-right dormer fits with the character of the house. There is an existing gable dormer on the right side of the house. The new gable dormer will be set down one foot from the ridge of the house and is less than 50% of the length of the side of the roof to which it is attached.

**III. RECOMMENDATION****Special Permit under §4.4.1 & 5.1**

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 to construct a three-story rear porch and alter windows on the front porch and side of the building. 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>Oct 18, 2011</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>Oct 5, 2011</td><td>Plans submitted to OSPCD (Site Plan)</td></tr><tr><td>Oct 28, 2011</td><td>Modified plans submitted to OSPCD (A.1 Proposed &amp; Existing Floor Plans, A.2 Enlarged Floor Plans, A.3 Existing &amp; Proposed Exterior Elevations, A.4 Exterior Elevations, A.5 Sections)</td></tr></table>				Date (Stamp Date)	Submission	Oct 18, 2011	Initial application submitted to the City Clerk’s Office	Oct 5, 2011	Plans submitted to OSPCD (Site Plan)	Oct 28, 2011	Modified plans submitted to OSPCD (A.1 Proposed & Existing Floor Plans, A.2 Enlarged Floor Plans, A.3 Existing & Proposed Exterior Elevations, A.4 Exterior Elevations, A.5 Sections)
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Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.												
2	The Applicant shall install one new exterior light fixture and one new exterior electrical receptacle for the new outdoor deck space.	Final Sign Off	Wiring Inspector									
3	The Applicant shall install a code compliant fire alarm system.	Final Sign Off	Fire Prevention									

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.	
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