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MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2016-155

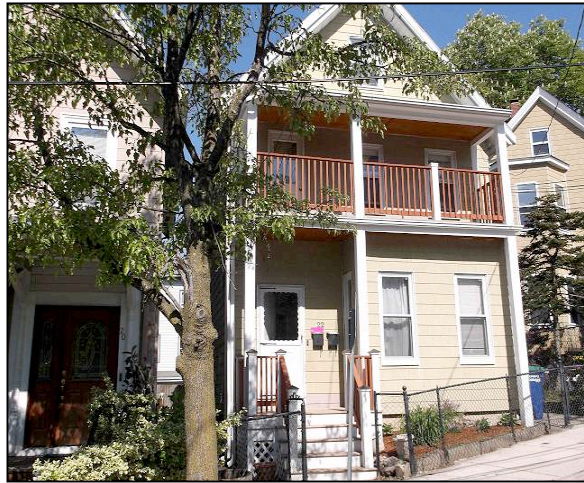
Date: February 1, 2017 February 15, 2017

Recommendation: Conditional Approval: right dormer
Unable to recommend: left dormer

PLANNING STAFF REPORT

Site: 22 Wesley Park

Applicant Name: Esmond Kane
Applicant Address: 22 Wesley Park, Somerville, MA 02143
Owner Name: Rosemary McDonough
Owner Address: 22 Wesley Park, Somerville, MA 02143
Alderman: Robert McWatters



Legal Notice: Applicant, Esmond Kane, and Owner, Rosemary McDonough, seek a Special Permit under §4.4.1 to alter a non-conforming property by constructing dormers in the side yard setbacks. RB zone, Ward 3.

Dates of Public Hearings: February 1, 2017 February 15, 2017

I. PROJECT DESCRIPTION

1. **Subject Property:** The subject property is a 2 ½-story two-family structure in the RB zone located on a 1,742 square foot lot. The property is located on the cul-de-sac portion of a dead-end street.
2. **Proposal:** The Applicant proposes to add two shed dormers, one on the right elevation and the other on the left elevation of the structure. The proposed dormers are 50% of the roof plane to which they are to be attached. The dormer on the right elevation is 50% of the length of the

roofline to which it is attached. Since their initial filing, the Applicant has modified the size of the left elevation dormer to be 8 feet, 9 inches in length, less than 50% of the roof plane to which it is attached. The modifications were made in response to staff concerns regarding the massing on the left elevation of the house, which is less than three feet from the property line and very close to the roof face of the abutting property.

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

4. **Comments:**

Ward Alderman: Robert McWatters has been sent a copy of this report.

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 §4.4.1 of the SZO. This section of the report goes through §4.4.1 in detail.

1. **Information Supplied:**

Staff finds that the information provided by the Applicant conforms to the requirements of §4.4.1 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."*

Section 4.4.1 states that "[l]awfully existing nonconforming structures other than one- and two-family dwellings may be enlarged, extended, renovated or altered only by special permit authorized by the SPGA in accordance with the procedures of Article 5. The SPGA must find that such extension, enlargement, renovation or alteration is not substantially more detrimental to the neighborhood than the existing nonconforming building. In making the finding that the enlargement, extension, renovation or alteration will not be substantially more detrimental, the SPGA may consider, without limitation, impacts upon the following: traffic volumes, traffic congestion, adequacy of municipal water supply and sewer capacity, noise, odor, scale, on-street parking, shading, visual effects and neighborhood character."

The Applicant proposes two shed dormers, one on each side of the main portion of the structure and each within a side yard setback. ~~Each dormer is proposed at 50% of the roof plane to which it is attached.~~ At 13 feet, the right dormer is proposed at 50% of the roof plane to which it is attached while the left dormer has been reduced from its original proposed length by approximately five feet. The left dormer is now proposed at 8 feet, 9 inches, a few feet less than 50% of the roof plane to which it is attached.

Staff finds that the dormer proposed for the right elevation would not be substantially more detrimental to the site or to the surrounding neighborhood. Though the dormer would be located within the setback, Staff finds there to be sufficient space **between this property and the abutting property to the right** to accommodate this addition. While Staff is pressed to find other houses on

the street with any sizable dormers, adding shed dormers – particularly on gabled roofs - in order to gain additional living space is a common practice throughout the City.

~~Staff finds that the dormer proposed for the left elevation would be substantially more detrimental to the neighborhood—in particular to the structure to the left of 22 Wesley Park—due to the proximity of the dormer to the abutting structure.~~ Staff acknowledges that the Applicant has made significant reductions in the length of the left elevation dormer since the initial application was submitted. This reduction helps in reducing the massing increase on this elevation. Staff has concerns about the proximity of the dormer massing to the roof plane of the property to the left of 22 Wesley Park. There is very little space between these two buildings and the increase in massing in this area is inconsistent with the rest of the neighborhood. At the same time, Staff acknowledge that the inclusion of this left elevation dormer might prove the only reasonable manner through which the ½ story space can be accessed without disrupting the entire interior of the unit's existing living space.

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."*

Staff finds that the proposal to construct the right elevation dormer is not inconsistent with the purpose of the district which is to "...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." Conversely, Staff finds that the proposal to construct the left elevation dormer is not "*compatible with and convenient to the residents of such districts*", particularly with regard to the residential structure to the left of 22 Wesley Park.

Staff makes no formal recommendation with regard to the left dormer and defers to the ZBA's discretion.

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."*

In considering a special permit under §4.4.1 of the SZO, Staff finds that, as noted earlier in this report, the inclusion of the right elevation dormer would not be substantially more detrimental to the site and area than the existing conditions, despite there appearing to be no other dormers of this size on the other gable-fronted houses on the street. As noted earlier, Staff does not find the left elevation dormer to be compatible with the site or the surrounding area, particularly with regard to the left abutting property. However, the construction of the left elevation dormer may prove the only reasonable means of creating access to the ½ story without re-configuring a significant portion of the existing second floor unit's interior.

5. Housing Impact: *Will not create adverse impacts on the stock of existing affordable housing.*

The proposal will not add to the existing stock of affordable housing.

6. SomerVision:

The proposal does not have an impact on SomerVision.

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** for the right elevation dormer and is **UNABLE TO RECOMMEND** the requested **SPECIAL PERMIT** for the left elevation dormer.

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 the construction of a right elevation dormer	BP/CO	ISD/Plng.							
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>December 5, 2016</td><td>Application submitted to City Clerk’s office.</td></tr><tr><td>February 2, 2017</td><td>Update left elevation submitted to OSPCD</td></tr></table>				Date (Stamp Date)	Submission	December 5, 2016	Application submitted to City Clerk’s office.	February 2, 2017	Update left elevation submitted to OSPCD
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February 2, 2017	Update left elevation submitted to OSPCD									
Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval. Whether or not a change is <i>de minimis</i> in nature must be determined by the Planning Office.										
Design										
2	The dormer shall be clad in the same material as the rest of the siding on the house.	CO	Planning Staff / ISD							
3	Some type of staff-approved window or staff-approved architectural element is required on the wall plane of the left dormer. Windows installed on the left elevation dormer CANNOT shall not be operable when three feet or less from the property line. The Applicant is required to work with ISD to determine the appropriate specifications for windows in this dormer.	BP with recheck at CO	Planning Staff / ISD							
4	Staff-approved windows, including their placement, are required on the wall plane of the right elevation dormer. Depending on the window placement, Staff may also require, review, and approve an appropriate architectural element.									
5	Any changes to the design, style, massing, form, elements, and materials of the shed dormers shall be submitted to and approved by Planning Staff (or, as necessary, the ZBA) prior to their execution on the building.	CP	Planning Staff / ISD							

6	Prior to the issuance of a building permit, the Applicant shall be required to submit an updated plan set to Planning Staff within 5 days of any ZBA approval. Proposed interior, right and left elevations in the plan set have not been properly updated since the length of the left elevation dormer was changed in the plan set.	BP	ISD/Planning	
7	All materials, including, but not limited to windows, exterior finishes, siding, and similar shall be submitted to, reviewed and approved by Planning Staff prior to the issuance of a building permit.	BP	ISD/Plng	
Construction Impacts				
8	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	
9	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	
10	The name(s) and contact information of all entities working on the site shall be posted in an easily-visible area at the job site.			
11	Construction shall be limited to M-F 7:30am – 5:00pm. No weekend construction or construction-related work shall occur.			
Public Safety				
12	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
13	All smoke detectors shall be hard-wired.	CO	Fire Prevention / ISD	
Final Sign-Off				
14	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.	