



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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**PLANNING DIVISION STAFF**

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DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*

**Case #:** ZBA 2016-65

**Date:** ~~September 21, 2016~~ **October 5, 2016**

**Recommendation:** ~~Denial~~ **Conditional Approval**

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**PLANNING STAFF REPORT**

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**Site:** 7 Westminster Street

**Applicant Name:** Kevin's Carpentry/Gabriel Hugon & Angela Garry

**Applicant Address:** 1 Hanson Road, Saugus, MA / 7 Westminster Street, Unit 3, Somerville, MA

**Owner Name:** Gabriel Hugon & Angela Garry

**Owner Address:** 7 Westminster Street, Unit 3, Somerville, MA

**Alderman:** Lance Davis



**Legal Notice:** Applicant, Kevin's Carpentry, and Owners, Gabriel Hugon & Angela Garry, seek a Special Permit under SZO §4.4.1 to add a dormer within the side yard setback to a legally-existing 3-unit residential structure. RA zone. Ward 6.

**Dates of Public Hearings:** ~~September 21, 2016~~ **October 5, 2016**

This staff report has been updated. Items that no longer apply have been ~~struck~~ and new information is **highlighted in yellow**.

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**I. PROJECT DESCRIPTION**

1. **Subject Property:** The subject property is the top floor unit in a 3-unit condo. This is a legally-existing 3-unit structure in the RA zone which only allows one-and-two family residential structures. Third stories or the equivalent thereof are not allowed in this zone.
2. **Proposal:** The Applicant proposes constructing a shed dormer that is ~~more than~~ **less than** 50% of

the roof plane to which it is attached.

**3. Green Building Practices:** None listed.

**4. Comments:**

Ward Alderman: Alderman Davis has been advised of this project.

**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. Though the Applicant has not provided, despite being required to, the measurements of the roof plane to which the proposed dormer is to be attached, it is clear to Staff from the drawings submitted that the proposed dormer is more than 50% of the roof plane to which it is attached. Staff received updated plans from the Applicant's architect that provide measurements for the proposed dormer and for the roof plan to which it will be attached. These new plans show that the proposed dormer will be less than 50% of the roof plane to which it will be attached.

**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."*

In considering a special permit under §4.4.1 of the SZO, Staff finds that the alterations proposed would **not** be substantially more detrimental to the neighborhood than those currently present on the existing structure.

~~This is an RA zone which only allows for one and two family residences and does not allow for third stories or the equivalent thereof. This property is already non-conforming with regard to lot area, floor area ratio, setbacks and occupancy.~~

~~Somerville does not allow dormers to measure more than 50% of the roof plane to which it is attached. The proposed shed dormer is more than 50% of the roof plane to which it is attached. The proposed shed dormer would effectively add a third story to this structure in a district where this is not allowed. The size~~

and form of the shed dormer is overwhelming on this structure, increasing the massing to a point that is inconsistent with the purposes of this district and with the scale and character of the neighborhood. The new renderings for the proposed dormer present a shed dormer whose size and scale is more consistent with the scale and massing of the house and the scale and character of such features in the 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."*

The proposal to add this large **more appropriately-sized** shed dormer is ~~inconsistent~~ **consistent** with the purpose of the RA 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."

**Because of the changes made to the proposed shed dormer,** the intensification of the existing non-conformity (3-family in a one- and two-family zone is ~~inconsistent~~ **now consistent** with this zoning district.

As noted earlier, Somerville does not allow dormers to measure more than 50% of the roof plane to which it is attached. The proposed shed dormer is more than 50% of the roof plane to which it is attached. The proposed shed dormer would effectively add a third story to this structure in a district where this is not allowed. The size and form of the shed dormer is overwhelming on this structure, increasing the massing to a point that is inconsistent with the purposes of this district and with the scale and character of the neighborhood. The Applicants should consider returning to the board with a significantly reduced dormer proposal that is less than 50% of the roofline to which it is attached and a dormer that is designed to be more compatible with the overall character, scale and features of the existing structure.

The Applicant's architect has submitted a proposal that reduces the proposed shed dormer to be less than 50% of the roof plane to which it will be attached. The size and massing of the dormer is more consistent with the size, scale and features of the existing structure as well as will the overall character, scale, and massing within the neighborhood.

**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 the alterations proposed would **not** be substantially more detrimental to the surrounding area for the reasons noted in items 1, 2, and 3 above.

**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.

### III. RECOMMENDATION

**Special Permit under §4.4.1**  
**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 the construction of one shed dormer	BP/CO	ISD/Plng.							
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>June 16, 2016</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>September 26, 2016</td><td>Final, correct plans submitted to OSPCD</td></tr></table>				Date (Stamp Date)	Submission	June 16, 2016	Initial application submitted to the City Clerk's Office	September 26, 2016	Final, correct plans submitted to OSPCD
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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	<u>Planning Staff and/or the Zoning Review Planner shall review the materials to be used for the cladding and trim on the house and shall approve such cladding and trim BEFORE it is installed by the Applicant/Owner.</u>	BP	Planning Staff / ISD							
3	Windows shall be one-over-one to be in keeping with the other windows on the first and second stories of the house.	CO	Planning Staff / ISD							
4	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.	CO	Planning Staff / ISD							
Construction Impacts										
5	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							

6	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>Public Safety</b>				
7	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
8	All smoke detectors shall be hard-wired.	CO	Fire Prevention / ISD	
9	Any new or enlarged windows within three feet or less of a setback shall be inoperable and fire-rated or of glass block as per building code.			
<b>Final Sign-Off</b>				
10	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.	