



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2014-50
Site: 72 Cedar Street
Date of Decision: July 16, 2014
Decision: Petition Approved with Conditions
Date Filed with City Clerk: July 24, 2014

ZBA DECISION

Applicant Name:	Derrick Snare
Applicant Address:	158 Central Street, Somerville, MA 02145
Property Owner Name:	Kathryn Craig & Wayne Widdison
Property Owner Address:	7 Holden Road, #2, Belmont, MA 02478
Agent Name:	N/A

Legal Notice: Applicant Derick Snare and Owners Kathryn Craig and Wayne Widdison seek a Special Permit under SZO §4.4.1 to alter a nonconforming two-family dwelling by adding a first floor addition and a third floor shed dormer.

<u>Zoning District/Ward:</u>	RB zone/Ward 5
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	June 12, 2014
<u>Date(s) of Public Hearing:</u>	July 16, 2014
<u>Date of Decision:</u>	July 16, 2014
<u>Vote:</u>	5-0

Appeal #ZBA 2014-50 was opened before the Zoning Board of Appeals at Somerville City Hall on July 16, 2014. Notice of the Public Hearing was given to persons affected and was published and posted, all as required by M.G.L. c. 40A, sec. 11 and the Somerville Zoning Ordinance. After one hearing of deliberation, the Zoning Board of Appeals took a vote.



DESCRIPTION:

The Applicant proposes to build an 84 square foot addition to first floor in the rear of the property and add a 20-foot long third floor shed dormer. The first-floor addition would have two south-facing windows and be topped with a deck with second-floor access. The dormer would contain a new bathroom and additional closet space, and would necessitate new stair access to the third floor. It would have one window from the bathroom, and two glass-block windows from each of the closets. New windows would also be added in several locations on the side and rear of the structure, as well as second-floor French doors to access the deck.

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 Board 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."*

Under SZO §4.4.1, an existing single or two-family dwelling may alter a nonconformity through the granting of a Special Permit. Therefore, due to the existing nonconforming right (north) side yard setback (about 1.6-4.6 feet versus 8 feet minimum allowed), low pervious and landscaped area (12% each, versus 25% minimum landscaped area and 35% minimum pervious area allowed), short street frontage (36 feet versus 50 feet allowed) and the small lot size (2,880 square feet versus 7,500 square feet allowed), the proposed change, to enlarge the existing rear addition to create a dining area, requires a Special Permit.

In considering a Special Permit under §4.4 of the SZO, the Board finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The changes proposed will minimally increase the habitable space and not affect the streetscape, or negatively impact the adjacent property. The proposed enlarged addition will look into the side yard and would remain as one story. Other than existing nonconforming characteristics of the property, the proposal would comply with ground coverage (40%) and floor area ratio (0.68), and would not further exacerbate nonconforming aspects of the 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; to protect health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to conserve the value of land and buildings; and to encourage the most appropriate use of land throughout the City.

The proposal is consistent with the purpose of the RB district, which is, "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."



The proposal to add habitable space through a small single-story rear addition and third floor shed dormer will enable the occupants to add a dining room and an additional bathroom. The addition is contextual to the existing structure and to surrounding properties. This proposal would not negatively impact the streetscape, nor be detrimental to adjacent properties.

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 parcel is located in a Residence B zoning district near Porter Square. The surrounding Residential B and adjacent Residential A zoning districts are composed of one, two and three-family dwellings and a few larger apartment buildings along Cedar Street. The surrounding dwellings along Cedar Street are predominantly similar in that they are gable-end, 2½ story structures.

The additional living space will have minimal to no impact on abutters (the proposed dormer would be positioned such that the glazed window will be offset from the abutter's window, and the glass block windows will not allow views into the abutter's bathroom), will not affect the streetscape, and minimally enlarges the existing footprint. The first-floor addition will overlook the side and back yard, and the shed dormer will mimic the form of the structure next door, which applied for and received a Special Permit for a dormer addition in 2009, also with one regular window and a glass block window. Proposed alterations to the building will enhance the interior plan through the addition of a dining area and bathroom, and is contextual with the existing structure.

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

8. SomerVision Plan: *Complies with the applicable goals, policies and actions of the SomerVision plan, including the following, as appropriate: Preserve and enhance the character of Somerville's neighborhoods, Transform key opportunity areas, Preserve and expand an integrated, balanced mix of safe, affordable and environmentally sound rental and homeownership units for households of all sizes and types from diverse social and economic groups; and, make Somerville a regional employment center with a mix of diverse and high-quality jobs.*



DECISION:

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Danielle Evans and Elaine Severino. Upon making the above findings, Susan Fontano made a motion to approve the request for a Special Permit. Richard Rossetti seconded the motion. Wherefore the Zoning Board of Appeals voted **5-0** to **APPROVE** the request. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes								
1	Approval is for the first floor addition and third floor shed dormer. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/PIng.									
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>6/12/14</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>(6/18/14)</td> <td>Plans submitted to OSPCD (Existing: Floor plans, elevations, sections; Proposed: Floor plans, elevations, sections.)</td> </tr> <tr> <td>(7/8/14)</td> <td>Revised plans submitted to OSPCD (Existing: Floor plans, elevations, sections; Proposed: Floor plans, elevations, sections.)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	6/12/14	Initial application submitted to the City Clerk's Office	(6/18/14)	Plans submitted to OSPCD (Existing: Floor plans, elevations, sections; Proposed: Floor plans, elevations, sections.)	(7/8/14)	Revised plans submitted to OSPCD (Existing: Floor plans, elevations, sections; Proposed: Floor plans, elevations, sections.)
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Any changes to the approved plans that are not <i>de minimis</i> must receive SPGA approval.												
Pre-Construction												
2	Has been contacted and explained that the Engineering Office will need a letter from the design engineer summarizing the work and indicating any potential impacts from the project on stormwater runoff. If no impacts are intended it needs to be stated in the letter and acknowledged that any impacts to abutters or adjacent properties after the fact will be remedied by the owner at no cost to the City. This letter, to be kept on file in this office, should be enough to satisfy the engineering requirements.	BP	Eng.									
Construction Impacts												
3	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									
Design												
4	The new siding, trim, and other exterior wall details shall match or be complimentary to the existing in size, color and detail.	CO	PIng.									



5	An exterior light and electrical receptacle is required for the first (or all) level of the porch and an electrical receptacle is required for the second level (if there is no access to the ground).	Final sign off	Wiring Inspector	
Public Safety				
6	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
Final Sign-Off				
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.	
8	The Applicant shall work with Planning Staff for review and approval of a plan that meets the 25% landscaping requirement by removing impervious area in the rear yard.	BP	Plng.	
9	The Applicant shall submit revised dormer elevations to Planning Staff for review and approval.	BP	Plng.	



Attest, by the Zoning Board of Appeals:

Herbert Foster, *Chairman*
Orsola Susan Fontano, *Clerk*
Richard Rossetti
Danielle Evans
Elaine Severino

Attest, by the Administrative Assistant:

Dawn M. Pereira

Copies of this decision are filed in the Somerville City Clerk's office.
Copies of all plans referred to in this decision and a detailed record of the
SPGA proceedings are filed in the Somerville Planning Dept.

CLERK'S CERTIFICATE

Any appeal of this decision must be filed within twenty days after the date this notice is filed in the Office of the City Clerk, and must be filed in accordance with M.G.L. c. 40A, sec. 17 and SZO sec. 3.2.10.

In accordance with M.G.L. c. 40 A, sec. 11, no variance shall take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title.

Also in accordance with M.G.L. c. 40 A, sec. 11, a special permit shall not take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and either that no appeal has been filed or the appeal has been filed within such time, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The person exercising rights under a duly appealed Special Permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone.

The owner or applicant shall pay the fee for recording or registering. Furthermore, a permit from the Division of Inspectional Services shall be required in order to proceed with any project favorably decided upon by this decision, and upon request, the Applicant shall present evidence to the Building Official that this decision is properly recorded.

This is a true and correct copy of the decision filed on _____ in the Office of the City Clerk, and twenty days have elapsed, and

FOR VARIANCE(S) WITHIN

_____ there have been no appeals filed in the Office of the City Clerk, or
_____ any appeals that were filed have been finally dismissed or denied.

FOR SPECIAL PERMIT(S) WITHIN

_____ there have been no appeals filed in the Office of the City Clerk, or
_____ there has been an appeal filed.

Signed _____ City Clerk Date _____

