



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
**JOSEPH A. CURTATONE**  
**MAYOR**

MICHAEL F. GLAVIN  
EXECUTIVE DIRECTOR

PLANNING DIVISION

**ZONING BOARD OF APPEALS MEMBERS**

ORSOLA SUSAN FONTANO, CHAIRMAN  
RICHARD ROSSETTI, CLERK  
DANIELLE EVANS  
ELAINE SEVERINO  
JOSH SAFDIE  
ANNE BROCKELMAN, (ALT.)

**Case #: ZBA 2015-18**  
**Site: 18-20 Chandler Street**  
**Date of Decision: August 19, 2015**  
**Decision: Petition Approved with Conditions**  
**Date Filed with City Clerk: August 24, 2015**

---

**ZBA DECISION**

---

<b>Applicant Name:</b>	Paul Lavelle
<b>Applicant Address:</b>	194 Waltham Street, Lexington, MA 02421
<b>Property Owner Name:</b>	Paul Lavelle
<b>Property Owner Address:</b>	194 Waltham Street, Lexington, MA 02421
<b>Agent Name:</b>	N/A

Legal Notice: Applicant and Owner, Paul Lavelle, seeks a Special Permit to alter a nonconforming 4-family structure to build an approx. 565 sf addition, dormers, and a rear 2-story porch.\*

<u>Zoning District/Ward:</u>	RA zone/Ward 6
<u>Date of Application:</u>	April 2, 2015
<u>Date(s) of Public Hearing:</u>	5/6, 5/20, 6/24, 7/15, 8/5 & 8/19/15
<u>Date of Decision:</u>	August 19, 2015
<u>Vote:</u>	4-0

\*The approved project includes a 467 square foot addition and 2 dormers.

---

Appeal #ZBA 2015-18 was opened before the Zoning Board of Appeals at the Somerville High School Auditorium on May 6, 2015. 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 four hearings of deliberation, the Zoning Board of Appeals took a vote.



**DESCRIPTION:**

The original proposal was to add an approximately 565 square foot addition to the third floor of the structure, and construct two 10.6 foot and two 13.4 foot shed dormers and a rear deck.

After the May 6 ZBA meeting the Applicant met with neighbors and made the following changes to the plans:

- A. Removed the rear decks to address concerns of noise and privacy.
- B. The rear garden will be landscaped to improve the aesthetics of the area by adding planting bushes and scrubs.
- C. Added closets to the 3<sup>rd</sup> floor area hallway space thus increasing the storage for residents and clearly defining the area as a hallway to the back bedroom. There were concerns raised that this hallway could be used as a bedroom

The Board approved the proposal without the rear decks and two front dormers.

**FINDINGS FOR SPECIAL PERMIT (SZO §):**

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."*

The addition to the floor area will conform to the setback requirements. The dormers width will be less than half of the width of the roof to which they are attached. The dormers will also be pulled in from the main wall of the house and down from the ridge.

The parking requirement stays the same because the units will be two-bed units and the parking requirements for one- and two- bedroom units are the same.

The structure is currently nonconforming with respect to dimensional requirements, including minimum lot area, lot area per dwelling unit, front setback, pervious and landscaped area and floor area ratio.

The proposal will impact the following nonconforming dimensions: pervious and landscaped area and floor area ratio. The landscaped and pervious area is currently nonconforming at 22% and will remain the same. The floor area ratio is 0.81 and with the approved proposal it will be 0.89; the maximum allowed in the district is 0.75.

These alterations to a nonconforming structure requires the Applicant to obtain special permits under §4.4.1 of the Somerville Zoning Ordinance (SZO). 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 of the SZO, the Board finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure without the rear porches and front dormers. The addition has been designed to have the same roof pitch as the main body of the house and a 54.5 foot depth of a house with a compliant rear yard is not an unreasonable request. The dormers have been broken up with one on each side and pulled back from the main wall and ridge of the house so that they do not overwhelm the roof 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 maintaining the uniquely integrated structure of uses in the City.

The proposal is consistent with the purpose of the RA district, which is, “[t]o 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. The alteration to the existing 4-family structure that does not increase the footprint of the house, despite the number of units, is consistent with the purpose of the district in adding a small addition to two residential units.

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 surrounding houses are mainly one-, two-, and three-family houses with rear additions. The design of the proposal is compatible with the house as is outlined in finding 2 above.

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

The improvements to the two dwelling units will not significantly impact the affordability of them.

7. 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. The areas in the SomerVision map that are designated as enhance and transform should most significantly contribute towards the SomerVision goals that are outlined in the table below. The areas marked as conserve are not expected to greatly increase the figures in the table since these areas are not intended for large scale change.*

This property is marked as an area to conserve and the proposal meets this goal.

<i>SomerVision Summary</i>	<i>Existing</i>	<i>Proposed</i>
<i>Dwelling Units:</i>	4	4



**DECISION:**

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Danielle Evans and Elaine Severino with Josh Safdie absent. Upon making the above findings, Richard Rossetti made a motion to approve the request for a Special Permit. Danielle Evans seconded the motion. Wherefore the Zoning Board of Appeals voted **4-0** to **APPROVE** the request. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes												
1	Approval is for the construction of a rear addition, and 2 dormers. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/ Plng.													
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>Apr 2, 2015</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>April 1, 2015</td> <td>Plans submitted to OSPCD (Plot Plan)</td> </tr> <tr> <td>Jun 15, 2015</td> <td>Plans submitted to OSPCD (Z1, Z2, Z3 Zoning Compliance, A0 Dimensional, A1, A3-A4 elevations, EC1 Existing elevations)</td> </tr> <tr> <td>Jun 15, 2015 (August 13, 2015)</td> <td>Plans submitted to OSPCD (A0 Landscaping)</td> </tr> <tr> <td>August 13, 2015</td> <td>Plans submitted to OSPCD (A2 Attic Floor Plan)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	Apr 2, 2015	Initial application submitted to the City Clerk's Office	April 1, 2015	Plans submitted to OSPCD (Plot Plan)	Jun 15, 2015	Plans submitted to OSPCD (Z1, Z2, Z3 Zoning Compliance, A0 Dimensional, A1, A3-A4 elevations, EC1 Existing elevations)	Jun 15, 2015 (August 13, 2015)	Plans submitted to OSPCD (A0 Landscaping)	August 13, 2015	Plans submitted to OSPCD (A2 Attic Floor Plan)
	Date (Stamp Date)				Submission											
	Apr 2, 2015				Initial application submitted to the City Clerk's Office											
	April 1, 2015				Plans submitted to OSPCD (Plot Plan)											
	Jun 15, 2015				Plans submitted to OSPCD (Z1, Z2, Z3 Zoning Compliance, A0 Dimensional, A1, A3-A4 elevations, EC1 Existing elevations)											
	Jun 15, 2015 (August 13, 2015)				Plans submitted to OSPCD (A0 Landscaping)											
August 13, 2015	Plans submitted to OSPCD (A2 Attic Floor Plan)															
Any changes to the approved elevations that are not <i>de minimis</i> must receive SPGA approval.																
2	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													
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													



4	New siding type and color, roofing, trim, and materials of the addition shall match or be complimentary to the rest of the existing structure.	CO	Plng.	
5	Applicant shall install proper fire (smoke/carbon monoxide) protection in the addition as is satisfactory to Fire Prevention.	CO	FP	
6	The front two 10' 7" dormers shall not be constructed.	During Construction	ISD/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.	



Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chairman*  
Richard Rossetti, *Clerk*  
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 \_\_\_\_\_

