



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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BRANDY BROOKS (ALT.)

Case #: ZBA 2014-44
Site: 12 Gilman Terrace
Date of Decision: June 18, 2014
Decision: Petition Approved with Conditions
Date Filed with City Clerk: June 25, 2014

ZBA DECISION

Applicant Name:	Shawna MacDonald & Christian Psuik
Applicant Address:	12 Gilman Terrace, Somerville, MA 02145
Property Owner Name:	Shawna MacDonald & Christian Psuik
Property Owner Address:	12 Gilman Terrace, Somerville, MA 02145
Agent Name:	N/A

Legal Notice: Applicant, Christian Psuik, and Owners, Shawna MacDonald and Christian Psuik, seek a Special Permit under SZO §4.4.1 to alter a non-conforming, two-family dwelling through the addition of a second dormer and a rear second-story deck. RB zone. Ward 1.

<u>Zoning District/Ward:</u>	RB zone/Ward 1
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	May 15, 2014
<u>Date(s) of Public Hearing:</u>	June 18, 2014
<u>Date of Decision:</u>	June 18, 2014
<u>Vote:</u>	5-0

Appeal #ZBA 2014-44 was opened before the Zoning Board of Appeals at the Argenziano School Cafeteria on June 18, 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.



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DESCRIPTION:

The proposal is to construct an eight foot dormer on the north roof plane to create head room for a bathroom. This shed dormer will be located behind a small gable dormer, located near the front elevation, and retain four feet from the eaves. The dormer will have a non-combustible glass block to allow light. The proposal is also to construct a second story rear deck, 8.5'x13.5', to be accessible through a new sliding door.

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 location of the proposed dormer and second story rear deck within the right side yard setback, a Special Permit is required.

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 addition of a dormer on the right side roof plan will have a minimal impact on abutters as there will not be a window due to the property line located within 1.5 feet. The second-story rear deck will look onto the adjacent building, but does not negatively affect the adjacent property due to window locations at the rear of the adjacent building. The proposed alterations will allow the occupants to better utilize the interior arrangement of the unit. Alterations will have minimal to no impact on abutters and will retain the character of the building. Other than the right side yard setback and ground coverage (55%), the proposal is in compliance with landscape (35%) pervious area (35%), and floor area ratio (0.89).

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 I, 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 encourage the most appropriate use of land throughout the City; to encourage housing for persons of all income levels; and to preserve and increase the amenities of the municipality."

The proposal is consistent with the purpose of the RB district, §6.1.2, 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 is to construct a second dormer on the right side roof plane as well as construct a second-story rear deck. The proposed alterations will minimally impact the streetscape and the abutters while enabling the occupants to better utilize the interior.



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, just north of City Hall. The surrounding buildings are single, two- and three-family dwellings. The nearby dwellings are predominantly similar gable-ended structures of 2½ stories.

The addition of a second dormer on the right side roof plan will have a minimal impact on abutters as there will only be glass block for light. The rear deck will look to the adjacent dwelling, but will not negatively impact this structure. The proposed alterations will have minimal to no impact on abutters and will retain the character of the building as well as the streetscape.

5. Housing Impact: The proposal will not create adverse impacts on the stock of existing affordable housing.

6. 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 proposal will preserve the character of the neighborhood as the dormer does not alter the roof form and the deck does not affect character-defining features of the structure.

DECISION:

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Elaine Severino and Josh Safdie with Danielle Evans and Brandy Brooks absent. 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 a Special Permit to alter a non-conforming, two-family dwelling through the addition of a second dormer and a rear second-story deck. 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>May 15, 2014)</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>June 5, 2013 (June 10, 2014)</td> <td>Plot plan submitted to OSPCD</td> </tr> <tr> <td>(June 13, 2014)</td> <td>Existing and Proposed Elevations and interior plan submitted to OSPCD</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	May 15, 2014)	Initial application submitted to the City Clerk’s Office	June 5, 2013 (June 10, 2014)	Plot plan submitted to OSPCD	(June 13, 2014)	Existing and Proposed Elevations and interior plan submitted to OSPCD
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(June 13, 2014)	Existing and Proposed Elevations and interior plan submitted to OSPCD											
Any changes to the approved elevations that are not <i>de minimis</i> must receive SPGA approval.												



Design				
2	New siding type and color, roofing, trim, and materials of the dormer shall match or be complimentary to the rest of the existing structure.	BP	Plng.	
Public Safety				
3	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	
4	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
Final Sign-Off				
5	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:

Herbert Foster, *Chairman*
Orsola Susan Fontano, *Clerk*
Richard Rossetti
Elaine Severino
Josh Safdie

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 _____

