



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2014-127
Site: 30 Hancock Street
Date of Decision: February 4, 2015
Decision: Petition Approved with Conditions
Date Filed with City Clerk: February 18, 2015

ZBA DECISION

| | |
|--------------------------------|---|
| Applicant Name: | Paul Shannon |
| Applicant Address: | 30 Hancock Street, Somerville, MA 02144 |
| Property Owner Name: | Paul Shannon |
| Property Owner Address: | 30 Hancock Street, Somerville, MA 02144 |
| Agent Name: | N/A |

Legal Notice: Applicant, Paul Shannon, and Owner, Paul Shannon, Diane Adler, & Mary Dyou, seek a Special Permit to lengthen an existing dormer.

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|-----------------------------------|---------------------|
| <u>Zoning District/Ward:</u> | RB zone/Ward 6 |
| <u>Date of Application:</u> | December 18, 2014 |
| <u>Date(s) of Public Hearing:</u> | 1/21, 1/29 & 2/4/15 |
| <u>Date of Decision:</u> | February 4, 2015 |
| <u>Vote:</u> | 5-0 |

Appeal #ZBA 2014-127 was opened before the Zoning Board of Appeals at Somerville City Hall on January 21, 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 one hearing of deliberation, the Zoning Board of Appeals took a vote.



DESCRIPTION:

The proposal is to add length to an existing dormer. The added head room will make a more usable kitchen.

FINDINGS FOR SPECIAL PERMIT:

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."*

Per SZO 4.4.1 structural alterations to a three family structure require 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.

In the proposed code, dormers are considered building components and are allowed as long as they meet the dimensional requirements. The dormer is less than 50% of the length of the roofline and less than 24' in length (whichever is greater) and the dormer meets the 50% glazing requirement. A Special Permit is required when expanding an existing nonconforming dormer. This dormer does not meet the sidewall setback. Approving this extension meets the findings of the new ordinance that it will be in context with the existing neighborhood and meets the needs of the owner. Where possible, the proposal meets the majority of the dimensional requirements.

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 and to encourage housing for persons of all income levels.

The proposal is consistent with the purpose of the 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."

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 surround neighborhood is a mix of one-, two-, and three-family homes in close proximity to the good and services offered in Porter Square.

There are no impacts to the proposal except those associated with residential uses.

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



The proposal will make an existing unit more desirable since it will have a more usable kitchen but it will not have a drastic effect on 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 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.*

The proposal will not make a contribution to the SomerVision target numbers but will allow a homeowner to make minor modifications to their home.

DECISION:

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Danielle Evans and Elaine Severino with Josh Safdie 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 added length to an existing dormer. 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>December 18, 2014</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>January 5, 2015</td> <td>Modified plans submitted to OSPCD (Cover, A.01 Existing & Proposed Plan, A.02 Existing & Proposed Elevation)</td> </tr> </tbody> </table> | | | | Date (Stamp Date) | Submission |
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| December 18, 2014 | Initial application submitted to the City Clerk’s Office | | | | | |
| January 5, 2015 | Modified plans submitted to OSPCD (Cover, A.01 Existing & Proposed Plan, A.02 Existing & Proposed Elevation) | | | | | |
| | Any changes to the approved plan or elevations that are not <i>de minimis</i> must receive SPGA approval. | | | | | |
| Construction Impacts | | | | | | |
| 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 | | | |



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|-----------------------|--|---------------------|-------|--|
| 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 dormer shall be finished to either match or be complementary to the existing body of the home. | BP | PIng. | |
| Miscellaneous | | | | |
| 5 | The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the building and all on-site amenities, including landscaping, fencing, lighting, parking areas and storm water systems, ensuring they are clean, well kept and in good and safe working order. | Cont. | ISD | |
| 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 | PIng. | |
| 8 | The Applicant shall submit to Planning Staff a labeled plan that complies with all the required dimensional standards of the new code. | BP | PIng. | |



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 _____

