



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

PLANNING DIVISION

***ZONING BOARD OF APPEALS MEMBERS***

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ELAINE SEVERINO (ALT.)  
JOSH SAFDIE (ALT.)

**Case #: ZBA # 2011-35**  
**Site: 52 Irving Street**  
**Date of Decision: May 18, 2011**  
**Decision: *Petition Approved with Conditions***  
**Date Filed with City Clerk: May 19, 2011**

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**ZBA DECISION**

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<b>Applicant Name:</b>	Michael Kaplan
<b>Applicant Address:</b>	52 Irving Street, Somerville, MA 02144
<b>Property Owner Name:</b>	Michael Kaplan & Kristin Robbins
<b>Property Owner Address:</b>	52 Irving Street, Somerville, MA 02144
<b>Agent Name:</b>	N/A

Legal Notice: Applicant/Owner Michael Kaplan and Kristin Robbins seek a special permit to alter a nonconforming structure under SZO §4.4.1 to construct a dormer on an existing single-family residence.

<u>Zoning District/Ward:</u>	RA zone/Ward 6
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	April 19, 2011
<u>Date(s) of Public Hearing:</u>	May 18, 2011
<u>Date of Decision:</u>	May 18, 2011
<u>Vote:</u>	

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Appeal #ZBA 2011-35 was opened before the Zoning Board of Appeals at Somerville City Hall on May 18, 2011. 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.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143  
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**DESCRIPTION:**

The proposal is to add a 6.5 foot-wide shed dormer to the house to create headroom at the top of a reconstructed stairway to the half-story. The dormer will be set down 1 to 1.5 feet from the ridge of the house and 3 feet back from the main wall of the house. The house currently has 3 bedrooms and the half story will be converted into a fourth bedroom for guests. The guest room will primarily be used as an extra living space for play, an office and relaxation for the family.

**FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1 & §5.1):**

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."

In considering a special permit under §4.4 of the SZO, the Board find that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. As detailed in finding four below, the dormer is designed in an appropriate manner. The house would continue to be considered a 2 ½ story structure because the dormer's length is less than 50 percent of the length 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 providing for and maintaining the uniquely integrated structure of uses in the City and conserving the value of land and buildings. Adding access to the half story to provide a small amount of additional living space in the single-family house is consistent with the purpose of the RA district, which is to preserve quiet neighborhoods of one- and two-family homes.

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 dormer is designed in a manner that is compatible with the surrounding environment. The dormer would be small in length, start below the ridge of the house and set back 3 feet from the main wall of the house making it appear to be a small element on the roof instead of a massive element that changes the roofline. The dormer would have two large windows that match the windows on the rest of the house. The slope of the dormer is the maximum possible to retain the large windows. The dormer will be visible in its location at the front of the house; however, the location cannot be moved due to the internal stair location. There is a driveway located between the subject house and the abutting house and the dormers do not align so privacy issues are most likely not a concern.



**DECISION:**

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Scott Darling and Josh Safdie with Danielle Evans absent. Upon making the above findings, Susan Fontano made a motion to approve the request for a special permit. Scott Darling 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 construction of an approx 6' shed dormer on an existing single-family residence. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	Plng.									
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>4/19/11</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>4/11/11</td> <td>Plans submitted to OSPCD (plot plan with dormer location)</td> </tr> <tr> <td>4/28/11</td> <td>Modified plans submitted to OSPCD (A-1.0 floor plans, A-2.0 rendering and elevations)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	4/19/11	Initial application submitted to the City Clerk's Office	4/11/11	Plans submitted to OSPCD (plot plan with dormer location)	4/28/11	Modified plans submitted to OSPCD (A-1.0 floor plans, A-2.0 rendering and elevations)
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4/28/11	Modified plans submitted to OSPCD (A-1.0 floor plans, A-2.0 rendering and elevations)											
Any changes to the approved elevations that are not de minimis must receive SPGA approval.												
2	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP									
3	The color of the siding of the dormer shall match that of the house.	Final sign off	Plng.									
4	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  
T.F. Scott Darling, III, Esq.  
Josh Safdie (Alt.)

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 \_\_\_\_\_



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