



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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MICHAEL F. GLAVIN  
EXECUTIVE DIRECTOR

PLANNING DIVISION

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JOSH SAFDIE (ALT.)  
BRANDY BROOKS (ALT.)

**Case #: ZBA # 2013-65**  
**Site: 21 Malvern Avenue**  
**Date of Decision: November 6, 2013**  
**Decision: Petition Approved with Conditions**  
**Date Filed with City Clerk: November 18, 2013**

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**ZBA DECISION**

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<b>Applicant Name:</b>	Madeline Starr
<b>Applicant Address:</b>	21 Malvern Avenue, #1, Somerville, MA 02144
<b>Property Owner Name:</b>	Madeline Starr
<b>Property Owner Address:</b>	21 Malvern Avenue, #1, Somerville, MA 02144
<b>Agent Name:</b>	John Serven/J. Serven & Sons Construction
<b>Agent Address:</b>	14 Griffin Terrace, Lynn, MA 01902

Legal Notice: Applicant and Owner, Madeline Starr, seeks a Special Permit under SZO §4.4.1 to build a dormer on the left side façade of an existing nonconforming two-family dwelling.

<u>Zoning District/Ward:</u>	RB zone/Ward 7
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	September 17, 2013
<u>Date(s) of Public Hearing:</u>	November 6 2013
<u>Date of Decision:</u>	November 6, 2013
<u>Vote:</u>	5-0

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Appeal #ZBA 2013-65 was opened before the Zoning Board of Appeals at Somerville City Hall on November 6, 2013. 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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[www.somervillema.gov](http://www.somervillema.gov)

**DESCRIPTION:**

Applicant and Owner, Madeline Starr, proposes to add a small shed dormer to the front portion of the left side façade of an existing two-family dwelling. The Applicant has recently renovated and updated the interior of the structure which includes a dormer on the by-right, or right side of the building. However, in modifying the stairwell that leads to the half-story, there is not sufficient height when using these stairs; therefore, the addition of a small shed dormer will provide sufficient height to become compliant with the current Massachusetts State Building Code.

The dormer would be 11' in width and maintain three feet between the front exterior wall of the dormer and the eaves of the gable portion of the roof. In addition, due to the complex roof configuration, which combines the gable and gambrel roof styles, the gambrel portion of the roof extends beyond the eaves of the gable portion of the roof.

**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."

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 shed dormer on the left side façade will create code compliant stairs, which are necessary due to other alterations that have already been completed. There will likely be no impact on the surrounding neighborhood as the window located in the dormer is to introduce natural light and looks onto the adjacent roof.

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; to preserve the historical and architectural resources of the City; 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 Residence B 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."

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 addition of a small shed dormer to the left side façade will enable the stairs leading to the half-story to become code compliant with regard to headroom. The use of this additional space allows for more storage, which enables the second floor to have more usable living space. The dormer would look to the roof and nearby dormer of the adjacent



building but would not appear to have an impact on the abutting property. There should be no impact to the surrounding neighborhood as the dormer does not increase the number of cars, people or usable floor area.

### **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 a Special Permit to build a dormer on the left side façade of an existing nonconforming two-family dwelling. 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>(September 17, 2013)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>January 19, 2013 (October 30, 2013)</td> <td>Plot plan submitted to OSPCD</td> </tr> <tr> <td>(October 30, 2013)</td> <td>Elevation &amp; floor plans (A-1) submitted to OSPCD</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	(September 17, 2013)	Initial application submitted to the City Clerk's Office	January 19, 2013 (October 30, 2013)	Plot plan submitted to OSPCD	(October 30, 2013)	Elevation & floor plans (A-1) submitted to OSPCD
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(October 30, 2013)	Elevation & floor plans (A-1) submitted to OSPCD											
Any changes to the approved elevations that are not <i>de minimis</i> must receive SPGA approval.												
<b>Design</b>												
2	New siding type and color, roofing, trim and materials of the dormer shall match or be complimentary to the existing structure.	BP	Plng.									
<b>Public Safety</b>												
3	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP									
<b>Final Sign-Off</b>												
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  
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 \_\_\_\_\_

