



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2013-68
Site: 6 Marion Street
Date of Decision: May 21, 2014
Decision: Petition Approved with Conditions
Date Filed with City Clerk: May 27, 2014

ZBA DECISION

Applicant Name:	Jason E. Calvert & Lorraine M. McGuinness
Applicant Address:	6 Marion Street, Somerville, MA 02143
Property Owner Name:	Jason E. Calvert & Lorraine M. McGuinness
Property Owner Address:	6 Marion Street, Somerville, MA 02143
Agent Name:	N/A

<u>Legal Notice:</u>	Applicant and Owners, Jason Calvert and Lorraine McGuinness, seek a Special Permit under SZO §4.4.1 to alter a nonconforming structure by adding dormers and making window and door alterations. RB zone. Ward 2.
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<u>Zoning District/Ward:</u>	RB zone/Ward 2
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	September 30, 2013
<u>Date(s) of Public Hearing:</u>	May 21, 2014
<u>Date of Decision:</u>	May 21, 2014
<u>Vote:</u>	5-0

Appeal #ZBA 2013-68 was opened before the Zoning Board of Appeals at Somerville City Hall on May 21, 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 add 2 dormers to the property. The dormers are centrally located and will be 17' long. The left side dormer will have 3 windows. The dormer on the right side of the home will not have any windows but will have 2 skylights. This is due to building code regulation that does not allow new windows within 3' of the property line without fire suppression. There is also an existing stair to access the third floor. To improve the head height in the stairwell, the dormer cannot be pushed back without reconfiguring the existing stair.

In addition to the dormers, the gable roofline of the house will be extended back over the existing rear addition. Part of the additional space created will be used for a bedroom. The bedroom will have a new, trapezoidal shaped window. The other portion will be left open for a partially roofed deck. The space on the 3rd floor will maintain the existing bedroom count. The only change to the front of the home is a new window on the third floor with a transom.

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."*

Per SZO §4.4.1 nonconforming 2-family structures may be enlarged, expanded, renovated, or altered by special permit. Adding a dormer to the nonconforming right side of the dwelling and the extension of the roofline require a Special Permit. The dormer on the left sideyard is by-right.

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.

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 provide for and maintain the uniquely integrated structure of uses in the City; to protect health; to secure safety from fire, panic and other dangers; and to provide adequate light and air.

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 subject property is located in an RB zone just south of Union Square. The surrounding neighborhood is predominantly residential comprised of single-, two-, and three-family dwellings. Most of the structures in this area are between 2½ and 3 stories in height with gable, mansard, or flat roof styles.

There are little to no impacts of the proposal. The Applicant and Architect have worked with Planning Staff to reduce the size of the dormers to better maintain the existing building type. Although, Planning Staff does not generally support the creation of dormers without windows this is an exceptional condition because of the existing interior stair layout. The dormer is setback from the front of the home and will be minimally visible from the street. A condition of this report is that the Applicant submit for Planning Staff review and approval a revised right elevation articulating a window-like pattern on the windowless dormer.

There are three conditions proposed as part of this report to assure its' site and area compatibility. The first is that the proposed third story window on the front of the home matches the existing window type. This is to maintain consistency along the streetscape. The second condition is that the railing detail at the rear deck be addressed to avoid the condition of the railing meeting a sloped roof. The Applicant must submit an elevation and plan for Planning Staff review and approval. Lastly, the siding type and color, trim, and materials of the dormer must match or be complimentary to the existing finish of the home.



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 under SZO §4.4.1 to alter a nonconforming structure by adding dormers and making window and door alterations. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/ PIng.									
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>September 30, 2013</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>June 18, 2013</td> <td>Modified plans submitted to OSPCD (Existing Plans: EX-01 Plot Plan, EX-02 Basement, EX-03 1st Floor, EX-04 2nd Floor, EX-05 3rd Floor, EX-06 Sections)</td> </tr> <tr> <td>April 14, 2014</td> <td>Modified plans submitted to OSPCD (Proposed Plans: Plot Plan, C-01 3D View, C-02 Basement, C-03 1st Floor, C-04 2nd Floor, C-05 3rd Floor, C-06 Sections, D-07 Elevations, C-08 Elevations, C-09 Roof Plan)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	September 30, 2013	Initial application submitted to the City Clerk's Office	June 18, 2013	Modified plans submitted to OSPCD (Existing Plans: EX-01 Plot Plan, EX-02 Basement, EX-03 1 st Floor, EX-04 2 nd Floor, EX-05 3 rd Floor, EX-06 Sections)	April 14, 2014	Modified plans submitted to OSPCD (Proposed Plans: Plot Plan, C-01 3D View, C-02 Basement, C-03 1 st Floor, C-04 2 nd Floor, C-05 3 rd Floor, C-06 Sections, D-07 Elevations, C-08 Elevations, C-09 Roof Plan)
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Any changes to the approved elevations that are not <i>de minimis</i> must receive SPGA approval.												
Pre-Construction												
2	The Applicant will be required to demonstrate that the updated project plans meet the current City of Somerville stormwater policy. Utility, grading, and drainage plans/reports must be submitted to the Engineering Department for review and approval.	BP	Eng.									
Construction Impacts												
3	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									



4	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				
5	New siding type and color, trim, and materials of the dormer shall match or be complimentary to the existing structure.	CO	PIng.	
6	The Applicant will submit a revised elevation and plan resolving the conflict of the deck railing meeting the sloped roofline for Planning Staff review and approval.	BP	PIng.	
7	The rear deck shall never be enclosed.	Perp.	PIng.	
8	The Applicant will submit a revised elevation of the right dormer showing articulation of a 'window' pattern for Planning Staff review and approval.	BP	PIng.	
9	An exterior light and electrical receptacle is required for the deck (if there is no access to the ground).	Final sign off	Wiring Insp.	
Miscellaneous				
10	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				
11	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
Final Sign-Off				
12	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.	
13	The third story window shall match the window type of the rest of the windows on the front façade.	CO	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 _____

