



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

MICHAEL F. GLAVIN  
EXECUTIVE DIRECTOR

PLANNING DIVISION

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DANIELLE EVANS  
ELAINE SEVERINO  
JOSH SAFDIE (ALT.)  
BRANDY BROOKS (ALT.)

**Case #: ZBA 2014-05**  
**Site: 36 Mead Street**  
**Date of Decision: March 19, 2014**  
**Decision: Petition Approved with Conditions**  
**Date Filed with City Clerk: March 21, 2014**

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**ZBA DECISION**

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<b>Applicant Name:</b>	Open Homes, LLC
<b>Applicant Address:</b>	60 Tufts Street, Unit #14, Somerville, MA 02145
<b>Property Owner Name:</b>	Open Homes, LLC
<b>Property Owner Address:</b>	60 Tufts Street, Unit #14, Somerville, MA 02145
<b>Agent Name:</b>	N/A

Legal Notice: Applicant and Owner, Open Homes LLC, seeks a Special Permit under SZO §4.4.1 to construct a dormer on the right side roof plane, add skylights, and alter window locations on the front and rear façades.

<u>Zoning District/Ward:</u>	RB zone/Ward 7
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	February 11, 2014
<u>Date(s) of Public Hearing:</u>	March 19, 2014
<u>Date of Decision:</u>	March 19, 2014
<u>Vote:</u>	5-0

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Appeal #ZBA 2014-05 was opened before the Zoning Board of Appeals at Somerville City Hall on March 19, 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.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143  
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[www.somervillema.gov](http://www.somervillema.gov)

**DESCRIPTION:**

The proposal is to construct a large dormer on the right side roof plane, as part of interior alterations to reduce the number of residential units. Due to the size of the dormer, the structure would be considered a three-story dwelling, which changes the nonconforming setback on the nonconforming left side. Other changes include the addition of two skylights on the left side roof plane, the replacement of a sash window with a circular window in the half-story on the front façade and the addition of two windows on the rear façade.

**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 size of the proposed dormer, which alters the left side yard setback from 8 to 10 feet, a Special Permit is required. Additionally, as other proposed changes are located within the front, rear and side yard setbacks, a Special Permit is also required to modify window arrangements and to add skylights.

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. The adjacent dwelling to the right is more than twenty feet away and the windows within the proposed dormer would look onto the neighboring roof. The Applicant has worked with Staff to break up the massing of this sizable dormer. While Staff generally does not support dormers of this size, due to the location of this landlocked structure, which has no impact on the streetscape, and as the dormer is proposed on the by-right side of the building, the proposed massing of the dormer is the least obtrusive and the center gable would divide the overall massing proportionately. Proposed alterations to the window arrangements and the addition of skylights will have minimal to no impact on abutters and will retain the character of the building. Other than dimensional standards, the proposal is in compliance with ground coverage (31%), landscape (44%) pervious area (56%), and floor area ratio (0.58).

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 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 sizable dormer on the right side roof plane as well as alter the window arrangements on the front and rear façades and install skylights in the left side roof plane. The proposed alterations will minimally impact the streetscape and the abutters. While the dormer will alter the structure, the shed and gable components will have the least obtrusive impact on the streetscape.

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 south of Teele Square. The surrounding buildings are single, two- and three-family dwellings. The subject and abutting parcels are landlocked but near the corner of Mead and Moore streets. The nearby dwellings are predominantly similar gable-ended structures of 1½ and 2½ story structures.

The addition of a dormer on the right side roof plan will have a minimal impact on abutters. The adjacent dwelling to the right is more than twenty feet away and the windows within the proposed dormer would look onto the neighboring roof. The Applicant has worked with Staff to break up the massing of this sizable dormer. While Staff generally does not support dormers of this size, due to the location of this landlocked structure, which has no impact on the streetscape, and as the dormer is proposed on the by-right side of the building, the proposed massing of the dormer is the least obtrusive and the center gable would divide the overall massing proportionately. Proposed alterations to the window arrangements and the addition of skylights will have minimal to no impact on abutters and will retain the character of the building.



**DECISION:**

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Danielle Evans and Josh Safdie with Elaine Severino 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 construct a dormer on the right side roof plane, add skylights, and alter window locations on the front and rear façades. 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>(February 11, 2014)</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>March 11, 2014 (March 12, 2014)</td> <td>Plot plan submitted to OSPCD</td> </tr> <tr> <td>March 11, 2014 (March 12, 2014)</td> <td>Elevations and interior plans submitted to OSPCD (A101 1<sup>st</sup> Fl Demo Plan, A102 2<sup>nd</sup> Fl Demo Plan, 3<sup>rd</sup> Fl Demo Plan, A104 4<sup>th</sup> Fl Demo Plan, A105 Basement, A112 1<sup>st</sup> Fl Plan, A113 2<sup>nd</sup> Fl Plan, A114 3<sup>rd</sup> Fl Plan, A115 Roof Plan, A201 Bldg Elev, A202 Bldg Section, A203 3d, L101 Landscape Plan, A204 Kitchen Plan, A205 3d)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	(February 11, 2014)	Initial application submitted to the City Clerk’s Office	March 11, 2014 (March 12, 2014)	Plot plan submitted to OSPCD	March 11, 2014 (March 12, 2014)	Elevations and interior plans submitted to OSPCD (A101 1 <sup>st</sup> Fl Demo Plan, A102 2 <sup>nd</sup> Fl Demo Plan, 3 <sup>rd</sup> Fl Demo Plan, A104 4 <sup>th</sup> Fl Demo Plan, A105 Basement, A112 1 <sup>st</sup> Fl Plan, A113 2 <sup>nd</sup> Fl Plan, A114 3 <sup>rd</sup> Fl Plan, A115 Roof Plan, A201 Bldg Elev, A202 Bldg Section, A203 3d, L101 Landscape Plan, A204 Kitchen Plan, A205 3d)
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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 rest of the existing structure.	BP	PIng.									
<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	PIng.	
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Attest, by the Zoning Board of Appeals:

Herbert Foster, *Chairman*  
Orsola Susan Fontano, *Clerk*  
Richard Rossetti  
Danielle Evans  
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 \_\_\_\_\_

