



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA # 2012-74
Site: 24 Milton Street
Date of Decision: October 3, 2012
Decision: Petition Approved with Conditions
Date Filed with City Clerk: October 9, 2012

ZBA DECISION

Applicant Name:	Nick Harty
Applicant Address:	247 Haverhill Street, North Reading, MA 01864
Property Owner Name:	Rafael Schloming
Property Owner Address:	24 Milton Street, Somerville, MA 02145
Agent Name:	N/A

Legal Notice: Applicant, Nick Harty of Harty Construction, and Owner, Rafael Schloming, seek a Special Permit to alter a nonconforming structure under SZO §4.4.1 to enlarge an existing dormer on the left side façade of a two-family dwelling.

<u>Zoning District/Ward:</u>	RB zone/Ward 6
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	August 24, 2012
<u>Date(s) of Public Hearing:</u>	October 3, 2012
<u>Date of Decision:</u>	October 3, 2012
<u>Vote:</u>	4-0

Appeal #ZBA 2012-74 was opened before the Zoning Board of Appeals at Somerville City Hall on October 3, 2012. 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:

Applicant, Nick Harty of Harty Construction, and Owner, Rafael Schloming, propose to alter this two-family dwelling by enlarging a dormer in the half-story on the rear left side of the house. The roof configuration is moderately complex as the existing roof over the main house is a cross-gable and the rear addition has a gable roof at a lower height. The existing dormer is a small gable dormer located in the left rear quadrant of the main roof. This proposal would expand the existing gable dormer into a shed dormer and add 45 usable square feet to the half-story, which would become a media room. The floor area ratio would then become .56. From the peak of the rear gable, the dormer would extend left and align flush with the corresponding wall below, which will be used to support the additional weight of the dormer. The dormer would also extend to the edge of the rear gable, but the roofline of the original gable will remain existent though visibility will be minimal. The new shed dormer will not extend beyond the roofline of the cross gable on the left side of the house; therefore, the dormer will not be visible from the street. The new dormer will have three square awning windows located above the roofline of the original gable and will face toward the backyard. The windows will be 24” in width by 29” in height and will be situated side by side.

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 Permit.

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 enlarged dormer would not be visible from the street and, as the windows are proposed to face toward the rear yard, the proposal will allow more privacy than the current gable dormer which has a window that looks to the abutting property.

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 preserve the historical and architectural resources of the City; to encourage the most appropriate use of land throughout the City; 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, "[t]o 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 design of the enlarged dormer in the left rear quadrant of the cross-gable roof is compatible with the built and unbuilt surrounding area. The enlarged dormer does not extend past the roofline of the cross-gable and will not be visible from the



street due to the nature of the design. There will no longer be a window that faces the abutting property; instead three square awning windows will face the rear yard.

DECISION:

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Danielle Evans and Elaine Severino with Herbert Foster, Scott Darling and Josh Safdie absent. Upon making the above findings, Richard Rossetti made a motion to approve the request for a Special Permit. Elaine Severino seconded the motion. Wherefore the Zoning Board of Appeals voted **4-0** 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 alter a nonconforming structure to enlarge an existing dormer on the left side façade of a 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>(August 24, 2012)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>July 5, 2012 (September 17, 2012)</td> <td>Plot plan submitted to OSPCD</td> </tr> <tr> <td>August 14, 2012 (September 17, 2012)</td> <td>Site plan submitted to OSPCD (CO.15)</td> </tr> <tr> <td>August 16, 2012 (September 17, 2012)</td> <td>Existing & proposed plans submitted to OSPCD (X1.25, A1.25, X3.2, & A3.2)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	(August 24, 2012)	Initial application submitted to the City Clerk's Office	July 5, 2012 (September 17, 2012)	Plot plan submitted to OSPCD	August 14, 2012 (September 17, 2012)	Site plan submitted to OSPCD (CO.15)	August 16, 2012 (September 17, 2012)	Existing & proposed plans submitted to OSPCD (X1.25, A1.25, X3.2, & A3.2)
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Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval;														
2	New siding type and color, roofing, trim, and materials of the expanded dormer shall match or be complimentary to the rest of the existing structure;	CO	Plng.											
3	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements; and	CO	FP											
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:

Orsola Susan Fontano, *Acting Chairman*
Richard Rossetti, *Acting Clerk*
Danielle Evans
Elaine Severino (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 _____

