



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

PLANNING DIVISION

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JOSH SAFDIE (ALT.)

Case #: ZBA # 2012-08
Site: 10 Monmouth Street
Date of Decision: February 29, 2012
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: March 6, 2012

ZBA DECISION

Applicant Name:	Briana Burton
Applicant Address:	10 Monmouth Street, Somerville, MA 02143
Property Owner Name:	Briana Burton
Property Owner Address:	10 Monmouth Street, Somerville, MA 02143
Agent Name:	N/A

Legal Notice: Applicant and Owner, Briana Burton, seeks a Special Permit to alter a nonconforming structure under SZO §4.4.1 to enlarge a dormer and create a bay on the rear of the house. Alterations also include by-right modifications to add a dormer.

<u>Zoning District/Ward:</u>	RB zone/Ward 3
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	January 31, 2012
<u>Date(s) of Public Hearing:</u>	February 29, 2012
<u>Date of Decision:</u>	February 29, 2012
<u>Vote:</u>	5-0

Appeal #ZBA 2012-08 was opened before the Zoning Board of Appeals at Somerville City Hall on February 29, 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.



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DESCRIPTION:

Owner and Applicant, Briana Burton, proposes to alter her single family home by creating a new by-right gable dormer on the east façade and by enlarging an existing gable dormer on the rear façade. The proposal intends to increase the amount of habitable space on the third floor through the addition and enlargement of dormers which will increase the net square footage of the third floor by approximately 248 square feet for a total of 444 square feet. The total square footage of the house would then become 2,996 square feet. Both gable dormers are lower than the highest ridge of the house which is a steeply pitched hip roof at the northwest corner that covers a two story square projection.

The new by-right dormer for the east side of the house is to be located directly above the bay window that looks out onto the second floor balcony. This dormer would increase light and ventilation to the third floor for an additional bedroom. The dimensions of the new by-right dormer are 8 feet in width. The dormer would begin approximately two feet from the tallest ridge, which is located on the opposite façade, and end a half foot before the roofline. This dormer is proposed to rise 1.5 feet above the adjacent conical roof of the bowed bay at the southeast corner and contain three side-by-side windows that are 2 feet wide by 3.5 feet in height with 3 inch molding.

The south side, or rear façade, which currently has a small center dormer, proposes to be enlarged to become twice the size of the existing dormer. This dormer will allow additional light into the third story especially as this projection faces southwest. The dimensions of this enlarged dormer are proposed to become 12 feet 3 inches in length by 12 feet in height. The dormer would begin at the ridge of the rear gable roof and end 1 foot before the roofline. The enlarged dormer will have 3 side-by-side windows, each 2.5 feet in width by 3.5 feet in height with a 3 inch molding surround.

The original plans submitted as a part of the application had a 3 foot wide by 19 foot long suspended bay located below the enlarged dormer on the southern façade. This bay has since been eliminated from the proposal.

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 finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. These modifications will look out onto the roof of the modern masonry building along Central Street and a triple-decker with a three-story rear porch along Cleveland Street, which is one block south of Monmouth Street. There is a moderate amount of landscaping between the subject property and both the triple-decker and the masonry structure. Therefore, minimal impacts to the abutters and the surrounding neighborhood are anticipated from the proposed project.

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;



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providing adequate light and air; conserving the value of land and buildings; preserving the historical and architectural resources of the City; and encouraging the most appropriate use of land throughout the City.

The proposal is also consistent with the purpose of the district (6.1.2.RB - Residence Districts), 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 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 alterations have been designed to be compatible with the built and unbuilt surrounding area. The creation of a new gable dormer on the east facade will retain the roof massing and not detract from the other elements of the façade. This dormer will compliment the house because its gable roof form matches the gable of the primary and west facade. The enlargement of the rear dormer will reflect a consistency in design with the new dormer on the east façade. Although the expanded dormer will be larger than the new dormer, the design is consistent in that both contain three side-by-side windows with molding, the windows of each dormer are located in the center and just below the roofline, and both are capped with a gable. The expanded dormer will also be minimally visible from the street so the visual impact will be limited.



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DECISION:

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Danielle Evans, Elaine Severino and Josh Safdie with Herbert Foster and Scott Darling absent. Upon making the above findings, Richard Rossetti made a motion to approve the request for a special permit. Josh Safdie 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	<p>Approval is to enlarge an existing dormer and create a new by-right dormer simultaneously. This approval is based upon the following application materials and the plans submitted by the Applicant:</p> <table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>January 31, 2012 (January 31, 2012)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>February 9, 2012 (February 15, 2012)</td> <td>Modified plans submitted to OSPCD (T1 Cover Sheet)</td> </tr> <tr> <td>January 31, 2012 (February 15, 2012)</td> <td>Modified plans submitted to OSPCD (X-1.04, X-2.01, X-2.02, X-2.03)</td> </tr> <tr> <td>January 31, 2012 (February 29, 2012)</td> <td>Modified plans submitted to OSPCD (A-1.02, A-1.03, A-1.04, A-2.01, A-2.02, & A-2.03)</td> </tr> </tbody> </table> <p>Any changes to the approved elevations that are not <i>de minimis</i> must receive SPGA approval.</p>	Date (Stamp Date)	Submission	January 31, 2012 (January 31, 2012)	Initial application submitted to the City Clerk's Office	February 9, 2012 (February 15, 2012)	Modified plans submitted to OSPCD (T1 Cover Sheet)	January 31, 2012 (February 15, 2012)	Modified plans submitted to OSPCD (X-1.04, X-2.01, X-2.02, X-2.03)	January 31, 2012 (February 29, 2012)	Modified plans submitted to OSPCD (A-1.02, A-1.03, A-1.04, A-2.01, A-2.02, & A-2.03)	BP/CO	ISD/Plng.	
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2	A code compliant fire alarm system and carbon monoxide detector will be required.	CO	FP											
3	The Architect shall update the third floor plan to be labeled A-1.03 which was mislabeled A-1.02.	Prior to BP	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.											
5	The Applicant shall provide a final set of controlled plans to the Planning Staff for approval.	BP	Plng.											



Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Acting Chairman*
Richard Rossetti, *Acting Clerk*
Danielle Evans
Elaine Severino (Alt.)
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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