



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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**MAYOR**

MICHAEL F. GLAVIN  
EXECUTIVE DIRECTOR

PLANNING DIVISION

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RICHARD ROSSETTI  
DANIELLE EVANS  
ELAINE SEVERINO (ALT.)  
JOSH SAFDIE (ALT.)

**Case #: ZBA # 2013-24**  
**Site: 141-143 North Street**  
**Date of Decision: May 1, 2013**  
**Decision: Petition Approved with Conditions**  
**Date Filed with City Clerk: May 7, 2013**

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**ZBA DECISION**

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<b>Applicant Name:</b>	Alexandra Hatzopoulos & George Mikhael
<b>Applicant Address:</b>	143 North Street, Somerville, MA 02144
<b>Property Owner Name:</b>	Alexandra Hatzopoulos & George Mikhael
<b>Property Owner Address:</b>	143 North Street, Somerville, MA 02144
<b>Agent Name:</b>	N/A

Legal Notice: Applicants and Owners, Alexandra Hatzopoulos and George Michael, seek a Special Permit under SZO §4.4.1 to construct a new dormer on the left side of an existing nonconforming two-family dwelling.

<u>Zoning District/Ward:</u>	RA zone/Ward 7
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	March 29, 2013
<u>Date(s) of Public Hearing:</u>	May 1, 2013
<u>Date of Decision:</u>	May 1, 2013
<u>Vote:</u>	4-0

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Appeal #ZBA 2013-24 was opened before the Zoning Board of Appeals at Somerville City Hall on May 1, 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:**

Applicants and Owners, Alexandra Hatzopoulos and George Michael, propose to construct a new shed dormer on the left side façade of an existing nonconforming two-family dwelling.

The proposed shed dormer would be centrally located on the left side roof plane and extend 23'-8' in length. The dormer is slightly less than 50% of the roof plane and retains approximately 12 feet on either end. The face of the dormer will have two windows located approximately eight feet apart. The newly finished space would incorporate a new bedroom, bathroom and laundry room as well as an open sitting area.

Currently, there are two bedrooms on the second floor of this two-family home. As part of larger renovations, the Applicant will combine the two bedrooms on the second floor and create one new bedroom in the attic. Additionally, the Applicant plans to construct a second, as of right dormer on the right side roof plane. The by right dormer would identically match the proposed dormer on the left 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 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 proposal to construct a shed dormer on the left side roof plane will minimally impact abutters as the two proposed windows that would be added to the face of the dormer have a similar view as the windows located on the second floor below.

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 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; to provide adequate light and air; to conserve the value of land and buildings; to preserve the historical and architectural resources of the City; and to encourage the most appropriate use of land throughout the City."

The proposal is consistent with the purpose of the Residence A district, §6.1.1, which is, "To establish and preserve quiet neighborhoods of one- and two-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 current owners are doing a variety of interior and exterior renovations to update the property and to enhance the structure along the streetscape. While the left side dormer is subject to Special Permit approval, the construction of



an identical dormer on the by right side of the building will retain consistency in the roof plan and maintain the overall character of the streetscape.

**DECISION:**

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Josh Safdie and Elaine Severino with Herbert Foster absent and Danielle Evans recused. 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 **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 construct a new 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/PIng.											
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>(March 29, 2013)</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>March 18, 2013 (April 19, 2013)</td> <td>Plot plan submitted to OSPCD (sheet 1 &amp; 2)</td> </tr> <tr> <td>(April 19, 2013)</td> <td>Elevation and Floor Plans submitted to OSPCD (Sheet A1, A2, A3, &amp; A5)</td> </tr> <tr> <td>(April 24, 2013)</td> <td>Net Square Feet Calculations (1<sup>st</sup> &amp; 2<sup>nd</sup> floors, and Attic)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	(March 29, 2013)	Initial application submitted to the City Clerk’s Office	March 18, 2013 (April 19, 2013)	Plot plan submitted to OSPCD (sheet 1 & 2)	(April 19, 2013)	Elevation and Floor Plans submitted to OSPCD (Sheet A1, A2, A3, & A5)	(April 24, 2013)	Net Square Feet Calculations (1 <sup>st</sup> & 2 <sup>nd</sup> floors, and Attic)
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Any changes to the approved elevations that are not <i>de minimis</i> must receive SPGA approval.														
<b>Construction Impacts</b>														
2	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											
<b>Design</b>														
3	New siding type and color, roofing, trim and materials of the new dormers shall match or be complimentary to the rest of the existing structure.	BP	PIng.											
<b>Public Safety</b>														
4	The Applicant or Owner shall meet the Fire Prevention Bureau’s requirements.	CO	FP											
<b>Final Sign-Off</b>														



5	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.	
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Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Acting Chairman*  
Richard Rossetti, *Acting Clerk*  
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 \_\_\_\_\_

