



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

MICHAEL F. GLAVIN  
EXECUTIVE DIRECTOR

PLANNING DIVISION

**ZONING BOARD OF APPEALS MEMBERS**

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

**Case #: ZBA 2014-41**  
**Site: 749 Somerville Avenue**  
**Date of Decision: June 4, 2014**  
**Decision: Petition Approved with Conditions**  
**Date Filed with City Clerk: June 10, 2014**

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**ZBA DECISION**

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<b>Applicant Name:</b>	Tushar Anil Parlikar
<b>Applicant Address:</b>	749 Somerville Avenue, #3, Somerville, MA 02143
<b>Property Owner Name:</b>	Tushar Anil Parlikar
<b>Property Owner Address:</b>	749 Somerville Avenue, #3, Somerville, MA 02143
<b>Agent Name:</b>	N/A

Legal Notice: Applicant and Owner, Tushar Anil Parlikar, seeks a Special Permit under SZO §4.4.1 to alter a nonconforming 3-family to add a dormer making it a three-story structure. Zone RB. Ward 5.

<u>Zoning District/Ward:</u>	RB zone/Ward 5
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	May 1, 2014
<u>Date(s) of Public Hearing:</u>	June 4, 2014
<u>Date of Decision:</u>	June 4, 2014
<u>Vote:</u>	5-0

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Appeal #ZBA 2014-41 was opened before the Zoning Board of Appeals at the Visiting Nurse Association on June 4, 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.



**DESCRIPTION:**

The proposal is to connect the two gable dormers on the front of the house with a shed dormer. The additional 33 square feet on the third floor will allow for a small office space and increased head height in a small portion of each of the two existing bedrooms on the third floor. The siding, trim, and roofing of the dormer will match that of the house. The siding will be yellow painted wooden clapboards and with white painted trim.

**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."*

Any alteration to a nonconforming three-family structure requires a 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 development is nonconforming in terms of landscaped area, rear and side yard setbacks. The location of the dormer is within the 20 foot required rear yard setback; however, the view of the dormer from the abutter to the rear is minimal because the new portion of the dormer will be between two existing dormers. The dormer will be greater than 50% of the length of the side of the building making it a three-story structure. Three-story structures are allowed in the Residence B district and this dormer was designed in way that does not greatly alter the form of the house.

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 and conserving the value of land and buildings.

The proposal is consistent with the purpose of the Residence B district, in allowing a small house alteration for a three-family structure in a district that is intended to preserve medium density neighborhoods.

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 dormer is designed to be compatible with the existing structure. Constructing a shed dormer between two gable dormers is a way to add some square footage on the third floor of the house without totally changing the primary roofline of the house. The dormer still appears as an element on the roof as opposed to other dormers that transform the form of the building by popping up the roof in an unsympathetic manner. The new portion of the dormer will have windows that match in style to the existing windows and make up a large portion of the wall of the dormer so that it does not appear as a blank wall.



**DECISION:**

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Danielle Evans and Elaine Severino with Josh Safdie 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 the alteration of a nonconforming structure to add a shed dormer between two existing gable dormers. 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>May 1, 2014</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>April 29, 2014</td> <td>Plans submitted to OSPCD (site plan, lower floor plan, front elevation)</td> </tr> <tr> <td>April 30, 2014</td> <td>Plans submitted to OSPCD (upper floor plan, section)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	May 1, 2014	Initial application submitted to the City Clerk's Office	April 29, 2014	Plans submitted to OSPCD (site plan, lower floor plan, front elevation)	April 30, 2014	Plans submitted to OSPCD (upper floor plan, section)
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Any changes to the approved elevations that are not <i>de minimis</i> must receive SPGA approval.												
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									
3	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									
4	The material and color of the siding, trim and roof material shall match that of the house.											
<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.									



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 \_\_\_\_\_

