



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

PLANNING DIVISION

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**Case #: ZBA 2017-22**  
**Site: 12 College Hill Road**  
**Date of Decision: April 19, 2017**  
**Decision: *Petition Approved with Conditions***  
**Date Filed with City Clerk: May 3, 2017**

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**ZBA DECISION**

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<b>Applicant Name:</b>	Charles Casassa
<b>Applicant Address:</b>	17 Elmwood Street, Somerville, MA 02144
<b>Property Owner Name:</b>	Laurel Street, LLC
<b>Property Owner Address:</b>	17 Elmwood Street, Somerville, MA 02144
<b>Agent Name:</b>	Hazel Ryerson
<b>Agent Address:</b>	1121 Washington Street, Newton, MA 02465

<u>Legal Notice:</u>	Applicant, Charles Casassa, and Applicant, Laurel Street, LLC, seek Special Permits under §4.4.1 of the SZO to alter a non-conforming structure by raising the roof and increasing the FAR, and a Special Permit under Article 9* of the SZO for parking relief.
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<u>Zoning District/Ward:</u>	RA zone/Ward 7
<u>Zoning Approval Sought:</u>	§4.4.1 & Article 9
<u>Date of Application:</u>	February 24, 2017
<u>Date(s) of Public Hearing:</u>	April 19, 2017
<u>Date of Decision:</u>	April 19, 2017
<u>Vote:</u>	5-0

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Appeal #ZBA 2017-22 was opened before the Zoning Board of Appeals at Somerville City Hall on April 19, 2017. 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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**DESCRIPTION:**

The Applicant proposes to remove the existing roof and raise it by 3.625 feet in order to create livable space in the attic area. Two dormers, one on each side elevation are proposed. The basement will remain unfinished and an enclosed rear porch will be opened up to the outdoors.

**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 §4.4.1 of the SZO. This section of the report goes through §4.4.1 in detail.*

1. **Information Supplied:**

The Board finds that the information provided by the Applicant conforms to the requirements of §4.4.1 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."*

*Section 4.4.1 states that "[l]awfully existing nonconforming structures other than one- and two-family dwellings may be enlarged, extended, renovated or altered only by special permit authorized by the SPGA in accordance with the procedures of Article 5. The SPGA must find that such extension, enlargement, renovation or alteration is not substantially more detrimental to the neighborhood than the existing nonconforming building. In making the finding that the enlargement, extension, renovation or alteration will not be substantially more detrimental, the SPGA may consider, without limitation, impacts upon the following: traffic volumes, traffic congestion, adequacy of municipal water supply and sewer capacity, noise, odor, scale, on-street parking, shading, visual effects and neighborhood character."*

It is not often that the Board agrees with raising the roofline of an existing residential structure. However, 12 College Hill Road is one of the rare instances where the Board finds that removing the existing roof and raising the roofline is not more detrimental to the neighborhood character than the existing conditions. Staff finds that the existing gable roof is oddly shallow given the rest of the proportions of the building. Staff finds that raising the roofline, in addition to providing more living space for this unit's occupant, enhances the visual effect of the property by creating a façade that is more proportionate than the existing façade presents. Further, the roofline will be raised just over 3-and-a-half feet, making the new roof height 31.5 feet, below the 35-foot maximum for the RA zone in which this house is found.

Two dormers are proposed as part of this project. The left elevation dormer is outside of the required setback and, therefore, does not need zoning relief. It should be noted that this left elevation dormer is also significantly less than 50% of the roof plane to which it is attached. The right elevation dormer, however, is only 3.1 feet from the property line in a zone where an 8-foot minimum side yard setback is required. At 13.1 feet, the proposed dormer is significantly less than 50% of the 51.4 foot roof plane to which it would be attached. The proposed dormer is well-proportioned with the rest of the building and Staff finds that it will help enhance the appearance of the property from the street, making a positive contribution to the neighborhood character.

Overall, the proposed renovation of the property will increase the FAR from .71 to .75, the maximum FAR allowed in the RA zone. The basement of the property will remain unfinished and used as storage. The Board finds that the increase in FAR is not significantly more detrimental to the neighborhood than existing conditions. This increase in FAR equates to an increase of only 136 square feet of living area in the

building. The Board finds that this modest increase in the amount of living space is a reasonable request to accommodate in order for a property owner to gain additional living area in their 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 Board finds that the proposal to construct the right elevation dormer is not inconsistent with the purpose of the RA district which is to "...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."*

In considering a special permit under §4.4.1 of the SZO, the Board finds that, as noted earlier in this report, the inclusion of the right elevation dormer would not be substantially more detrimental to the site and area than the existing conditions. Further, the Board finds that raising the roofline to 31.5 feet will improve the visual appearance of the property along the street scape by presenting a more proportionate façade to the street. Lastly, the increase in FAR is minimal – 136 square feet of living space – a reasonable accommodation to make for a property owner to gain more living space in their unit(s).

5. Housing Impact: *Will not create adverse impacts on the stock of existing affordable housing.*

The proposal will not add to the existing stock of affordable housing.

6. SomerVision:


The proposal conforms to the purposes of SomerVision in that the proposed improvements to the property will enhance the neighborhood streetscape.



**DECISION:**

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Elaine Severino, Anne Brockelman and Pooja Phaltankar with Danielle Evans recused 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 **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 construction of a right elevation dormer, raising the roofline, and increase in FAR.	BP/CO	ISD/Plng.					
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>February 24,2017</td><td>Application submitted to City Clerk’s office.</td></tr></table>				Date (Stamp Date)	Submission	February 24,2017	Application submitted to City Clerk’s office.
	Date (Stamp Date)				Submission			
February 24,2017	Application submitted to City Clerk’s office.							
Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval. Whether or not a change is <i>de minimis</i> in nature must be determined by the Planning Office.								
Design								
2	The dormers shall be clad in the same material as the rest of the siding on the house.	CO	Planning Staff / ISD					
3	Windows installed on the dormer CANNOT be operable when three feet or less from the property line. The Applicant is required to work with ISD to determine	BP with recheck at CO	Planning Staff / ISD					
4	Any changes to the design, style, massing, form, elements, and materials of the shed dormers shall be submitted to and approved by Planning Staff (or, as necessary, the ZBA) prior to their execution on the building.	CO	Planning Staff / ISD					
5	All exterior materials, including, but not limited to windows, doors, siding, roofing, trim, and the like, shall be submitted to Planning Staff for their review and approval prior to the issuance of a building permit.	BP	Planning Staff / ISD					

6	<p>There are 6 windows on the front façade that reflect the period during which this house was built. They are identified in the photo below and shall be retained in their original locations as part of this project.</p> 	CO/Perpetua 1	Planning Staff / ISD	
7	Any exterior lighting shall be down-lit and shall not cast light onto abutting properties in any way.			
8	Exterior doors shall be made of wood.			
9	Apart from Condition #6 above, any new windows shall be one-over-one and shall not have any reflective or tinted qualities to the glass.			
10	Aluminum-clad windows shall be used for all new windows. Vinyl window shall not be used.			
11	If the house is to be re-clad, wood or a cementitious siding shall be used. No vinyl shall be allowed.			
<b>Construction Impacts</b>				
12	The Applicant shall, at their 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	
13	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	
14	The Applicant must contact the Engineering Department to coordinate the timeline for cutting or opening the street and/or sidewalk for utility connections or other construction. There is a moratorium on opening streets from November 1st to April 1st and there is a list of streets that have additional opening restrictions.	BP	Eng	

15	The Applicant shall develop a demolition plan for the roof in consultation with the City of Somerville Inspectional Services Division. Full compliance with proper demolition procedures shall be required, including timely advance notification to abutters of demolition date and timing, good rodent control measures (i.e. rodent baiting), minimization of dust, noise, odor, and debris outfall, and sensitivity to existing landscaping on adjacent sites.	Demolition Permitting	ISD	
<b>Site</b>				
16	Landscaping shall be installed and maintained in compliance with the American Nurserymen's Association Standards;	CO & Perpetual	Plng. / ISD	
17	All mechanical equipment shall be screened from the view of the street and from abutting properties.	CO & Perpetual	Plng. / ISD	
18	All venting shall be painted or wrapped to match the color of the portion of the house from which it protrudes.	CO & Perpetual	Plng. / ISD	
19	All garbage and recycling shall be screened from the view of the street and abutting properties.	CO & Perpetual	Plng. / ISD	
<b>Public Safety</b>				
20	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
21	As per City regulations, there shall be no grills or similar cooking/heating equipment allowed on decks or porches at any time.	Perpetual	FP/ISD	
22	All smoke detectors shall be hard-wired.	CO	Fire Prevention / ISD	
<b>Final Sign-Off</b>				
23	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, *Chairman*  
Richard Rossetti, *Clerk*  
Elaine Severino  
Anne Brockelman (Alt.)  
Pooja Phaltankar (Alt.)

Attest, by the Administrative Assistant:

\_\_\_\_\_  
Dawn M. PereiraCopies 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 \_\_\_\_\_

