



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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ANNE BROCKELMAN, (ALT.)

Case #: ZBA 2016-104
Site: 88-90 Electric Avenue
Date of Decision: October 5, 2016
Decision: Petition Approved with Conditions
Date Filed with City Clerk: October 18, 2016

ZBA DECISION

Applicant Name:	Paul Reinert & William McDermott
Applicant Address:	88 Electric Avenue, Somerville, MA 02144
Property Owner Name:	Paul Reinert & William McDermott
Property Owner Address:	88 Electric Avenue, Somerville, MA 02144
Agent Name:	David Sisson
Agent Address:	238 5 th Street, Providence, RI 02906

Legal Notice: Applicants and Owners, Paul Reinert & William McDermott, seek a Special Permit under §4.4.1 of the SZO to construct a dormer.

<u>Zoning District/Ward:</u>	RA zone/Ward 7
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	August 30, 2016
<u>Date(s) of Public Hearing:</u>	October 5, 2016
<u>Date of Decision:</u>	October 5, 2016
<u>Vote:</u>	4-1

Appeal #ZBA 2016-104 was opened before the Zoning Board of Appeals at Somerville City Hall on October 5, 2016. 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 add a doghouse style dormer to the left elevation in order to provide code-required head height in the bathroom. The dormer addition will increase the size of the structure by 77.06 square feet. The proposed dormer will be less than 50% of the length of the roof plane to which it is being attached.

Although the Applicants' plans also show that the existing garage is to be rebuilt in the same location, to the same dimensions. No relief is triggered with this re-build because this accessory structure is being re-built to the exact same dimensions in the same location.

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."

In considering a special permit under §4.4.1 of the SZO, the Board finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The proposed dormer will allow for code-compliant head-height in the bathroom. The proposed dormer style is in keeping with the existing dormer located on the opposite side of this same story of the building. The proposed dormer is less than 50% of the length of the roof plane to which it is being attached.

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 to these larger windows to the existing storefronts is consistent with the purposes of the NB district 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."

In considering a special permit under §4.4.1 of the SZO, the Board finds that the proposed new dormer blends very well with the existing house and is in keeping with the style, massing and design of the structure to which it is being attached. Electric Avenue is comprised of mostly one- and two-family residential structures built around the same time period, with many of these homes being in the same style as 88-90. Staff finds that the addition of this dormer will have little to no impact on the surrounding neighborhood and is compatible with both the structure to which it is being added and to the general area.

6. 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.

DECISION:

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Danielle Evans, Elaine Severino and Josh Safdie. Upon making the above findings, Danielle Evans made a motion to approve the request for a Special Permit. Elaine Severino seconded the motion. Wherefore the Zoning Board of Appeals voted **4-1** to **APPROVE** the request with Richard Rossetti recused Susan Fontano voting in opposition. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	Approval is for the addition of a dog shed-style dormer on the left elevation of the structure.	BP/CO	ISD/PIng.							
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>August 30, 2016</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>September 30, 2016</td> <td>Full plan package received by OSPCD.</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	August 30, 2016	Initial application submitted to the City Clerk's Office	September 30, 2016	Full plan package received by OSPCD.
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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	Planning Staff or the Zoning Review Planner shall review and approve ALL materials to be used on the dormer, including windows.	CO	Planning Staff / ISD							
3	The proposed window shall not use reflective or mirrored glass.	CO	Planning Staff / ISD							
Construction Impacts										
4	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							



5	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	
Public Safety				
6	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
Final Sign-Off				
7	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*
Danielle Evans
Elaine Severino
Josh Safdie

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 _____

