



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

***PLANNING BOARD***

***MEMBERS***

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JOSEPH FAVALORO  
ELIZABETH MORONEY  
JAMES KIRYLO  
DANA LEWINTER, ALT.

**Case #:** ZBA 2009-24  
**Date:** June 25, 2009  
**Recommendation:** Conditional Approval

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**PLANNING BOARD REPORT**

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**Site:** 100 Albion Street

**Applicant Name:** Jose C. Dias

**Applicant Address:** 100 Albion St, Somerville MA 02144

**Property Owner Name:** same

**Agent Name:** none

**Alderman:** O'Donovan

Legal Notice: Applicant & Owner Jose C. Dias seeks a special permit (§5.1) to construct a dormer on a nonconforming dwelling (§4.4.1).

Zoning District/Ward: Residence B / 5

Zoning Approval Sought: Special Permit (SZO §5.1 and §4.4.1)

Date of Application: June 2, 2009

Date(s) of Public Meeting/Hearing: Planning Board: June 25, 2009 / ZBA: July 15, 2009

Date of Decision: N/A

Vote: N/A

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Dear ZBA members:

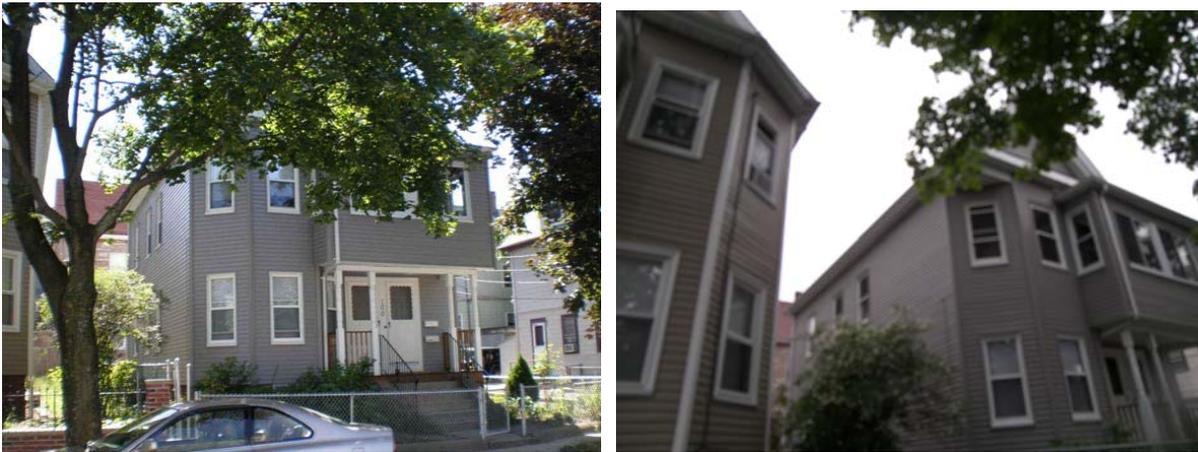
At its regular meeting on June 25, 2009 the Planning Board heard the above-referenced application. Based on materials submitted by the Applicant and the Staff recommendation, the Board voted (4-0, with Kevin Prior and Michael Capuano absent), to recommend **conditional approval** of the requested **Special Permit**.

In conducting its analysis, the Planning Board found:



## I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a two-family dwelling on a 2416 square foot lot. The structure is 2 ½ stories and there is an enclosed porch on the second story of the building. The building is clad in vinyl siding.
2. Proposal: The proposal is to construct a shed dormer on the right side of the house to create headroom for an existing bedroom. The Applicant has reduced the size of the dormer from the originally proposed 23 feet, to 17 feet, and finally 11 feet. The length of the dormer would be less than fifty percent of the roof's length. The changes were made considering the placement of the windows on the dormer, rearrangements of closets, and the need to only have the dormer span the width of the bedroom. The dormer would be in the rear, 6' from the rear wall, and be on the less public side of the house. The dormer would start at the roof ridge but would be setback 1.5 feet from the building's main wall. The windows would account for a significant portion of the dormer's front wall face. The pitch of the dormer would be steep and the siding of the dormer would match the house.



100 Albion St.: (L) Front of House, (R) Left Side of House – proposed location of dormer

3. Nature of Application: The structure is currently nonconforming with respect to several dimensional requirements, including minimum lot size, lot area per dwelling unit, side yard setback, and street frontage.

The proposed dormer would affect the nonconforming side yard, which is 5 feet deep and the minimum is 6.75 feet. This existing nonconformity requires the Applicant to obtain special permits under §4.4.1 of the Somerville Zoning Ordinance (SZO).

4. Surrounding Neighborhood: The surrounding area is comprised of two- and three-family homes, commercial buildings and Albion Park.
5. Impacts of Proposal: The addition of the dormer does not significantly alter the roofline of the house. The dormer would be small and set towards the back of the house. The siding would match the siding on the house. The Applicant has reconfigured the size of the dormer and window placement so that the windows are proportional and account for a significant portion of the dormer's front wall face.



There is approximately ten feet between the subject property and the adjacent house. Since this house does not have a dormer the Board does not anticipate privacy concerns.

6. Green Building Practices: None.

7. Comments:

*Fire Prevention*: "This proposal will require that fire detection protection be extended to the proposed dormer. Our records show that the last Certificate of Compliance for this property was issued on 12/14/94. Since 2006 properties utilizing fossil fuel burning equipment are required to have carbon monoxide detectors installed. We have no record that the carbon monoxide detectors have been installed. Carbon monoxide detectors will have to be installed."

*Ward Alderman*: Has been contacted but has not provided comments.

## II. 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. As conditioned, the Applicant would submit drawings that accurately reflect the 11' width of the dormer.

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 dormer would be opposite a structure that is approximately ten feet away, which does not have dormers. The house would continue to be considered a 2 ½ story structure because the dormer would be less than fifty percent of the roof's length.

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 the purpose of the district which is, "[t]o establish and preserve medium density neighborhoods of one-, two- and three-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."

Typically the Board does not recommend shed dormers because they alter the character of the traditional 2 ½ story housing stock in the City. In this case, the design of the shed dormer does not significantly alter



the roofline of the house because it would be small with a fairly steep pitch and be located 6’ from the rear wall on the less public side of the house. Ideally, the dormer would not start at the roof ridge; however, it is setback 1.5 feet from the building’s main wall which makes it appear more like a dormer and less like an extension of the house for a third story. The window area accounts for a large portion of the dormer wall area, which improves the look of dormers. The proposed dormer is compatible with the built surrounding area.

**III. RECOMMENDATION**

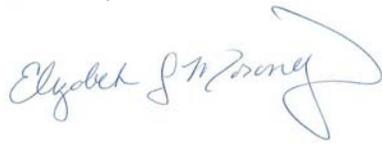
**Special Permit under §4.4.1**

Based on the above findings and subject to the following conditions, the Planning Board recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT**.

#	Condition	Timeframe for Compliance	Verified (initial)	Notes										
1	Approval is for the construction of a 11’ by 11’ shed dormer on a nonconforming dwelling. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	Plng.											
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>June 2, 2009</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>April 2, 2009 (June 11, 2009)</td> <td>Plans submitted to OSPCD (floor plans/details)</td> </tr> <tr> <td>(June 22, 2009)</td> <td>Modified plans submitted to OSPCD (plot/site plan)</td> </tr> <tr> <td>May 31, 2009 (June 11, 2009)</td> <td>Modified plans submitted to OSPCD (elev/section/framing, 3<sup>rd</sup> floor plan/details)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	June 2, 2009	Initial application submitted to the City Clerk’s Office	April 2, 2009 (June 11, 2009)	Plans submitted to OSPCD (floor plans/details)	(June 22, 2009)	Modified plans submitted to OSPCD (plot/site plan)	May 31, 2009 (June 11, 2009)	Modified plans submitted to OSPCD (elev/section/framing, 3 <sup>rd</sup> floor plan/details)
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Any changes to the approved plan that are not <i>de minimis</i> must receive ZBA approval.														
2	The Applicant or Owner shall meet the Fire Prevention Bureau’s requirements.	CO	FP											
3	The Applicant shall submit drawings that accurately reflect the 11’ width of the dormer.	BP	Plng./ ISD											
4	The Applicant shall contact Planning Staff at least five working days in advance of a request for a final sign-off on the building permit 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.											



Sincerely,

A handwritten signature in cursive script that reads "Elizabeth Moroney". The signature is written in dark ink and is positioned above the printed name.

Elizabeth Moroney  
Acting Chair

Cc: Applicant/Owner: Jose C. Dias



