



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

PLANNING DIVISION

**ZONING BOARD OF APPEALS MEMBERS**

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ANNE BROCKELMAN, (ALT.)

**Case #: ZBA 2016-21**  
**Site: 15 Woods Avenue**  
**Date of Decision: May 4, 2016**  
**Decision: Petition Approved with Conditions**  
**Date Filed with City Clerk: May 12, 2016**

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**ZBA DECISION**

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<b>Applicant Name:</b>	Carl O. Dumas
<b>Applicant Address:</b>	407R Mystic Avenue, Medford, MA 02155
<b>Property Owner Name:</b>	Robert Bellino, Trustee
<b>Property Owner Address:</b>	15 Woods Avenue, Somerville, MA 02144
<b>Agent Name:</b>	Andrea Morton
<b>Agent Address:</b>	561 Windsor Street, Suite A404, Somerville, MA 02143

Legal Notice: Applicant, Carl O. Dumas, and owner, Robert Bellino, Trustee, seek a Special Permit to alter a nonconforming two-family structure under SZO section 4.4.1 to change the roof slope and add a dormer.

<u>Zoning District/Ward:</u>	RB zone/Ward 7
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	March 3, 2016
<u>Date(s) of Public Hearing:</u>	May 4, 2016
<u>Date of Decision:</u>	May 4, 2016
<u>Vote:</u>	5-0

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Appeal #ZBA 2016-21 was opened before the Zoning Board of Appeals at Somerville City Hall on May 4, 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.



**DESCRIPTION:**

The proposal is to change the pitch of the gable roof to get more head height for a bedroom and bathroom on the third floor. The height of at the ridge of the house will be 38 feet. A gable dormer will be added on the side of house that has sufficient side yard setback. One of the bedrooms on the second floor will be removed so that the unit will still only have two bedrooms.

**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."*

The structure is currently nonconforming with respect to the following dimensional requirements: lot area, lot area per dwelling unit, front, left side and rear yard setback, and street frontage.

The proposal will impact the nonconforming side yard setback which is 2.5 feet and the requirement is 8 feet. This alteration to a nonconforming structure requires the Applicant to obtain special permits under §4.4.1 of the Somerville Zoning Ordinance (SZO).

Section 4.4.1 states that "[l]awfully existing one-and two-family dwellings which are only used as residences, which are nonconforming with respect to dimensional requirements, may be enlarged, extended, renovated or altered by special permit granted by the SPGA in accordance with the procedures of Article 5."

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 revised proposal keeps the house as a 2 ½ story structure with a gable roof and only one appropriately scaled gable dormer.

The proposal does not change the parking requirement and the FAR and height dimensions continue to be conforming. The number of parking spaces required stays that same because the number of bedrooms is not changing. The proposed square footage for the third floor is approximately 538 square feet, bringing the total net square footage 2,460 with an FAR of 0.75. The ridge is proposed to be at 38 feet and the midpoint of the gable is 31 feet. The 35 foot height limit is measured from the midpoint of a gable roof making this proposal below the height limit.

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 I, 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 maintain the uniquely integrated structure of uses in the City and conserving the value of land and buildings.

The proposal to alter a two-family house is consistent with the purpose of the district, which is RA - Residence Districts: *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 raised ridgeline will now be taller than neighboring structures and the gable will have slightly different proportions, but will continue to have minimal impacts on the surrounding neighborhood. This alternative was preferred to popping up the middle portion of the structure to create usable space in the half story.

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

As a result of the proposal the unit will be more expensive; however, it is not an existing affordable unit.

7. SomerVision Plan: *Complies with the applicable goals, policies and actions of the SomerVision plan, including the following, as appropriate: Preserve and enhance the character of Somerville's neighborhoods, transform key opportunity areas, preserve and expand an integrated, balanced mix of safe, affordable and environmentally sound rental and homeownership units for households of all sizes and types from diverse social and economic groups; and, make Somerville a regional employment center with a mix of diverse and high-quality jobs. The areas in the SomerVision map that are designated as enhance and transform should most significantly contribute towards the SomerVision goals that are outlined in the table below. The areas marked as conserve are not expected to greatly increase the figures in the table since these areas are not intended for large scale change.*

The alteration of the house is in keeping with the goals of allowing houses to change within the neighborhood character.



**DECISION:**

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Danielle Evans, Elaine Severino and Josh Safdie. 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	<p>Approval is for the alteration of the roof of the structure. This approval is based upon the following application materials and the plans submitted by the Applicant:</p> <table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>Mar 3, 2016</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>Feb 9, 2016</td> <td>Plans submitted to OSPCD (Plot Plan)</td> </tr> <tr> <td>Jan 28, 2016</td> <td>Plans submitted to OSPCD (A-01-02 Existing floor plans, A-03-04 Existing elevations)</td> </tr> <tr> <td>Apr 13, 2016</td> <td>Modified plans submitted to OSPCD (SD2.1-2.4 proposed elevations, SD3.1 section)</td> </tr> <tr> <td>Apr 29, 2016</td> <td>Modified plans submitted to OSPCD (SD1.2-1.3 proposed floor plans)</td> </tr> </tbody> </table> <p>Any changes to the approved elevations that are not <i>de minimis</i> must receive SPGA approval.</p>	Date (Stamp Date)	Submission	Mar 3, 2016	Initial application submitted to the City Clerk's Office	Feb 9, 2016	Plans submitted to OSPCD (Plot Plan)	Jan 28, 2016	Plans submitted to OSPCD (A-01-02 Existing floor plans, A-03-04 Existing elevations)	Apr 13, 2016	Modified plans submitted to OSPCD (SD2.1-2.4 proposed elevations, SD3.1 section)	Apr 29, 2016	Modified plans submitted to OSPCD (SD1.2-1.3 proposed floor plans)	BP/CO	ISD/PIng.	
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2	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													
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													
<b>Final Sign-Off</b>																



4	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, *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 \_\_\_\_\_

