



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

PLANNING DIVISION

***ZONING BOARD OF APPEALS MEMBERS***

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ELAINE SEVERINO (ALT.)  
JOSH SAFDIE (ALT.)

**Case #: ZBA # 2012-39**  
**Site: 86 Hudson Street**  
**Date of Decision: June 6, 2012**  
**Decision: *Petition Approved with Conditions***  
**Date Filed with City Clerk: June 11, 2012**

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**ZBA DECISION**

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|                                |  |
|--------------------------------|--|
| <b>Applicant Name:</b>         | James Piwinski                         |
| <b>Applicant Address:</b>      | 90 Hudson Street, Somerville, MA 02143 |
| <b>Property Owner Name:</b>    | Alison Cromer                          |
| <b>Property Owner Address:</b> | 86 Hudson Street, Somerville, MA 02143 |
| <b>Agent Name:</b>             | N/A                                    |

Legal Notice: Applicant, James M. Piwinski, seeks a Special Permit to alter a nonconforming structure under SZO §4.4.1 to expand an existing dormer on the left side of the dwelling.

|                                   |                |
|-----------------------------------|----------------|
| <u>Zoning District/Ward:</u>      | RB zone/Ward 5 |
| <u>Zoning Approval Sought:</u>    | §4.4.1         |
| <u>Date of Application:</u>       | May 3, 2012    |
| <u>Date(s) of Public Hearing:</u> | June 6, 2012   |
| <u>Date of Decision:</u>          | June 6, 2012   |
| <u>Vote:</u>                      | 5-0            |

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Appeal #ZBA 2012-39 was opened before the Zoning Board of Appeals at Somerville High School Auditorium on June 6, 2012. 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.



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**DESCRIPTION:**

Applicant, James Piwinski, an abutting neighbor, proposes to expand an existing shed dormer on the left side of this two-family dwelling to create a new bathroom. The current dormer is 8'-6" in width and extends to the ridgeline of the house. The face of the dormer is six feet in height and includes two windows that extend the height of the dormer.

The extension of the dormer will result in a 15'-10" shed dormer located in the center of the roof slope. The length of the extension would be 7'-4" and would include a skylight placed above the bathtub near the front façade. Construction will consist of 2" x 6" rafters and sheathing as well as new asphalt shingles. The usable square footage of the property will increase by 40 square feet (from 3,179 square feet to 3,221 square feet) and the floor area ratio (FAR) will increase from 1.2 to 1.21. The dormer will not consist of more than 50% of the roof slope and is more than three feet from either gable end.

The Applicant, James Piwinski, is the owner of an identical house next door at 90 Hudson Street, which is visible in the photograph. James expanded a dormer, in the same location, on his own house during 2010. The result of this neighboring expansion was the catalyst to modify the current proposed dormer, at 86 Hudson Street, in the same manner. Due to the proximity of the buildings, the visibility of the expanded dormer is minimal and the installation of a skylight in this space will reduce the necessary use of electricity.

**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."

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 is not expected to impact the house adjacent to the nonconforming side yard. The use of the proposed area with a skylight rather than windows will provide privacy for both structures. While Staff does not encourage shed dormers extending from the apex of a roof, the Board finds the design acceptable as the dormer is an extension of an existing form, does not compose more than 50% of the slope of the roof, and is placed more than three feet from either gable end. The increase in the floor area ratio is negligible as the dwelling already exceeds the maximum FAR of 1.0 allowed in a RB district.

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 "promoting the health, safety, and welfare of the inhabitants of the City of Somerville; to protect health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to conserve the value of land and buildings; to preserve the historical and architectural resources of the City; and to preserve and increase the amenities of the municipality."



The proposal is consistent with the purpose of the district (6.1.2 RB – Residence Districts), 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.”

The expansion of the dormer has been designed to be compatible with the building and unbuilt surrounding area and land uses. The form of the building would remain consistent with other structures along the street and in the neighborhood. The dormer is not expected to impact the streetscape or the surrounding neighborhood as the dormer is already minimally visible. Expansion of the dormer with a skylight rather than windows will provide privacy for both structures.

**DECISION:**

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Danielle Evans and Scott Darling. Upon making the above findings, Susan Fontano made a motion to approve the request for a Special Permit. Scott Darling 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 relief from the provision of SZO §8.5.E. (FAR) and to alter a nonconforming structure under SZO §4.4.1 to expand an existing dormer on the left side of a two-family dwelling. 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>(May 3, 2012)</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>November 2, 2011<br/>(May 29, 2012)</td> <td>Plot plan submitted to OSPCD</td> </tr> <tr> <td>April 24, 2012<br/>(May 29, 2012)</td> <td>Site plans submitted to OSPCD (C0.0, C1.0, A1.3, A1.4, &amp; A3.1)</td> </tr> </tbody> </table> <p>Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.</p> | Date (Stamp Date)        | Submission         | (May 3, 2012) | Initial application submitted to the City Clerk’s Office | November 2, 2011<br>(May 29, 2012) | Plot plan submitted to OSPCD | April 24, 2012<br>(May 29, 2012) | Site plans submitted to OSPCD (C0.0, C1.0, A1.3, A1.4, & A3.1) | BP/CO | ISD/PIng. |  |
| Date (Stamp Date)                  | Submission  |                          |                    |               |  |                                    |                              |                                  |  |       |           |  |
| (May 3, 2012)                      | Initial application submitted to the City Clerk’s Office  |                          |                    |               |  |                                    |                              |                                  |  |       |           |  |
| November 2, 2011<br>(May 29, 2012) | Plot plan submitted to OSPCD  |                          |                    |               |  |                                    |                              |                                  |  |       |           |  |
| April 24, 2012<br>(May 29, 2012)   | Site plans submitted to OSPCD (C0.0, C1.0, A1.3, A1.4, & A3.1)  |                          |                    |               |  |                                    |                              |                                  |  |       |           |  |
| 2                                  | A code compliant fire alarm system is required and shall be installed as part of this project.  | CO                       | FP                 |               |  |                                    |                              |                                  |  |       |           |  |
| 3                                  | New siding type and color, roofing, trim, and materials of the dormer expansion shall match or be complimentary to the rest of the existing structure.  | CO                       | PIng.              |               |  |                                    |                              |                                  |  |       |           |  |



|   |   |                   |       |  |
|---|---|-------------------|-------|--|
| 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<br>Off | Plng. |  |
|---|---|-------------------|-------|--|



Attest, by the Zoning Board of Appeals:

Herbert Foster, *Chairman*  
Orsola Susan Fontano, *Clerk*  
Richard Rossetti  
T.F. Scott Darling, III, Esq.  
Danielle Evans

\*\*\* Need all board signatures if registered land (check deed) \*\*\*

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 \_\_\_\_\_



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