



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

MICHAEL F. GLAVIN  
EXECUTIVE DIRECTOR

**PLANNING DIVISION STAFF**

GEORGE PROAKIS, *DIRECTOR OF PLANNING*  
LORI MASSA, *SENIOR PLANNER*  
MELISSA WOODS, *PLANNER*  
DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*

**Case #:** ZBA 2015-07  
**Date:** March 12, 2015  
**Recommendation:** Conditional Approval

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**PLANNING STAFF REPORT**

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**Site:** 12 Berkeley Street

**Applicant & Owner Name:** Brent Hardenbergh  
**Applicant & Owner Address:** 47 Cedar Street #5 Somerville, MA 02143  
**Alderman:** Bob McWatters

Legal Notice: Applicant & Owner, Brent Hardenbergh, seeks a Special Permit to alter a nonconforming structure to construct a dormer. RA Zone. Ward 3.

Dates of Public Hearing: Zoning Board of Appeals - March 18, 2015

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**I. PROJECT DESCRIPTION**

1. Subject Property: The subject property is a two-family on a 6,137 square foot lot.
2. Proposal: The proposal is to add a dormer on the narrow sideyard side of the home. There are other alterations being made, including a dormer on the conforming side of the home that are by-right.
3. Green Building Practices: The applicant plans to insulate the second and third stories and install new HVAC systems.
4. Comments:

*Fire Prevention:* Has been contacted and has no comments at this time.

*Ward Alderman:* Has been contacted and has no comments at this time.



## II. FINDINGS FOR SPECIAL PERMIT

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 Staff 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."*

Per the SZO, alterations to nonconforming structures require a special permit. Since the sideyard is only about 4', the dormer on the left side of the house requires a special permit.

In considering a special permit of the SZO, Staff find that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure.

OSPCD has submitted a new zoning ordinance for adoption. The public hearing was opened on March 5, 2015. Dormers are considered components of buildings and must comply with the dimensional requirements. In the proposed ordinance, the dormers proposed are by-right.

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 and to preserve the historical and architectural resources of the City.

The proposal is consistent with the purpose of the 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."*

The neighborhood is a mix of one and two family homes mostly with gable roofs. The neighborhood has good connection via a short walk, bike, or car trip to Somerville Avenue and Union Square.

There are little to no impacts of the proposal except those associated with residential uses.

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

There are no impacts to existing affordable housing.

6. 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 project does not contribute directly to the SomerVision goals but will allow a homeowner to make modest alterations to a home in the conserve area.

**III. RECOMMENDATION**

Based on the materials submitted by the Applicant, the above findings and subject to the following conditions, the Planning Staff recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT**.

The recommendation is based upon a technical analysis by Planning Staff of the application material based upon the required findings of the Somerville Zoning Ordinance, and is based only upon information submitted prior to the public hearing. This report may be revised or updated with new recommendations, findings and/or conditions based upon additional information provided to the Planning Staff during the public hearing process.

#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	<p>Approval is to alter a nonconforming structure to add a dormer. 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>January 23, 2015</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>(March 12, 2015)</td> <td>Modified plans submitted to OSPCD (Mortgage Inspection Plan, Cover Sheet, Existing Plans: Basement and First Floor, Second &amp; Third Floor, Elev, Proposed Plans: Basement &amp; First Floor, Second &amp; Third Floor, Elevations)</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	January 23, 2015	Initial application submitted to the City Clerk’s Office	(March 12, 2015)	Modified plans submitted to OSPCD (Mortgage Inspection Plan, Cover Sheet, Existing Plans: Basement and First Floor, Second & Third Floor, Elev, Proposed Plans: Basement & First Floor, Second & Third Floor, Elevations)	BP/CO	ISD/ Plng.	
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<b>Construction Impacts</b>				
2	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	
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>Design</b>				
4	The dormers shall match or be complimentary to the existing finish of the home.	BP	PIng.	
<b>Miscellaneous</b>				
5	The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the building and all on-site amenities, including landscaping, fencing, lighting, parking areas and storm water systems, ensuring they are clean, well kept and in good and safe working order.	Cont.	ISD	
<b>Public Safety</b>				
6	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
<b>Final Sign-Off</b>				
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	PIng.	

