



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2012-39
Date: May 31, 2012
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 86 Hudson Street

Applicant Name: James M. Piwinski
Applicant Address: 90 Hudson Street, Somerville, MA 02143
Property Owner Name: Alison Cromer
Property Owner Address: 86 Hudson Street, Somerville, MA 02143
Alderman: Sean O'Donovan

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.

Zoning District/Ward: RB District / Ward 5

Zoning Approval Sought: Special Permit under §4.4.1

Date of Application: May 3, 2012

Dates of Public Hearing: Zoning Board of Appeals – **Wednesday, June 6, 2012**

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a two-family dwelling on a 2,650 square foot lot in the Spring Hill neighborhood near Highland Avenue and Lowell Street. The property has 3,179 square feet of living space and exceeds the minimum required area for landscaping. The structure is 2½ stories in height with a gable roof that faces the street. There is a gabled bay located on the right side elevation and a small shed dormer located on the left side elevation. The building is located in a Residence B district and abuts similar residential properties on either side.

There has been no prior zoning relief offered to this property.



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2. Proposal: 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.



*Left: 86 Hudson Street,
primary and left side elevation*

3. Nature of Application: The structure is currently nonconforming with respect to several dimensional requirements including the floor area ratio (FAR) and left side yard setback. Under the Somerville Zoning Ordinance (SZO) §4.4.1, alterations to the nonconforming aspects of a two-family dwelling may only occur via Special Permit. Currently, the left side yard setback is 1.6 feet and the minimum required by the SZO for a 2½ story building is a minimum of eight feet. Although the SZO allows for a reduction in the width of side yard setbacks for lots less than 50 feet wide, the subject parcel does not meet the five foot minimum width requirement for side yard setbacks. The subject dwelling also presently has an FAR of 1.2 which exceeds the 1.0 FAR maximum for an RB district. Therefore, the

Applicant is also seeking a Special Permit for relief from the provision of SZO §8.5.E to increase the FAR from 1.2 to 1.21.

4. Surrounding Neighborhood: The immediate neighborhood is predominantly residential and is comprised of a mixture of single- and two-family dwellings. The majority of this neighborhood is composed of gabled structures with dormers that are two stories in height. The immediate dwelling to the right, 90 Hudson Street, is identical and illustrates the size and placement of the proposed dormer on the left side elevation. The visibility of the expanded dormer will be minimal due to the proximity and height of the buildings.

5. Impacts of Proposal: An expansion of the left side dormer would not be detrimental to the existing structure or the surrounding neighborhood. A modification to this dormer would have a minimal impact to the abutters and the streetscape as the dormer already exists and the narrow side yard will reduce visibility of the dormer from the streetscape. The proposal does not include the installation of additional windows, other than a skylight, and the design does not alter character defining features of the building.

6. Green Building Practices: Other than insulating the modified dormer to meet energy codes, the Applicant does not indicate any specific green building practices.

7. Comments:

Fire Prevention: Has been contacted but has not yet provided comments.

Ward Alderman: In an email to Staff on May 16, 2012, Alderman O'Donovan acknowledged the proposal.

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 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."

In considering a Special Permit under §4.4 of the SZO, Staff find 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, Staff 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.

III. RECOMMENDATION

Special Permit under §4.4.1

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 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 (May 29, 2012)</td> <td>Plot plan submitted to OSPCD</td> </tr> <tr> <td>April 24, 2012 (May 29, 2012)</td> <td>Site plans submitted to OSPCD (C0.0, C1.0, A1.3, A1.4, & 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 (May 29, 2012)	Plot plan submitted to OSPCD	April 24, 2012 (May 29, 2012)	Site plans submitted to OSPCD (C0.0, C1.0, A1.3, A1.4, & A3.1)	BP/CO	ISD/Plng.	
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2	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	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	Plng.									
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.									



86 Hudson Street