



**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*  
ADAM DUCHESNEAU, *PLANNER*  
AMIE HAYES, *PLANNER*  
DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*

**Case #:** ZBA 2012-100  
**Date:** December 6, 2012  
**Recommendation:** Conditional Approval

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**PLANNING STAFF REPORT**

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**Site:** 70 Irving Street

**Applicant Name:** Cynthia Taft and Frederick Mueller  
**Applicant Address:** 15A Traymore Street, Cambridge, MA 02140  
**Property Owner Name:** Cynthia Taft and Frederick Mueller  
**Property Owner Address:** 15A Traymore Street, Cambridge, MA 02140  
**Agent Name:** Community Builders Co-Op  
**Agent Address:** 24 Webster Avenue, Somerville, MA 02143  
**Alderman:** Rebekah Gewirtz

Legal Notice: Applicants and Owners, Cynthia Taft and Frederick Mueller, seek a Special Permit under SZO §4.4.1 to alter a nonconforming single family dwelling through the installation of windows and a bulkhead door on the right side elevation. RA Zone. Ward 6.

Zoning District/Ward: RA Zone / Ward 6

Zoning Approval Sought: Special Permit (SZO §4.4.1)

Date of Application: November 13, 2012

Dates of Public Hearing: Zoning Board of Appeals – **Wednesday, December 12, 2012**

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**I. PROJECT DESCRIPTION**

1. Subject Property: The subject property is a nonconforming single family dwelling on a 4,500 square foot parcel located in a Residential A district within the Teele Square neighborhood. The property has 1,846 square feet of living space, one parking space and moderate landscaping. This 1½ story dwelling has a Mansard roof and abuts similar properties on either side.

There has been no prior zoning relief for the subject property.



2. Proposal: Applicants and Owners, Cynthia Taft and Frederick Mueller, propose to install four transom windows on the right side elevation as part of a larger, by right renovation. Window dimensions would be 2'6" in width by 1'6" in height. These four windows will be located within the projecting right side bay and placed horizontally approximately eight feet above the foundation. Window casings will surround each individual window and the windows will be placed 3"-4" apart.

The bulkhead door to be installed on the right side elevation in front of the projecting bay will encroach 1.5 feet into the right side yard setback; however, since this side yard encroachment is not more than 1/4 of the required setback, which is 6 feet, the bulkhead door is allowed by right.



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3. Nature of Application: This single family dwelling is currently nonconforming with respect to dimensional requirements including minimum lot size and right side yard setback. Under SZO §4.4.1, the alteration of a nonconformity requires Special Permit approval. Therefore, the proposal to install four transom windows on the right side elevation with a 3'4" setback requires a Special Permit.

4. Surrounding Neighborhood: The subject property is located in a Residence A district within the larger Teele Square neighborhood. The surrounding neighborhood is comprised of single, two- and three-family homes with gable end roofs.

5. Impacts of Proposal: The proposed alteration to the projecting bay on the right side façade will not be detrimental to the structure.

The design for the addition of four transom windows, to be placed approximately eight feet above the foundation, will enhance this portion of the façade. The fenestration pattern will allow natural light into this space and at the same time maintain the privacy of the abutting property.

6. Green Building Practices: The application states that the insulation will be upgraded and measures to ensure the energy efficiency of the façade will also be taken.

7. Comments:

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

*Ward Alderman:* Has been contacted but has not yet 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: 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. There are not character defining features that would be altered as part of this proposal. The addition of four transom windows to the projecting right side bay will enhance this façade as these windows will create a pattern of fenestration where currently no pattern exists. This fenestration pattern will allow natural light into the space and at the same time maintain the privacy of the abutting property since the windows will be installed approximately eight feet above the foundation.

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 Residence A (RA) district, SZO §6.1.1, which is, "[t]o 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 installation of four transom windows in the projecting bay of the right side façade is designed to be compatible with the built and unbuilt surrounding area. The alterations will improve this façade and retain the privacy of the right side neighboring property. Additionally, the windows will be of a style that is consistent with the existing windows.

**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 a Special Permit under SZO §4.4.1 to alter a nonconforming single family dwelling through the installation of windows on the right side elevation as part of other by right alterations. 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>(November 13, 2012)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>September 26, 2012 (November 29, 2012)</td> <td>Plot plan submitted to OSPCD</td> </tr> <tr> <td>(November 29, 2012)</td> <td>Existing plans submitted to OSPCD (L, B, 1 &amp; 2)</td> </tr> <tr> <td>October 12, 2012 (November 29, 2012)</td> <td>Proposed plans submitted to OSPCD (B, 1, 2 &amp; 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	(November 13, 2012)	Initial application submitted to the City Clerk's Office	September 26, 2012 (November 29, 2012)	Plot plan submitted to OSPCD	(November 29, 2012)	Existing plans submitted to OSPCD (L, B, 1 & 2)	October 12, 2012 (November 29, 2012)	Proposed plans submitted to OSPCD (B, 1, 2 & Elevations)	BP/CO	ISD/PIng.	
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2	Replacement siding (type and color), trim and related materials shall match or be complimentary to the rest of the existing structure.	CO	PIng											
3	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP											
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	PIng.											

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