



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2018-06

Date: April 4, 2018

Recommendation: Conditional approval

PLANNING STAFF REPORT

Site: 102 Heath Street

Applicant Name: Craig Scanzio

Applicant Address: 39 Davis Square, Somerville, MA 02144

Owner Name: 102 Heath Street, LLP

Owner Address: 425 Boylston Street, 3rd floor, Boston, MA 02916 c/o BRL Law Group, LLC

Alderman: Jesse Clingan

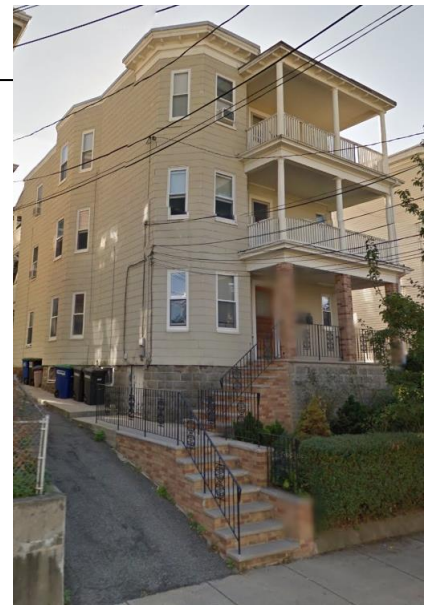
Legal Notice: Applicant, Craig Scanzio, and Owner, 102 Heath Street, LLP, seek a special permit under SZO §4.4.1 to alter a nonconforming structure by adding one-bedroom to each of the three units and a special permit under SZO §9.13 for parking relief. RB Zone. Ward 4.

Dates of Public Hearing: Zoning Board of Appeals – April 4, 2018

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is comprised of a 3,206 square foot parcel with a traditional three-family triple-decker with each unit having two bedrooms.
2. Proposal: The proposal is to convert each unit into a three-bedroom unit by demising a wall in each of the units.
3. Green Building Practices: None listed on the application.
4. Comments:

Ward Alderman: Alderman Clingan has been informed of this proposal and has not heard from any of his constituents regarding this matter.



II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1 and §9.13):

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."*

Article 4: Nonconforming structures

The structure is currently nonconforming with respect to the following dimensional requirements: lot area, lot area per dwelling unit, floor area ratio (FAR), rear yard setback, right side yard setback, and street frontage.

The proposal to add a bedroom to each unit will not alter any of the nonconforming dimensions of the site. However, any renovation to a nonconforming three-family dwelling 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 nonconforming structures other than one- and two-family dwellings may be enlarged, extended, renovated or altered only by special permit authorized by the SPGA in accordance with the procedures of Article 5. The SPGA must find that such extension, enlargement, renovation or alteration is not substantially more detrimental to the neighborhood than the existing nonconforming building. In making the finding that the enlargement, extension, renovation or alteration will not be substantially more detrimental, the SPGA may consider, without limitation, impacts upon the following: traffic volumes, traffic congestion, adequacy of municipal water supply and sewer capacity, noise, odor, scale, on-street parking, shading, visual effects and neighborhood character."

In considering a special permit under §4.4 of the SZO, Staff finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure.

Article 9: Off-Street Parking and Loading

	<i>Existing</i>		<i>Proposed</i>	
Unit #1	2 BR	1.5 spaces	3 BR	2 spaces
Unit #2	2 BR	1.5 spaces	3 BR	2 spaces
Unit #3	2 BR	1.5 spaces	3 BR	2 spaces
Total	5 spaces (rounded from 4.5)		6 spaces	

SZO §9.13 allows for sites with nonconforming parking to apply for a Special Permit to modify parking requirements if the total number of spaces is six or fewer. The locus is currently nonconforming with respect to the number of required off-street parking spaces as five spaces are required and none are provided on the site. The proposal to convert each unit into a three-bedroom unit increases the parking requirement by one space.

Since the locus does not currently have sufficient off-street parking and bedrooms are being added to the property that increase the parking requirement by one, SZO §9.4.1 requires the Applicant to provide the

one required additional space. The owner does not have any additional land to add a parking space and is requesting relief from providing the one required parking space.

In considering a special permit under §9.13 of the SZO “the SPGA may grant such a special permit only when consistent with the purposes set forth in Section 9.1, and upon reaching the findings and determinations set forth in Section 5.1.4”. Staff finds that granting the requested Special Permit is consistent with the purposes of SZO §9.1 and will not cause detriment to increased traffic volumes, traffic congestion of queuing of vehicles, changes in the type of traffic, change in traffic patterns and access to the site, reduction in on-street parking, or unsafe conflicts of motor vehicles and pedestrian traffic.

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 promote the health, safety, and welfare of the inhabitants of the City of Somerville; to provide for and maintain the uniquely integrated structure of uses in the City; to lessen congestion in the streets; to protect health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to conserve the value of land and buildings; and to encourage the most appropriate use of land throughout the City.

The proposal is consistent with the purpose of the RB district, which is, “To 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."*

Surrounding Neighborhood: The subject property is located on Heath Street between the blocks of Edgar Avenue and Bond Street. The neighborhood is residential and the abutter structures are all traditional triple-deckers with three units in each.

Impacts of Proposal (Design and Compatibility): The proposal will not have any impact to the design of the existing structure or to the neighborhood.

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

8. 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.

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	Approval is for the conversion of three two-bedroom units into three three-bedroom units. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/Pln g.							
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>January 11, 2018</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>January 2, 2018</td><td>Plans submitted to OSPCD (CL, A-0.0, EX-1.0, and A-1.0)</td></tr></table>				Date (Stamp Date)	Submission	January 11, 2018	Initial application submitted to the City Clerk’s Office	January 2, 2018	Plans submitted to OSPCD (CL, A-0.0, EX-1.0, and A-1.0)
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January 2, 2018	Plans submitted to OSPCD (CL, A-0.0, EX-1.0, and A-1.0)									
Any changes to the approved use that are not <i>de minimis</i> must receive SPGA approval.										
Construction Impacts										
2	The applicant shall post the name and phone number of the general contractor at the site entrance where it is visible to people passing by.	During Construction	Plng.							
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							
Miscellaneous										
4	Granting of the applied for use or alteration does not include the provision for short term rental uses, such as AirBnB, VRBO, or the like. Separate approvals are needed for the aforementioned uses.	Ongoing	ISD / Plng.							
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							
Public Safety										

6	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
7	Per Somerville fire safety regulations, grills, barbecues, chimineas and the like are NOT permitted on decks or porches.	Perpetual	FP/ISD	
Final Sign-Off				
8	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.	

