



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2017-114

Date: December 13, 2017

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 17 Lexington Avenue

Applicant / Owner Name: Daniel Auditore as manager of Oscar Lewis, LLC

Applicant / Owner Address: 17 Lexington Avenue, Somerville, MA 02144

Alderman: Mark Niedergang

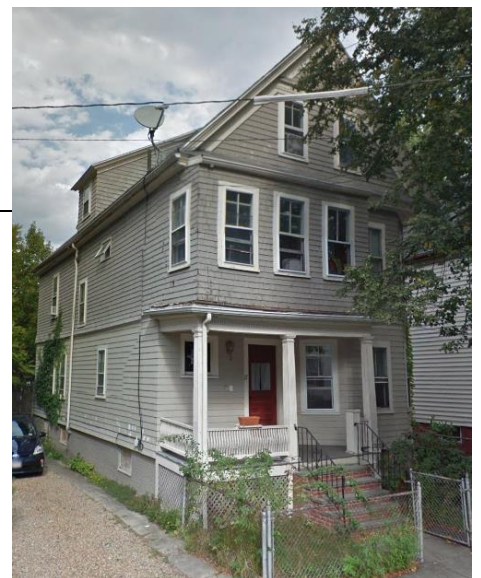
Legal Notice: Applicant and Owner, Daniel Auditore as manager of Oscar Lewis, LLC, seeks a Special Permit under SZO §4.4.1 to alter a nonconforming structure by constructing a dormer* and altering the rear porch within the nonconforming left side yard and to finish the basement by increasing the nonconforming floor area ratio (FAR). RA Zone. Ward 5.

** A new dormer will not be constructed. There is an existing dormer within the nonconforming left side yard that is proposed to be extended.*

Date of Public Hearing: Zoning Board of Appeals –
December 13, 2017

I. PROJECT DESCRIPTION

1. Subject Property: The subject site consists of one parcel of 3,600 square feet and contains a 2.5 story two-family dwelling.
2. Proposal: The proposal is to expand the existing dormer on the left side of the ridge by 17.5 feet, finish a portion (536 square feet) of the basement, and enlarge and add a third story to the rear decks.
3. Green Building Practices: None listed on the application form.



4. Comments:

Ward Alderman: Alderman Niedergang has been informed of the proposal and has yet to provide comment as of the publication of this report.

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."*

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

The proposal will impact the following nonconforming dimensions of FAR and left side yard setback. The scope of the project that includes finishing the basement will add 536 square feet of net floor area at increases the FAR to 0.93. The extensions of the dormer and rear porch are within the nonconforming left side yard setback and will not encroach any further into the required setback. The current dimensions for the FAR and left side yard setback are 0.78 and 3.8 feet respectively and the proposed dimensions are 0.93 and 3.8 feet where 0.75 and 8 feet are the respective requirements in the RA zoning district. These alterations to a nonconforming structure require 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 one-and two-family dwellings which are only used as residences, which are nonconforming with respect to dimensional requirements, may be enlarged, extended, renovated or altered by special permit granted by the SPGA in accordance with the procedures of Article 5.”

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. The proposal will allow for improvements to the dwelling units within the structure without comprising the character of the neighborhood. The proposal has been designed with setbacks that minimally impact the neighbors and the requirements for the number of dwelling units, ground coverage, rear yard setback, and right side yard setback will continue to be conforming to the requirements of the SZO.

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 protect health; to secure safety from fire, panic and other dangers; to avoid undue concentration of population; to conserve the value of land and buildings; to adequately protect the natural environment; to encourage the most appropriate use of land throughout the City; and to preserve and increase the amenities of the municipality.

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

Surrounding Neighborhood: The neighborhood is comprised of numerous dwelling structures of the same style, which is a 2.5 story structure with a gable roof that have dormers on one side and a cross gable on the other side. The subject property is one of those structures. There are some other structures in the neighborhood that have extended the dormer as well.

Impacts of Proposal (Design and Compatibility): Staff finds that the proposed dormer extension and the rear porch alterations are designed to be compatible with the existing structure and 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 by allowing a modest increase in living space while preserving and enhancing 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
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1	Approval is for the extension of a dormer, alterations to the rear porch, and finishing a portion of the basement. This approval is based upon the following application materials and the plans submitted by the Applicant:		BP/CO	ISD/Plng.							
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>October 26, 2017</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>(November 27, 2017)</td><td>Modified plans submitted to OSPCD (plot plan of land, A-1, A-2, A-3, A-4, S-1, and elevation drawings)</td></tr></table>					Date (Stamp Date)	Submission	October 26, 2017	Initial application submitted to the City Clerk's Office	(November 27, 2017)	Modified plans submitted to OSPCD (plot plan of land, A-1, A-2, A-3, A-4, S-1, and elevation drawings)
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Any changes to the approved elevations that are not <i>de minimis</i> must receive SPGA approval.											
Pre-Construction											
2	The proposed basement finished floor elevation shall not be less than is 1 foot above the Seasonal High Ground Water elevation. The seasonal high ground water elevation shall be determined by a Massachusetts certified soil evaluator and stated on a signed soil test pit log.		BP	Eng.							
Construction Impacts											
3	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.							
4	The Applicant shall at their 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							
5	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							
Design											
6	Applicant shall provide final material samples for siding, trim, windows, and doors to Planning Staff for review and approval prior to the issuance of a building permit.		BP	Plng.							
Site											
7	Landscaping shall be installed and maintained in compliance with the American Nurserymen's Association Standards;		Perpetual	Plng. / ISD							
Miscellaneous											
8	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.							

9	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				
10	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
11	Per Somerville fire safety regulations, grills, barbecues, chimineas and the like are NOT permitted on decks or porches.	Perpetual	FP/ISD	
12	To the extent possible, all exterior lighting must be confined to the subject property, cast light downward and must not intrude, interfere or spill onto neighboring properties.	CO	Plng.	
Final Sign-Off				
13	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.	

