



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2017-43
Date: October 18, 2017
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 18 Brook Street

Applicant / Owner Name: Waemen Lung and Waelim Lung
Applicant / Owner Address: 18 Brook Street, Somerville, MA 02145
Alderman: Matthew McLaughlin

Legal Notice: Applicants and Owners, Waemen Lung and Waelim Lung, seek a Special Permit under SZO §4.4.1 to alter a nonconforming structure within the required front, left, and right side yard setbacks and to increase the nonconforming floor area ratio (FAR) by converting the roof type from a gable style to a flat roof and making interior renovations. RB Zone. Ward 1.

Dates of Public Hearing: Zoning Board of Appeals –
October 4, 2017

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is located on the corner of Brook Street and Rush Street. The site contains one parcel of 2,178 square feet. One two-family building is located on the property; the first floor contains one unit and the second and third floors make up a second unit. The front of the building is three stories and the rear portion is two stories with a roof deck. A concrete masonry wall fronts along the sidewalk on Rush Street and a portion on Brook Street. There is an opening in the wall for the entry stairs and the wall continues underneath the porch. There is also a shed within the front yard. The site has one parking space behind the wall and is accessed off of Rush Street.



2. Proposal: The proposal is to renovate the second and third floor to provide a new layout for the second unit. The roof type is proposed to change from a gable style with two shed dormers to a flat roof. Such a change will decrease the height of the structure by two inches measured from grade to the top of the roof. The applicants are also proposing to renovate the roof deck.

3. Green Building Practices: The application does not list any green building practices.

4. Comments:

Ward Alderman: Alderman McLaughlin has been contacted but 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), front, rear, and side yard setbacks, street frontage, and number of parking spaces. The proposal will impact the following nonconforming dimensions: front, left, and right side yard setbacks and FAR. These alterations to a nonconforming structure requires the Applicant to obtain special permits under §4.4.1 of the Somerville Zoning Ordinance (SZO).

Setbacks

The proposal is to alter the roof type from a gable roof to a flat roof within the required front, left, and right side yard setbacks. The building footprint will not change; therefore, the setbacks will not be encroached upon. The current dimension is 9.7 feet for the left side and 2.2 feet for the right side and the requirement in the district is 10 feet. The current dimension for the front yard is 9.5 feet and the requirement in the district is 15 feet.

FAR

Altering the roof type will add 6 square feet of net floor area that will increase the FAR from 1.127 to 1.130 where the requirement of the district is 1.0.

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. Staff finds that the proposal will enhance the aesthetics of the property and provide more adequate living area on the third floor. The proposal has been designed with setbacks that minimally impact the neighbors and the requirements for ground coverage and building height 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 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 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 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: This particular neighborhood is residential and includes building with story heights that range from one-story to three-stories.

Impacts of Proposal (Design and Compatibility): The proposed flat roof will lower the height of the building by two inches. There are other three-story flat roofed structures nearby on Brook Street that will help the proposal fit in with the scale of the neighborhood. The biggest detriment to the aesthetics of the site is the masonry wall surrounding most of the property. The Applicant is proposing to remove the wall along Rush Street and Brook Street up to the porch and install a white vinyl fence. Staff supports the idea of removing the wall but would prefer to work with the Applicant on a more aesthetically pleasing fence style. Another detriment to the site's aesthetic is the roof deck that is framed by pvc plumbing tubes. The Applicant is proposing to shorten the length of the roof deck and install a new railing system. Staff also recommends that the Applicant work with Staff to ensure the railing system for the roof deck uses high quality and durable materials. Additionally, Staff recommends a condition that the siding on the entire structure be replaced with a more high quality and durable material such as cementitious siding.

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

6. SomerVision Plan: The proposal will allow the applicants/owners to make upgrades to the property.

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 reconstruction of the roof from a gable style to a flat roof and to increase the nonconforming FAR. 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>May 4, 2017</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>(July 24, 2017)</td><td>Plans submitted to OSPCD (Title sheet, A-1, A-2, A-3, A-4, and A-5)</td></tr><tr><td>(August 17, 2017)</td><td>Plans submitted to OSPCD (A-6, A-7, A-8, and A-9)</td></tr><tr><td>July 25, 2017</td><td>Landscape plan</td></tr></table>				Date (Stamp Date)	Submission	May 4, 2017	Initial application submitted to the City Clerk's Office	(July 24, 2017)	Plans submitted to OSPCD (Title sheet, A-1, A-2, A-3, A-4, and A-5)	(August 17, 2017)	Plans submitted to OSPCD (A-6, A-7, A-8, and A-9)	July 25, 2017	Landscape plan
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July 25, 2017	Landscape plan													
Any changes to the approved site plan or elevations 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	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											

4	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				
5	Applicant shall provide final material samples for siding, trim, windows, doors, and fencing to Planning Staff for review and approval prior to the issuance of a building permit.	BP	Plng.	
6	The vinyl siding shall be removed and replaced with a higher quality, more durable, material such as cementitious siding.	CO	Plng.	
Site				
7	Landscaping shall be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD	
8	The entire length of the wall along the front and left property line shall be removed and replaced with a fence no higher than 3.5 feet of a fence type to be reviewed and approved by Planning Staff.	CO	Plng.	
Miscellaneous				
9	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.			
10	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				
11	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
12	As per Somerville regulations, no grills or similar cooking/heating apparatus shall be permitted on decks.	Perpetual	ISD/FP	
13	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				
14	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.	

