



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2018-49

Date: May 16, 2018

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 20 Electric Avenue

Applicant / Owner Name: 20 Electric Avenue, LLC c/o Frank Rocci

Applicant / Owner Address: 19 Oldham Road, Arlington, MA 02474

Alderman: Katjana Ballantyne

Legal Notice: Applicant and Owner, 20 Electric Ave LLC c/o Frank Rocci, seeks a Special Permit under SZO §4.4.1 to alter a nonconforming structure by extending an existing dormer on the right side of the ridge. RA Zone. Ward 7.

Dates of Public Hearing: Zoning Board of Appeals – May 16, 2018

I. PROJECT DESCRIPTION

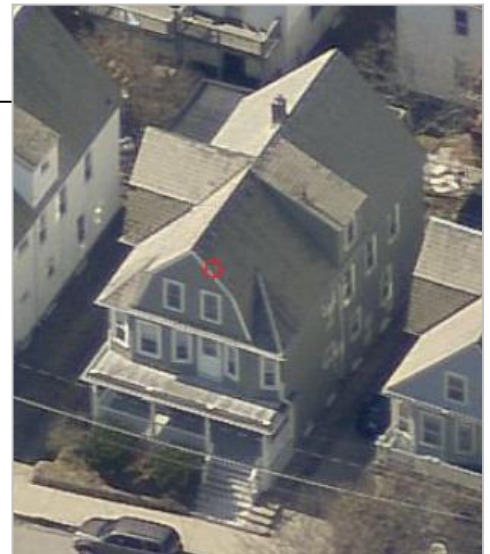
1. Subject Property: The subject property is a 3,188 square foot parcel that contains a two-family dwelling. The structure is a 2.5 story gable end structure with a gambrel dormer on the front and left side of the ridge and a shed dormer on the right side.

2. Proposal: The proposal is to extend the length of the shed dormer on the right side of the ridge to create a bathroom in the attic off of an existing bedroom.

3. Green Building Practices: There are none listed on the application form.

4. Comments:

Ward Alderman: Alderman Ballantyne has been informed of this proposal and has expressed to Planning Staff that she is supportive of their effort to improve the house with the bathroom addition.



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, floor area ratio (FAR), front, rear, and right side yard setback.

The proposal will impact the following nonconforming dimensions of FAR and right side yard setback. The current FAR is 0.95, the proposal is 0.97, and the requirement in the district is 0.75. The current right side yard setback is 3.2 feet and the proposal to extend the dormer within this nonconforming side yard will maintain a 3.2 foot setback where 8 feet is required. This alteration to a nonconforming structure 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 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 creation of a new bathroom off of an existing bedroom. The proposal has been designed with setbacks that minimally impact the neighbors.

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 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; 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 subject site is on Electric Avenue on the block between Mason Street and Packard Avenue. It is a residential neighborhood where most of the houses are the same type of gable roof with front gambrel dormer, left side gambrel dormer, and a shed dormer on the right. There have been some houses in the area that have done similar extensions of their shed dormers.

Impacts of Proposal (Design and Compatibility): The extension of the proposed dormer will occur toward the rear of the property and will follow the same dormer style and slope. It is expected to be compatible with the surrounding area.

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 extension of the right side shed dormer. 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>March 26, 2018</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>April 4, 2018</td><td>Certified Plot Plan</td></tr><tr><td>April 25, 2018</td><td>Modified plans submitted to OSPCD (A1, A2, EX1, and EX2)</td></tr></table>				Date (Stamp Date)	Submission	March 26, 2018	Initial application submitted to the City Clerk's Office	April 4, 2018	Certified Plot Plan	April 25, 2018	Modified plans submitted to OSPCD (A1, A2, EX1, and EX2)
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Any changes to the approved (site plan or elevations/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									
Design												
4	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												
5	Landscaping shall be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD									
Miscellaneous												
6	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.									
7	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												
8	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP									
9	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				
10	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.	

