



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2018-29

Date: April 4, 2018

Recommendation: Conditional approval

PLANNING STAFF REPORT

Site: 28 Sterling Street

Applicant Name: David A. Placey of Franca Enterprise Services, Inc.

Applicant Address: 499 Boston Post Road East, Suite 1, Marlborough, MA 01752

Owner Name: Robert and Carmilla Toner

Owner Address: 28 Sterling Street, Somerville, MA 02144

Agent Name: Kara Darden Mathieu

Agent Address: 424 Broadway, Somerville, MA 02145

Alderman: Katjana Ballantyne

Legal Notice: Applicant, David A. Placey of Franca Enterprise Services, Inc., and Owner, 28 Sterling Street LLC, seek a special permit under SZO §4.4.1 to alter a nonconforming structure by constructing two dormers, finishing a portion of the basement, and installing a spiral staircase in the rear. RA Zone. Ward 7.

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



I. PROJECT DESCRIPTION

1. Subject Property: The subject property is on a 4,591 square foot parcel that consists of a two-family dwelling. The site also includes a two-car concrete block garage in the rear. The structure is 2.5 stories with a hybrid roof type (hipped in the front and gable in the rear) and a gambrel dormer on the front.

2. Proposal: The proposal is to construct two dormers, finish a portion of the basement, and install a spiral staircase in the rear.



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

4. Comments:

Ward Alderman: Alderman Ballantyne has been informed of the proposal and has expressed her support.

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, front yard setback, left side yard setback, and street frontage.

The construction of the dormer on the left side of the ridge will impact the left side yard setback. The current dimension is 3.7 feet and the proposal will maintain that distance. The requirement in the RB district for a 2.5 story structure is 8 feet. 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 has been designed with setbacks that minimally impact the neighbors and the requirements for number of dwelling units, lot area per dwelling unit, ground coverage, landscaped area, pervious area, floor area ratio (FAR), building height, 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 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: Sterling Street is a residential street located in West Somerville and is bound by North Street and Alewife Brook Parkway. Nearby structures include two- and three-family dwellings.

Impacts of Proposal (Design and Compatibility): The proposed dormer is designed to be compatible in scale and in design with the existing structure and the surrounding neighborhood. The dormer will use full size windows that will match the rest of the structure. The main portion of the structure will be resided with horizontal siding (of a material to be reviewed and approved by Planning Staff) and the dormer portion will be clad with cedar shakes.

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 construction of dormers, finishing a portion of the basement, and constructing a spiral stair. 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>February 28, 2018</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>February 23, 2018</td><td>Certified Plot Plan</td></tr><tr><td>February 27, 2018</td><td>Plans submitted to OSPCD (1, 2, 3, 4, 5, 6, 7, and 8)</td></tr><tr><td>March 23, 2018</td><td>Staircase setback plan</td></tr></table>				Date (Stamp Date)	Submission	February 28, 2018	Initial application submitted to the City Clerk’s Office	February 23, 2018	Certified Plot Plan	February 27, 2018	Plans submitted to OSPCD (1, 2, 3, 4, 5, 6, 7, and 8)	March 23, 2018	Staircase setback plan
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March 23, 2018	Staircase setback plan													
Any changes to the approved plans 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	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, and doors to Planning Staff for review and approval prior to the issuance of a building permit.	BP	Plng.											
Site														
6	Landscaping shall be installed and maintained in compliance with the American Nurserymen’s Association Standards;	Perpetual	Plng. / ISD											
Miscellaneous														
7	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.											
8	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														

9	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
10	Per Somerville fire safety regulations, grills, barbecues, chimineas and the like are NOT permitted on decks or porches.	Perpetual	FP/ISD	
11	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				
12	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.	

