



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2018-65

Date: June 20, 2018

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 41 Myrtle Street

Applicant / Owner Name: 41 Myrtle Street LLC

Applicant / Owner Address: 13 Tech Circle, Natick, MA 01760

Agent Name: Nicole Starck, Esq.

Agent Address: 6 Lexington Street, 3rd floor, Waltham, MA 02452

Alderman: Matthew McLaughlin

Legal Notice: Applicant/Owner, 41 Myrtle Street LLC, seeks a special permit under SZO §4.4.1 to alter a nonconforming structure by constructing an addition greater than 25% of the existing gross floor area (GFA) to the left of the existing structure and converting the structure into a three-family dwelling. A special permit under §9.13 is also being sought for parking relief. RB Zone. Ward 1.

Dates of Public Hearing: Zoning Board of Appeal – June 20, 2018

I. PROJECT DESCRIPTION

1. **Subject Property:** The subject property contains one parcel of 5,244 square feet and consists of a two-family dwelling within a 2.5 story gable roofed structure. The structure is positioned to the right side and has a wide driveway.

2. **Proposal:** The proposal is to construct a 2.5 story addition to the left of the existing structure to create one additional dwelling unit on the site. The proposal also includes some alterations to the façade and roof of the existing portion of the structure as well as constructing a new three-car garage in the rear of the site.



3. Green Building Practices: The application states that the project will comply with the minimum energy code requirements.

4. Comments:

Ward Alderman: Alderman McLaughlin has been informed of this proposal. He held a neighborhood meeting on the proposal and mentioned that he has no objections.

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 uses and structures

The structure is currently nonconforming with respect to the following dimensional requirements: lot area, right side yard setback, and street frontage. The proposal will include alterations within the nonconforming required right yard setback, which is currently nine inches from the property line where eight feet is required. The right side yard setback will remain the same; however, the proposal includes improvements to the front porch (adding a second door, railing, and roof) and increasing the height of the roof by 2'-8". These alterations 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 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."

The total increase in gross floor area (GFA) will be greater than 25%. The existing GFA is 3,888 s.f and the proposal is to add 2,310 s.f that will increase the GFA to 6,198s.f, or 59% of the existing structure.

Section 4.4.1 states that "Alteration, reconstruction, extension or structural change to a nonconforming one- or two-family structure not affecting the nonconforming aspect of the one- or two-family structure and where the alteration, reconstruction, extension, or structural change will comply with all current dimensional requirements of the zoning ordinance, and provided any such alteration, reconstruction, extension or structural change does not increase the Gross Floor Area of the dwelling by more than twenty-five percent (25%)."

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 improve the front porch and the fenestration pattern on the front. The proposal has been designed with setbacks that minimally impact the neighbors and the requirements for lot area per dwelling unit, ground coverage, landscaped area, pervious area, building height, front, rear, and left yard setbacks will continue to be conforming to the requirements of the SZO.

Article 9: Off-Street Parking and Loading

	Existing		Proposed	
Unit #1	2 BR	1.5 spaces	3 BR	2 spaces
Unit #2	3 BR	2 spaces	3 BR	2 spaces
Unit #3	-	-	3 BR	2 spaces
Total	4 spaces (rounded up from 3.5)		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 four spaces are required and two are provided on the site. The proposal increases the parking requirement by two spaces.

Since the locus does not currently have sufficient off-street parking and an addition is being added to the property that increases the parking requirement by two spaces, SZO §9.4.2 requires the Applicant to provide the two required additional spaces. The proposal includes a three-car parking garage at a ratio of one per unit. Relief is being requested from providing the additional one parking space that cannot be accommodated in the site plan.

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; 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 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 site is located on the east side of Myrtle Street on the block between Washington Street and Pearl Street. The surrounding neighborhood contains a mix of structures that includes single story flat roof former commercial building that has been converted into condominiums and two, 2.5, and three-story residential structures. This block of Myrtle Street from the subject site toward Washington Street includes numerous side-by-side duplex style residential structures.

Impacts of Proposal (Design and Compatibility): The proposal to construct a side addition to the existing structure is proposed in such a way that maintains the 2.5 story gable character of the existing building. The fenestration pattern of the existing building will be enhanced by using a more traditional window style and arrangement that complements the proposed addition. The front porch will also be improved with new steps, a new landing, and a more traditional roof. The main body of the structure will be clad in an 8" exposure lap siding system and the top half story will be clad in shingles.

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

6. 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.*

<u>SomerVision Summary</u>	<u>Existing</u>	<u>Proposed</u>
<u>Dwelling Units:</u>	2	3

III. RECOMMENDATION

Special Permit under §4.4.1 and §9.13

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 construction of a side addition and various site improvements. This approval is based upon the following application materials and the plans submitted by the Applicant:		BP/CO	ISD/Plng.	
	Date (Stamp Date)	Submission			
	May 9, 2018	Initial application submitted to the City Clerk’s Office			
	January 23, 2018	Modified plans submitted to OSPCD (A-000, A-020, A-021, A-100, A-101, A-102, A-300, A-301, and AV-1)			
Any changes to the approved site plan or elevations/use that are not <i>de minimis</i> must receive SPGA approval.					
Pre-Construction					
2	The Applicant must contact the Engineering Department to obtain a street address prior to a building permit being issued.		BP	Eng.	
3	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.	
4	The Applicant shall complete the Site Plan Review Checklist and supply the information to the Engineering Office. The plans must comply with the City’s Stormwater Management Policy.		BP	Eng.	
5	The Applicant shall submit a proposed drainage report, stamped by a registered PE in Massachusetts that demonstrates compliance with the City’s stormwater policy.		BP	Eng.	
6	The Applicant must contact the Engineering Department to coordinate the timeline for cutting or opening the street and/or sidewalk for utility connections or other construction. There is a moratorium on opening streets from November 1st to April 1st and there is a list of streets that have additional opening restrictions.		BP	Eng	
7	The applicant must comply with the Policy for new connections to and modifications to existing connections to the municipal sewer and drainage system stormwater management and infiltration/inflow mitigation. The Applicant shall work with Engineering to meet this condition and provide the required fees/mitigation.		BP	Eng.	
Construction Impacts					
8	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.	
9	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	

10	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				
11	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				
12	Landscaping shall be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD	
13	New electric, telephone, cable TV and other such lines and equipment shall be placed underground from the source or connection. The utilities plan shall be supplied to the Wiring Inspector before installation.	Installation of Utilities	Wiring Inspector	
14	A permeable paver driveway apron of at least 15 feet in depth and as wide as the proposed driveway shall be constructed at the driveway opening.	CO	Plng.	
15	The applicant shall coordinate the relocation of the curb cut with the Department of Public Works Engineering Department and the Highway Department.	CO	Highway and Eng.	
Miscellaneous				
16	Gas and electric meters shall not be on the front of the structure. Gas and electric meters may be located on the side of the structure but shall be screened from the street by a hardy, staff approved evergreen planting. Utilities shall not be located adjacent to windows and shall not impact any parking, landscaping, or egress. The provisions of this condition may be waived by staff if the applicant submits a letter from the utility, signed by a utility representative, on utility letterhead, indicating that there is no feasible alternative to placing meters in violation of this condition.	CO	ISD	
17	Electrical conduits on the exterior facades of buildings shall be painted to match the wall material to which they are attached. Conduits are not allowed on the front of any structure.	CO	Plng.	
18	Garbage and recycling locations shall be clearly indicated on site plans. Storage areas shall be inside of the structure or shall be fully screened from view from both the public way and abutters by an appropriate material reviewed and approved by staff. The location shall not impact any parking, landscaping, or egress.	BP	Plng.	
19	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.	

20	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				
21	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
22	Per Somerville fire safety regulations, grills, barbecues, chimineas and the like are NOT permitted on decks or porches.	Perpetual	FP/ISD	
23	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				
24	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.	

