



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2017-99
Date: October 18, 2017
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 74 Cedar Street

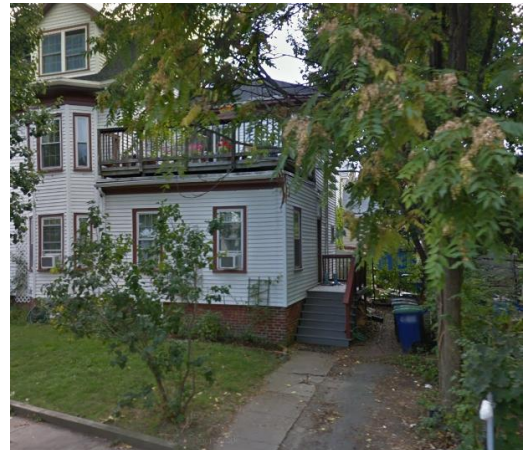
Applicant Name: Derrick Snare
Applicant Address: 158 Central Street, Somerville, MA 02143
Owner Name: Gregory S. Carleton
Owner Address: 74 Cedar Street, Somerville, MA 02143
Alderman: Mark Niedergang

Legal Notice: Applicant, Derrick Snare, and Owner, Gregory S. Carleton, seek a Special Permit under SZO §4.4.1 to extend a nonconforming structure within the required rear yard setback by enclosing a rear porch. RB Zone. Ward 5.

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

I. PROJECT DESCRIPTION

1. Subject Property: The subject site contains a parcel of 3,071 square feet. The structure is used as a single family dwelling. The property has received prior zoning relief in 2009 (ZBA 2009-31) to add a shed dormer and two gable dormers.
2. Proposal: The proposal is to enclose a rear porch entry to be used as a mudroom.
3. Green Building Practices: The proposal will meet or exceed the required insulations r-factors.



4. Comments:

Ward Alderman: Alderman Niedergang 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, front, rear, and left side yard setbacks, and the number of parking spaces.

The proposal will impact the nonconforming dimension of the rear yard setback. The current dimension is 13.2 feet, the proposal will decrease it to 8.2 feet, and the requirement in the district is 20 feet. This extension of 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 or 4.5 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 lot area per dwelling unit, ground coverage, landscaped area, pervious area, floor area ratio (FAR), building height, 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 protect health; to secure safety from fire, panic and other dangers; to conserve the value of land and buildings; 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 property is located on the corner of Cedar Street and Hall Street. This section of Cedar Street and Hall Street includes structures that range from two- to three-story structures.

Impacts of Proposal (Design and Compatibility): The proposal is compatible with the characteristics of the building and unbuilt surrounding area. The proposal will not have any detriment to the design of the existing structure nor to the neighborhood.

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

6. SomerVision Plan: The proposal will allow the homeowner to make an improvement to his property that is within character of the neighborhood.

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 enclosing a rear porch entry. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/Pln g.							
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>September 1, 2017</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>August 17, 2017</td><td>Plans submitted to OSPCD (Existing and proposed first floor plan)</td></tr></table>				Date (Stamp Date)	Submission	September 1, 2017	Initial application submitted to the City Clerk’s Office	August 17, 2017	Plans submitted to OSPCD (Existing and proposed first floor plan)
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Any changes to the approved 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	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	
Final Sign-Off				
9	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.	

