



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2017-56
Date: August 31, 2017
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 88 Irving Street/980 Broadway

Applicant / Owner Name:

88 Irving, LLC
P.O. Box 920757, Needham, MA 02492

Agent:

Richard G. DiGirolamo
424 Broadway, Somerville, MA 02145

Alderman: Lance Davis

Legal Notice: Applicant / Owner, 88 Irving, LLC, seeks a Special Permit under §4.4.1 of the Somerville Zoning Ordinance (SZO) to construct an addition to the structure to add a dwelling unit and a Special Permit under §9.13 for parking relief. RA zone. Ward 6.

Dates of Public Hearing: Zoning Board of Appeals – September 6, 2017

I. PROJECT DESCRIPTION

1. Subject Property: The locus contains a parcel of 5,750 square feet in lot area and contains a three-bedroom single family dwelling and a shed. The locus is situated at the corner of Broadway and Irving Street. It contains a lawn area on the corner and three parking spaces behind and next to the dwelling. The existing dwelling is oriented toward Irving Street.



(Above): View from Irving Street.
(Below): View from Broadway



2. Proposal: The proposal is to construct a two-story addition onto the existing structure to add a three-bedroom dwelling unit on the site. The proposed unit would be oriented toward Broadway and will have an address of 980 Broadway. The addition will be clad with white cementitious siding to match the white vinyl of the existing structure.

3. Green Building Practices: The application states that the proposal will not exceed the stretch code.

4. Comments:

Ward Alderman: Alderman Davis has been informed of this proposal and has yet to comment as of the publication of this report. He has conducted a neighborhood meeting with ten neighbors. The main points of concern were the number of cars currently parking on the site now, whether the units will be rental units or set up as a condominium and the solid portion of the fence along Broadway not being aesthetically pleasing.

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.

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, when any such enlargement, extension, renovation or alteration increases the nonconforming nature of the structure or the Gross Floor Area of the dwelling is increased by more than twenty-five percent (25%)."

The structure is currently nonconforming with respect to the following dimensional requirements: lot area, front yard setback, and left side yard setback. The proposed alteration will be entirely within the required setbacks but the gross floor area (GFA) will be increased by more than 25%. This alteration to a nonconforming structure requires the Applicant to obtain special permits under §4.4.1 of the Somerville Zoning Ordinance (SZO).

In considering a special permit under §4.4 or 4.5 of the SZO, Staff finds that the alterations/use proposed would not be substantially more detrimental to the neighborhood than the existing structure/use. The proposal allows for the creation of an additional dwelling unit and has been designed with setbacks that minimally impact the neighbors and the requirements for the number of units, lot area per dwelling unit, ground coverage, landscaped area, pervious area, floor area ratio, building height, rear yard setback, right yard setback, and street frontage will continue to be conforming to the requirements of the SZO.

Article 9: Off-Street Parking and Loading.

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 proposal requires four spaces (two for each unit); however three legal spaces currently exist and those three spaces will remain in the proposal. The applicant is seeking parking relief for one parking space. 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 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 surrounding neighborhood is comprised of single, two-, and three-family dwellings. Across Irving Street there is a commercial building fronting Broadway with a barber shop, a real estate office, a law office, and a property management office.

Impacts of Proposal (Design and Compatibility): The addition is proposed to be smaller in bulk and massing than the existing structure. The building form is in line with the neighborhood as it resembles a typical Somerville house with a bay, porch, and a gable roof. The siding will be a white cementitious panel that will match the existing structure. Staff finds that the proposal is designed to be compatible with the neighborhood.

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 neighborhood.*

<i>SomerVision Summary</i>	<i>Existing</i>	<i>Proposed</i>
<i>Dwelling Units:</i>	1	2

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						
1	Approval is for the addition to the existing structure for an additional dwelling unit. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/Plng.							
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>May 25, 2017</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>July 24, 2017</td> <td>Modified plans submitted to OSPCD (A-000, C1.0, C2.0, A-020, L-100, EX-100, A-100, A-101, A-300, A-301, and AV-1)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	May 25, 2017	Initial application submitted to the City Clerk's Office	July 24, 2017	Modified plans submitted to OSPCD (A-000, C1.0, C2.0, A-020, L-100, EX-100, A-100, A-101, A-300, A-301, and AV-1)
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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.										
Pre-Construction										
2	The Applicant must contact the Engineering Department to confirm the street address of 980 Broadway 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.							
Construction Impacts										
4	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.							

5	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	
6	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				
7	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.	
8	An exterior light and electrical receptacle is required for the first (or all) level of the porch and an electrical receptacle is required for the second level (if there is no access to the ground).	Final sign off	Wiring Inspector	
Site				
9	Landscaping shall be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD	
10	The first ten feet of driveway depth shall be of pervious pavers for the entire width of the curb cut.	CO	Plng.	
11	The 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	
12	The height of the fence along the Irving Street and Broadway frontages shall be no higher than 3.5 feet. The fence type shall be reviewed and approved by Planning Staff.	BP	Plng.	
Miscellaneous				
13	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	
14	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.	

15	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.	
16	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.	
17	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				
18	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
19	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				
20	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.	

