



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2018-102

Date: September 17, 2018

Recommendation: Conditional approval

PLANNING STAFF REPORT

Site: 24 Crescent Street

Applicant / Owner Name: Oscar & Robert de Tuya

Applicant / Owner Address: 24 Crescent Street,
Somerville, MA 02145

Agent Name: n/a

Agent Address: n/a

Alderman: Matthew McLaughlin

Legal Notice: Applicants and Owners, Oscar & Robert de Tuya, seek Special Permits under §4.4.1 of the SZO to construct a first story rear addition and a second story rear deck, but within the right side yard setback. RB zone. Ward 1.



Dates of Public Hearing: Zoning Board of Appeals – September 17, 2018

I. PROJECT DESCRIPTION

1. **Subject Property:** The locus presents a single-family gable-fronted structure with 2,317 square feet of usable space. The property is situated on a 3,920 square foot lot in the RB zone.
2. **Proposal:** In 2017, the ZBA granted special permits to the previous owners of this property to construct a second story atop an existing, flat-roofed rear addition. Since that time, new owners have purchased the property and propose re-constructing the existing first story rear addition. Instead of adding a second story to the addition, the Applicants propose constructing a second story rear deck. Both the addition and the deck would rest within the right side yard setback, triggering the need for zoning relief.

3. **Green Building Practices:** No comments are provided on the application.

4. **Comments:**

Ward Alderman: Staff has informed Alderman Matthew McLaughlin of this project.

II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1 & §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." 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."*

Section 4.4.1 of the SZO allows for legally-existing, non-conforming one- and two-family residences to be enlarged by Special Permit as long as the proposed changes do not create a situation that is more detrimental to the site or surrounding neighborhood than current conditions.

The trigger for the special permit is the re-construction of the existing single-story rear addition within the right side yard setback as well as the construction of a second story deck above this addition. The deck would also reside within the right side yard setback. The reconstructed addition and the new roof deck would maintain the existing 1.6-foot right side yard setback.

Staff finds that the elimination of the originally-proposed second story addition is an improvement to the original plan as it reduces the building mass along this portion of the property line. The re-construction of the one-story rear addition will not alter the amount of building bulk on this portion of the property from what is currently extent. If anything, the re-constructed addition will present a refreshed and improved appearance to this portion of the property and this section of the structure. The proposed roof deck area will take up the entirety of the flat roof of the rear addition. The proposed the roof deck will allow for situations when one or more individuals will be able to congregate in an elevated location in close proximity to the right property line.

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."*

Staff finds that 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.

Staff also finds that the proposal is consistent with the purpose of the RB district, which is, “[t]o 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."*

In considering the special permit requests, Staff finds that by not constructing the previously-approved second-story rear addition, the amount of building bulk/massing on this portion of the building will remain largely the same.

Crescent Street is lined with single and two-family houses mostly of Mansard and gable-front styles of varying sizes. With the exception of the abutting property to the right, Staff does not observe any rear decks or rear roof decks.

5. Housing Impact: Will not add to the City’s stock of affordable housing.

6. SomerVision: The proposal conforms to the purposes of SomerVision in that the proposed improvements to the property will enhance the neighborhood streetscape.

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
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1	Approval is to reconstruct an existing on-story rear addition within the right side yard setback, construction of a second-story roof deck above this same rear addition. Roof deck will also be within the right side yard setback. All conditions attached to the original proposal for ZBA 2017-113 shall still apply.	BP/CO	ISD/Plng.									
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>July 31, 2018</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>August 28, 2018</td><td>Revised plan set submitted to OSPCD</td></tr><tr><td>August 29, 2018</td><td>Updated plan set submitted to OSPCD</td></tr></table>				Date (Stamp Date)	Submission	July 31, 2018	Initial application submitted to the City Clerk's Office	August 28, 2018	Revised plan set submitted to OSPCD	August 29, 2018	Updated plan set submitted to OSPCD
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Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval. Whether or not a change is <i>de minimis</i> in nature must be determined by the Planning Office.												
Design												
2	All exterior materials, including, but not limited to windows, doors, siding, roofing, trim, and the like, shall be submitted to Planning Staff for their review and approval prior to the issuance of a building permit.	BP	Planning Staff / ISD									
Construction Impacts												
3	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									
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									
5	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 to April and there is a list of streets that have additional opening restrictions.	BP	Eng									
6	The Applicant shall ensure that all food waste is removed from the project site on a daily basis.	During construction	ISD									
7	Construction and construction-related work shall occur between 7:30am and 5:00pm Monday through Friday only. No construction or construction-related work shall occur on the weekends or holidays.	During construction	ISD									

8	There shall be no idling of construction or construction-related vehicles on the property or street prior or post working hours. Out of respect for the neighbors, construction personnel shall not play loud music or engage in loud conversations prior, during, or post the allowed construction hours.	During construction	ISD	
9	Rodent baiting/control shall be undertaken as-needed.	During construction	ISD	
Site				
10	Landscaping shall be installed and maintained in compliance with the American Nurserymen's Association Standards;	CO & Perpetual	Plng. / ISD	
11	All mechanical equipment shall be screened from the view of the street and from abutting properties.	CO & Perpetual	Plng. / ISD	
12	All venting shall be painted or wrapped to match the color of the portion of the house from which it protrudes.	CO & Perpetual	Plng. / ISD	
13	All garbage and recycling shall be screened from the view of the street and abutting properties.	CO & Perpetual	Plng. / ISD	
14	The Applicant shall ensure that all water drainage from the flat-roofed rear addition shall be directed <u>away from</u> the right abutting property.	CO & Perpetual	Plng. / ISD	
15	All materials to be used for landscaping, driveways, sidewalks, parking, fencing and similar shall be submitted to Planning Staff for their review and approval prior to installation.	Prior to installation and CO	Plng. / ISD	
16	Should the ZBA determine that one of the proposed parking spaces is to be removed and landscaping installed in its place, Planning Staff shall review and approve the change to the parking/landscaping plan within 14 calendar days of the ZBA decision and prior to the decision being filed with the City Clerk.	Within 14 calendar days and prior to filing with City Clerk	Plng.	
Public Safety				
16	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
17	As per City regulations, there shall be no grills or similar cooking/heating equipment allowed on any decks or porches at any time.	Perpetual	FP/ISD	
18	All smoke detectors shall be hard-wired.	CO	Fire Prevention / ISD	
Final Sign-Off				
19	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.	