



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2017-121

Date: January 31, 2018

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 42 Flint Street

Applicant Name: Elan Sassoon
Applicant Address: P.O. Box 610312, Newton,
MA 02461
Owner Name: Courtney Pham
Owner Address: 42 Flint Street, Somerville, MA
02145
Alderman: J.T. Scott



Legal Notice: Applicant, Elan Sassoon, and Owner, Courtney Pham, seek Special Permits under §4.4.1 of the SZO to alter a non-conforming structure by increasing the gross floor area (GFA) by more than 25%, and a linear extension of the non-conforming right side yard setback. Relief is sought under §7.11 of the SZO to increase the number of units from two to three and parking relief under Article 9 of the SZO. RB zone. Ward 1.

Dates of Public Hearing(s): January 31, 2018 - ZBA

I. PROJECT DESCRIPTION

1. **Subject Property:** The subject property is a 1.5-story single-family Mansard dwelling house situated on a 5,227 square foot lot in the RB zone.
2. **Proposal:** The Applicant proposes increasing the number of units from one to three by adding an addition to the rear of the structure. This will increase the net floor area by more than 25% (which

will, in turn, increase the FAR by more than 25%). In order to achieve the goals of this proposal, the Applicant will be extending the non-conforming right side yard setback down toward the rear of the lot. The Applicant also seeks parking relief.

3. **Green Building Practices:**

The Application states that there will be “limitation of demo material, recycling where possible to reduce solid waste disposal. Use of water saving plumbing fixtures. Use of energy efficient lighting.”

II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1 & Article 9):

In order to grant a special permit, the SPGA must make certain findings and determinations as outlined in §4.4.1 of the SZO. This section of the report goes through §4.4.1 in detail.

1. **Information Supplied:**

Staff finds that the information provided by the Applicant with regard to the interior arrangement of the structure and exterior elevations conforms to the requirements of §4.4.1 of the SZO. However, Staff finds that the certified plot plan is still needed.

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."*

Regarding §4.4.1, §7.11, and §9.13 of the 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.”

Staff finds that, in principal, creating two additional dwelling units on this property is consistent with the purposes of the RB district which allows for medium-density properties of one-, two-, and three-family dwelling units. Staff finds that the increase in the number of units from one to three will not greatly increase the number of vehicles utilizing on-street parking or create further traffic congestion. Staff further finds that any up-tick in vehicular traffic from two new units is not enough to substantially tax the area parking situation. Two additional dwelling units will increase demand on the City sewer capacity. Regular noise and odor typical of city living are to be expected on this site.

Though there will be more massing added to the rear of this building, at 1 ¾-stories, this height should be minimally impactful with regard to shadowing abutting properties. Additional visual effects from this proposal will be confined to the rear of the property and will be minimally

visible from the public way. The proposed Mansard style of the additions to this property are consistent with the design currently extant on the original, single-family portion of this property.

The proposed increase in FAR is more than 25%. A good portion of this FAR increase will occur at the basement level both in the existing structure and in the rear addition. The 1 ³/₄-story portion of the rear addition that will protrude from the ground will be visible to abutting properties and not visible from the public way at the front of the parcel. The proposed style of the addition is in keeping with the Mansard style of the original structure. As noted elsewhere in this report, the Applicant's inclusion of indentations (both along the right and left facades of this building) help break up the visual expanse of the building.

Under §7.1.1 of the SZO, an Applicant may request to increase the number of dwelling units on a property. In order to do so, the Applicant's proposal must meet the lot area per dwelling unit ration for their district. In the case of the RB district, the required lot area per d.u. is 1,500. Under the proposed 3-unit scenario, the Applicant will have 1,742 square feet of lot area per d.u. above the minimum required limit.

Lastly, the Applicant requests parking relief under §9.13 of the SZO. The parking calculation is as follows:

Unit #	Existing Bdr	Req. parking	Proposed Bdr	Proposed parking
1	1	1.5	3	2.0
2	n/a	n/a	2	1.5
3	n/a	n/a	3	2.0
	TOTAL	1.5	TOTAL	5.5

Parking calculation:

New parking requirement – Old parking requirement = No. of spaces needed for relief

5.5 spaces – 1.5 spaces = 4.0 spaces

The Applicant is able to provide one (1) parking space on-site. This reduces the overall relief request from four spaces of relief to three. Therefore, 4-1 = 3.0 spaces of relief are sought.

As is consistent with ZBA practice, the ZBA does not typically approve “amenity” parking on any project site. Staff finds that granting 3.0 spaces of parking relief will not be more injurious to the site or surrounding neighborhood and will also be in keeping with the ZBA's policy surrounding amenity parking.

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 finishing the basement, increasing the FAR and adding two dwelling units are consistent with the purpose of the RB district which is to “...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."*

In considering a special permit under §4.4.1 of the SZO, Staff finds the following with regard to the items triggering the need for special permits:

Right yard setback: The right yard setback is currently at 2.9 feet in an area where 8 feet is required. Though the Applicant proposes extending this non-conforming dimension linearly toward the back of the lot, Staff notes that the Applicant has created indentations along the right elevation in order to provide a visual respite from an otherwise long, continuous façade.

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

The proposal will not add to the existing stock of affordable housing.

6. SomerVision:

The proposal will improve an existing property and increase the number of available units from one to three.

III. RECOMMENDATION

Special Permit under §4.4.1 and §7.11

Based on the materials submitted by the Applicant, the above findings and subject to the following conditions, the Planning Staff recommends is **TO RECOMMEND CONDITIONAL APPROVAL** of he requested **SPECIAL PERMITS** at this time due to insufficient information.

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 an increase in FAR of more than 25%, parking relief and the construction of an addition to increase the number of units on the site from 1 to 3.	BP/CO	ISD/Plng.					
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>November 11, 2017</td><td>Application submitted to City Clerk’s office.</td></tr></table>				Date (Stamp Date)	Submission	November 11, 2017	Application submitted to City Clerk’s office.
	Date (Stamp Date)				Submission			
November 11, 2017	Application submitted to City Clerk’s office.							
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	The dormer shall be clad in the same material as the rest of the siding on the house.	CO	Planning Staff / ISD					
3	Any new window openings within three feet of the property line on this building must be fire-rated, inoperable windows, in keeping with building code.	BP with recheck at CO	Planning Staff / ISD					
4	Staff-approved windows, including their placement, are required on the wall plane of the right elevation dormer. Depending on the window placement, Staff may also require, review, and approve an appropriate architectural element.							
5	Any changes to the design, style, massing, form, elements, and materials of the shed dormers shall be submitted to and approved by Planning Staff (or, as necessary, the ZBA) prior to their execution on the building.	CP	Planning Staff / ISD					
7	All materials, including, but not limited to windows, exterior finishes, siding, and similar shall be submitted to, reviewed and approved by Planning Staff prior to the issuance of a building permit.	BP	ISD/Plng					
Construction Impacts								
8	The Applicant shall, at his 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					
9	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/ISD					
10	The name(s) and contact information of all entities working on the site shall be posted in an easily-visible area at the job site.	During Construction	ISD					
11	Construction shall be limited to M-F 7:30am – 5:00pm. No weekend construction or construction-related work shall occur.	During Construction	ISD					
Public Safety								

12	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
13	All smoke detectors shall be hard-wired.	CO	Fire Prevention / ISD	
14	The building shall be sprinkled			
15	A means of egress from the basement bedroom window must be provided and shown on plans	BP	ISD/Plng	
Final Sign-Off				
14	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.	