



CITY OF SOMERVILLE, MASSACHUSETTS  
*MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT*  
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**Case #:** ZBA 2015-09

**Date:** March 12, 2015

**Recommendation:** Conditional Approval

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**PLANNING STAFF REPORT**

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**Site:** 53 Josephine Avenue

**Applicant Name:** Christopher Royer

**Applicant Address:** 100 Garden Street Cambridge, MA 02138

**Owner Name:** Christine Dall & Randall Conrad

**Owner Address:** 1116 Massachusetts Avenue Lexington, MA 02420

**Alderman:** Mark Niedergang

Legal Notice: Applicant Christopher Royer, and Owner, Christine Dall and Randall Conrad, seek a Special Permit to alter a nonconforming structure to renovate after a fire. Alterations include front porches, rear decks, dormers, and window alterations. RA Zone. Ward 5.

Dates of Public Hearing: Zoning Board of Appeals – March 18, 2015

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**I. PROJECT DESCRIPTION**

1. Subject Property: The subject property is a 3,360 square foot lot. The structure was a three-family that was damaged by a fire in September of 2014. Since that time, the property has been vacant. Around January of this year, the gable roof was removed.
2. Proposal: The proposal is to reconstruct the property with a gable roof. A cross gable will be added to the left side of the home with a small dormer behind it to provide head height to the interior stairs. A dormer will be added on the right side of the home behind the cross gable. The rear decks on the home will be rebuilt but the stairs reconfigured to provide a supplemental means of egress. If the budget permits, there will also be a second story front porch added. These exterior changes will allow interior changes to make better layouts to the existing 2 bedroom apartments.



3. Green Building Practices: The energy performance of the structure will be upgraded to comply with the stretch code including insulation, windows with low emissivity argon glazing and high efficiency HVAC systems.

4. Comments:

*Fire Prevention:* Has been contacted and has no comments at this time.

*Wiring Inspection:* Due to the extensive damage at the property, the building will have to be rewired.

*Ward Alderman:* Has been contacted and has no comments at this time.

## **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."*

Per the SZO, lawfully existing nonconforming structures may be enlarged, extended, or renovated by Special Permit. The cross gable, new dormers, second story front porch, rear egress stairs all require a special permit.

In considering a special permit under §4.4 of the SZO, Staff find that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure.

The Planning Office is in the process of adoption of a new zoning code. This property will change from an RA zone to Neighborhood Residential. The modifications requested are by-right in the proposed code. There has been one condition recommended as part of this report, that the site maintain the current pervious area of 34.2%.

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 promoting the health, safety, and welfare of the inhabitants of the City of Somerville; to conserve the value of land and buildings; to preserve the historical and architectural resources of the City; and to encourage housing for persons of all income levels.

The proposal is consistent with the purpose of the 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."*

Josephine Avenue has primarily gable end residences with two and three family structures. The property is directly across from Brown School and has quick access via the community path to Davis Square.

There are little to no impacts of the proposal and will improve a structure that has sat vacant due to a fire for over 6 months.

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

The project will have no impact of 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, transform key opportunity areas, preserve and expand an integrated, balanced mix of safe, affordable and environmentally sound rental and homeownership units for households of all sizes and types from diverse social and economic groups; and, make Somerville a regional employment center with a mix of diverse and high-quality jobs. The areas in the SomerVision map that are designated as enhance and transform should most significantly contribute towards the SomerVision goals that are outlined in the table below. The areas marked as conserve are not expected to greatly increase the figures in the table since these areas are not intended for large scale change.*

The project does not directly contribute to the stated metrics of the SomerVision plan but will allow a property owner to improve their property in a modest way.

### III. RECOMMENDATION

#### Special Permit

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 construction of a gable roof with dormers, rear deck/egress, front porch, and window and door alterations. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/ Plng.											
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>January 29, 2015</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>(March 12, 2015)</td><td>Plot Plan</td></tr><tr><td>(March 12, 2015)</td><td>Modified plans submitted to OSPCD (Proposed Plans – 1<sup>st</sup> Fl FP, 2<sup>nd</sup> Fl FP, 3<sup>rd</sup> Fl FP, Basement, West Elev, North Elev, East Elev, South Elev.)</td></tr><tr><td>(March 12, 2015)</td><td>Modified plans submitted to OSPCD (Existing Plans – 1<sup>st</sup> Fl FP, 2<sup>nd</sup> Fl FP, 3<sup>rd</sup> Fl FP, Basement, West Elev, North Elev, East Elev, South Elev.)</td></tr></table>				Date (Stamp Date)	Submission	January 29, 2015	Initial application submitted to the City Clerk's Office	(March 12, 2015)	Plot Plan	(March 12, 2015)	Modified plans submitted to OSPCD (Proposed Plans – 1 <sup>st</sup> Fl FP, 2 <sup>nd</sup> Fl FP, 3 <sup>rd</sup> Fl FP, Basement, West Elev, North Elev, East Elev, South Elev.)	(March 12, 2015)	Modified plans submitted to OSPCD (Existing Plans – 1 <sup>st</sup> Fl FP, 2 <sup>nd</sup> Fl FP, 3 <sup>rd</sup> Fl FP, Basement, West Elev, North Elev, East Elev, South Elev.)
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Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.														
<b>Construction Impacts</b>														
2	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											
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											
<b>Design</b>														
4	The rear deck shall never be enclosed.	Cont.	Plng./ ISD											
<b>Site</b>														
5	The applicant shall maintain the existing pervious area percentage of 34.2%.	CO	Plng.											

6	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	
<b>Public Safety</b>				
7	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
<b>Final Sign-Off</b>				
8	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.	

