



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2015-18
Date: August 13, 2015
Recommendation: Conditional Approval

UPDATED PLANNING STAFF REPORT*

Site: 18 Chandler Street

Applicant Name: Paul Lavelle
Applicant Address: 19 Waltham Street, Lexington, MA 02421
Owner Name: Paul Lavelle
Owner Address: 19 Waltham Street, Lexington, MA 02421
Alderman: Rebekah Gewirtz

Legal Notice: Applicant and Owner, Paul Lavelle, seeks a Special Permit to alter a nonconforming 4-family structure to build an approx. 565 sf addition, dormers, and a rear 2-story porch. RA zone. Ward 6.

Dates of Public Hearing: May 6, 2015

* The July 9 staff report was updated to include the landscape plan in the conditions and a revised section of the third floor. The additions since the April 30 and July 9, 2015 reports are underlined and deletions are ~~struck~~.

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a 4,299 net square foot four-family house on a 5,315 square foot lot. The existing number of bedrooms are one or two bedrooms for each unit. The house is 2 ½ stories and there is an existing two story addition in the rear.
2. Proposal: The proposal is to add an approximately 565 square foot addition to the third floor of the structure, and construct two 10.6 foot and two 13.4 foot shed dormers ~~and a two-story 30.5 by 7 foot rear porch.~~

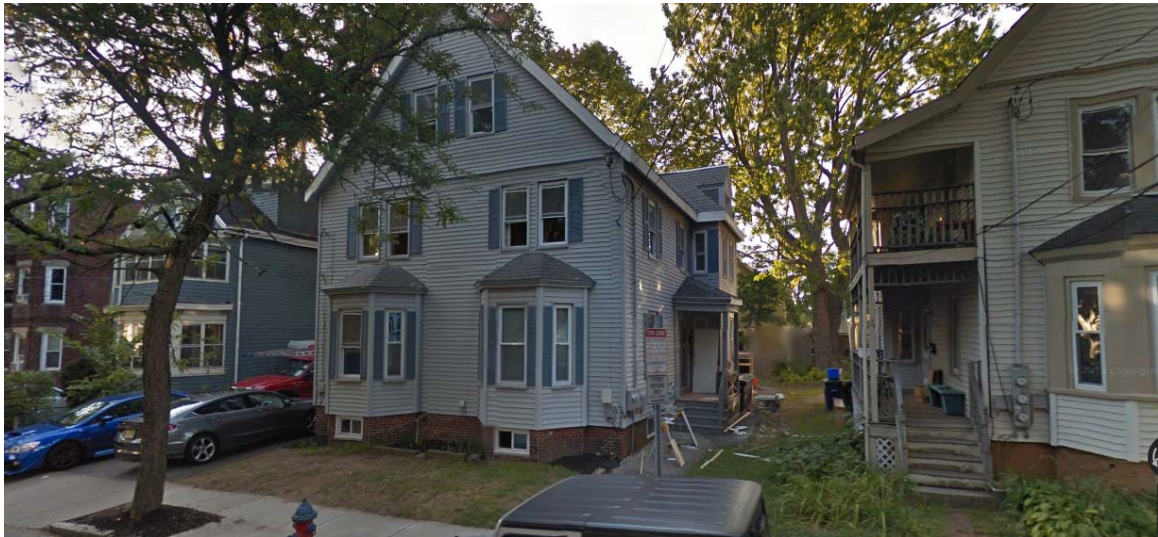


After the May 7 ZBA meeting the Applicant met with neighbors and made the following changes to the plans:

- A. Removed the rear decks to address concerns of noise and privacy.
- B. The rear garden will be landscaped to improve the aesthetics of the area by adding planting bushes and scrubs.
- C. Added closets to the 3rd floor area hallway space thus increasing the storage for residents and clearly defining the area as a hallway to the back bedroom. There were concerns raised that this hallway could be used as a bedroom

The Applicant stated that the intention behind adding the dormers is to add better quality living space for the occupants by:

- Providing space to add a second bathroom
- Taking out the sloping ceiling and adding room at the back to give full head height to the two existing bedrooms.





3. Green Building Practices: The proposal will meet or exceed the stretch energy code.

4. Comments:

Fire Prevention: The smoke detectors will have to be hardwired.

Wiring Inspection: An exterior light and electrical receptacle is required for all levels of the porch.

Ward Alderman: Alderman Gewirtz has been contacted about the proposal.

II. FINDINGS FOR SPECIAL PERMIT:

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.

III. 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 addition to the floor area will conform to the setback requirements. ~~The porch is allowed to project 5 feet into the required 20-foot setback.~~ The dormers width will be less than half of the width of the roof to which they are attached. The dormers will also be pulled in from the main wall of the house and down from the ridge.

The parking requirement stays the same because the units will be two-bed units and the parking requirements for one- and two- bedroom units are the same.

The structure is currently nonconforming with respect to dimensional requirements, including minimum lot area, lot area per dwelling unit, front setback, pervious and landscaped area and floor area ratio.

The proposal will impact the following nonconforming dimensions: pervious and landscaped area and floor area ratio. The landscaped and pervious area is currently nonconforming at 22% and will remain the same ~~become conforming with 26% of the lot proposed to be landscaped.~~ The pervious area will improve as well. ~~The site is currently 22% pervious and will be 26% pervious; the requirement is 35% pervious.~~ The floor area ratio is 0.81 and with the proposal it will be 0.91; the maximum allowed in the district is 0.75.

These alterations to 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 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.”

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 landscaped and pervious area of the site will improve as a result of the proposal.~~ The addition has been designed to have the same roof pitch as the main body of the house and a 54.5 foot depth of a house with a compliant rear yard is not an unreasonable request. The dormers have been broken up with two on each side and pulled back from the main wall and ridge of the house so that they do not overwhelm the roof structure. ~~The proposed rear porches provide quality outdoor space for the residents. The porches will be divided so that each unit has a 105 square foot porch.~~

The Mayor’s Office of Strategic Planning and Community Development has submitted an ordinance to the Board of Alderman to overhaul the current zoning ordinance. The re-advertised date of the legal notice was February 17. Massachusetts General Law 40a, Section 6 states that a zoning ordinance shall apply to a special permit issued after the first notice of the public hearing for such an ordinance. Therefore, staff and boards should evaluate all applications based on the current and proposed ordinances so that there are no issued posed under either ordinance.

Under the proposed zoning ordinance, the house is a four-plex building type. The main body depth for this building type is 54 feet deep, which complies with the proposal. The addition would comply with this

requirement. ~~The porch porches would provide the required outdoor amenity space for each unit. The porch projection into the required 20 foot rear yard setback would not be allowed. If the code passes by the end of June, the porch would have to be pulled back 4 feet to allow for this 20 foot setback.~~

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 maintaining the uniquely integrated structure of uses in the City.

The proposal is consistent with the purpose of the RA district, which is, “[t]o 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. The alteration to the existing 4-family structure that does not increase the footprint of the house, despite the number of units, is consistent with the purpose of the district in adding a small addition to two residential units.

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.”*

The surrounding houses are mainly one-, two-, and three-family houses with rear additions ~~and some have rear porches~~. The design of the proposal is compatible with the house as is outlined in finding 2 above.

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

The improvements to the two dwelling units will not significantly impact the affordability of them.

8. 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.*

This property is marked as an area to conserve and the proposal meets this goal.

<u>SomerVision Summary</u>	<i>Existing</i>	<i>Proposed</i>
<i>Dwelling Units:</i>	4	4

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 rear addition, dormers, rear porch. 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>Apr 2, 2015</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>April 1, 2015</td><td>Plans submitted to OSPCD (Plot Plan)</td></tr><tr><td><u>Jun 15, 2015</u></td><td>Plans submitted to OSPCD (Z1, Z2, Z3 Zoning Compliance, A0 Dimensional, A1-A2 floor plans, A3-A4 elevations, EC1 Existing elevations)</td></tr><tr><td><u>Jun 15, 2015</u> (August 13, 2015)</td><td>Plans submitted to OSPCD (A0 Landscaping)</td></tr><tr><td><u>August 13, 2015</u></td><td>Plans submitted to OSPCD (A2 Attic Floor Plan)</td></tr></table>				Date (Stamp Date)	Submission	Apr 2, 2015	Initial application submitted to the City Clerk's Office	April 1, 2015	Plans submitted to OSPCD (Plot Plan)	<u>Jun 15, 2015</u>	Plans submitted to OSPCD (Z1, Z2, Z3 Zoning Compliance, A0 Dimensional, A1-A2 floor plans, A3-A4 elevations, EC1 Existing elevations)	<u>Jun 15, 2015</u> (August 13, 2015)	Plans submitted to OSPCD (A0 Landscaping)	<u>August 13, 2015</u>	Plans submitted to OSPCD (A2 Attic Floor Plan)
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Any changes to the approved elevations that are not <i>de minimis</i> must receive SPGA approval.																
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	
4	New siding type and color, roofing, trim, and materials of the addition shall match or be complimentary to the rest of the existing structure.	CO	Plng.	
5	Applicant shall install proper fire (smoke/carbon monoxide) protection in the addition as is satisfactory to Fire Prevention.	CO	FP	
6	An exterior light and electrical receptacle is required for all levels of the porch.	Final sign off	Wiring Inspector	
<u>7</u> <u>6</u>	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.	

