



CITY OF SOMERVILLE, MASSACHUSETTS

PLANNING BOARD

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Case #: ZBA 2008-64

Date: December 12, 2008

Recommendation: Conditional Approval

PLANNING BOARD REPORT

Site: 22 Berkeley Street

Applicant Name: John Comerford

Applicant Address: 22 Berkeley Street, Somerville, MA 02143

Property Owner Name: same

Property Owner Address: same

Alderman: Taylor

Legal Notice: The applicant seeks Special Permit with Site Plan Review approval under SZO§7.2 for two principal structures on a lot in order to legalize a dwelling unit in an existing carriage house.

Zoning District/Ward: RA / 3

Zoning Approval Sought: Special Permit with Site Plan Review under SZO§7.2

Date of Application: November 3, 2008

Date(s) of Public Hearing: [PB: December 4, 2008 / ZBA: December 17, 2008]

Date of Decision: N/A

Vote: N/A

Dear ZBA members:

At its regular meeting on December 4, 2008 the Planning Board heard the above-referenced application. Based on materials submitted by the Applicant and the Staff recommendation, the Board voted (5-0) with Elizabeth Moroney absent, to recommend **conditional approval** of the requested **Special Permit**.

In conducting its analysis, the Planning Board found:

I. PROJECT DESCRIPTION

1. Subject Property: The property is a 5,427 s.f. lot (50' in width by 108.4' in length). There is an existing 1,884 n.s.f., two and a half story, single-family structure existing along the right side of the property. Along the rear property line is a two-story carriage house with an approximately 20' by 20' finished second floor room.
2. Proposal: The applicant is proposing to legalize an existing dwelling unit within the finished space on the second floor of the carriage house. This unit would be a 20' by 20' studio apartment to house an elderly family member. The total number of dwelling units on the lot under this proposal would be two.
3. Nature of Application: The applicant is proposing to have more than one principal structure on a lot which requires SPGA approval under SZO §7.2 through application for SPSR. The garage structure is already non-conforming with respect to side and rear yard setbacks and therefore would not be creating a new non-conformity as a principal structure.
4. Surrounding Neighborhood: The subject property is located in a residential neighborhood of predominantly single- and two-family structures. The structures in this area are of a similar size and style to the existing single family at 22 Berkeley Street.
5. Green Building Practices: There is no additional construction proposed.
6. Parking: The applicant is required to provide three (3) spaces on the lot in order for this proposal to satisfy the requirements of the SZO.
7. Comments:

Fire Prevention Bureau: Steve Keenan has been contacted and has not yet provided comments.

Aldermen: Ward Alderman Taylor has been contacted and has not yet provided comments.

II. FINDINGS FOR SPECIAL PERMIT WITH SITE PLAN REVIEW (SZO §7.2):

In considering the requested special permits with site plan review the Board must consider and make findings and determinations as outlined in §5.2.5 of the SZO. This section of the report goes through §5.2.5 in more detail.

1. Information Supplied: The Applicant must comply "with the information requirements in Section §5.2.3;"

The information provided by the Applicant allows for a comprehensive review of the proposed development and is in general compliance with the requirements set forth under §5.2.3 of the SZO.

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 with site plan review".

As conditioned, the proposal will comply with these standards.

The proposal meets all requirements under SZO §9.9 for building access as required under SZO § 7.2. In addition, three (3) spaces will be provided on the lot, which meets the parking requirements under Article 9.

3. Purpose of the District: The Applicant has to ensure that the project "is consistent with the intent of the specific zoning district as specified in Article 6". The project site is located within an RA district. The RA district seeks 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."

The Board finds that the addition of a second principal structure would bring the total number of units to two (2), which is allowed by right in the RA zone. The use is consistent with the surrounding neighborhood and the size of the proposed dwelling unit ensures limited inhabitants and preservation of the low density character of the neighborhood.

4. Site and Area Compatibility: The Applicant has to ensure that the project "Is designed in a manner that is compatible with the existing natural features of the site and is compatible with the characteristics of the surrounding area, and that the scale, massing and detailing of buildings are compatible with those prevalent in the surrounding area."

There is no new construction proposed for the site.

5. Functional Design: The project must meet "accepted standards and criteria for the functional design of facilities, structures, and site construction."

There is no new construction proposed for the site. The carriage house is an existing structure that was constructed over 100 years ago. The applicant has stated that the carriage house was originally built with a second floor coachman's apartment where the apartment is currently located. The applicant claims this apartment has been in existence and used for over 60 years.

6. Impact on Public Systems: The project will "not create adverse impacts on the public services and facilities serving the development, such as the sanitary sewer system, the storm drainage system, the public water supply, the recreational system, the street system for vehicular traffic, and the sidewalks and footpaths for pedestrian traffic."

The Board finds that since the number of proposed units on the property is allowed by right and that the apartment size would limit the number of inhabitants and that the impacts on the public services and facilities would be negligible.

7. Environmental Impacts: "The proposed use, structure or activity will not constitute an adverse impact on the surrounding area resulting from: 1) excessive noise, level of illumination, glare, dust, smoke, or vibration which are higher than levels now experienced from uses permitted in the surrounding area; 2) emission of noxious or hazardous materials or substances; 3) pollution of water ways or ground water; or 4) transmission of signals that interfere with radio or television reception."

Due to the residential nature of the proposed second principal structure no environmental impacts are foreseen as a direct result of this development. In addition, there will be no adverse impacts from construction due to the prior existence of the structure.

8. Consistency with Purposes: "Is consistent with: 1) the purposes of this Ordinance, particularly those set forth in Article 1 and Article 5; and 2) the purposes, provisions, and specific objectives applicable to the requested special permit with site plan review which may be set forth elsewhere in this Ordinance, such as, but not limited to, those at the beginning of the various sections."

As the required findings of Article 5 have been made, and the proposal satisfies the purposes of Article 1, including "to encourage the most appropriate use of land" and "to encourage housing for persons of all income levels" and of Article 6, as already described, The Board find the proposal to be consistent with the purposes of the SZO.

9. Historic or Architectural Significance: The project must be designed "with respect to Somerville's heritage, any action detrimental to historic structures and their architectural elements shall be discouraged insofar as is practicable, whether those structures exist on the development parcel or on adjacent properties. If there is any removal, substantial alteration or other action detrimental to buildings of historic or architectural significance, these should be minimized and new uses or the erection of new buildings should be compatible with the buildings or places of historic or architectural significance on the development parcel or on adjacent properties;"

There are no proposed exterior changes to the façade. The applicant has made previous improvements to the exterior of the structure and it appears to be a well maintained example of an historic Somerville carriage house.

10. Emergency Access: The Applicant must ensure that "there is easy access to buildings, and the grounds adjoining them, for operations by fire, police, medical and other emergency personnel and equipment;"

The Fire Prevention Bureau has not yet provided comments regarding this proposal and any violations of building code will need to be addressed by the applicant.

11. Screening of Parking: All three (3) parking spaces are enclosed by a 6 foot wooden fence, which when closed, will be effectively screen the vehicles from the streets and abutting neighbors.

III. RECOMMENDATION

Special Permit with Site Plan Review under SZO §7.2

Based on the above findings, the Planning Board recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT WITH SITE PLAN REVIEW**

Although the Planning Board is recommending approval of the requested Special Permit, the following conditions should be added to the permits:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes
1	Approval is for the establishment of two principal structures on the lot. This approval is based upon the		Plng.	

	following application materials and the plans submitted by the Applicant and/or agent: <table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>N/A (Clerk 11/03/08)</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>N/A (SPCD 12/02/08)</td><td>Site Plan</td></tr></table> Any changes to the approved site plan that are not <i>de minimis</i> must receive ZBA approval.	Date (Stamp Date)	Submission	N/A (Clerk 11/03/08)	Initial application submitted to the City Clerk's Office	N/A (SPCD 12/02/08)	Site Plan			
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N/A (SPCD 12/02/08)	Site Plan									
2	Finished space and/or living area shall be limited to the second floor and shall not expand onto the ground level.	Cont.	ISD							
3	The Applicant shall contact Planning Staff at least five working days in advance of a request for a final sign-off on the building permit 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.							

Sincerely,



Kevin Prior
Chairman



22 BERKELEY STREET