



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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MAYOR

PLANNING DIVISION

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Case #: ZBA 2010-72

Date: November 18, 2010

Recommendation: Conditional Approval

PLANNING BOARD RECOMMENDATION

Site: 30 Thorndike Street

Applicant and Agent Name: Kevin Kelleher

Applicant Address: 50 Baldwin Ave Everett, MA

Property Owner Name: Timothy Finn

Property Owner Address: 71 Wallace St. Somerville, MA

Alderman: Rebekah L. Gewirtz

Legal Notice: Applicant Kevin Kelleher, and owner Timothy Finn seek a Special Permit under SZO §4.4.1 to add a window in a bedroom on the second floor unit of residential property.

Zoning District/Ward: Residential B (RB)

Zoning Approval Sought: Special Permit under SZO §4.4.1

Date of Application: 10/20/2010

Dates of Public Meeting • Hearing: Planning Board 11/18/2010 • ZBA 12/1/2010

Dear ZBA members:

At its regular meeting on November 18, 2010 the Planning Board heard the above-referenced application. Based on materials submitted by the Applicant and the Staff recommendation, the Board voted 4-0, to recommend **conditional approval** of the requested **Special Permit**.

In conducting its analysis, the Planning Board found:



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I. PROJECT DESCRIPTION

1. Subject Property: 30 Thorndike Street is a three family residential condo property. The property is currently non-conforming in terms of front and side yard set backs, as well as frontage for zone RB.
2. Proposal: The applicant would like to add a 33'' x 60'' window opening in a second floor bedroom on left side (when facing property from street) of the house.



3. Nature of Application: The addition of this window as proposed would be an alternation of the structure in a non-conforming side yard. Due to this existing nonconformity, the Applicant must obtain a special permit under §4.4.1 of the Somerville Zoning Ordinance (SZO).
4. Surrounding Neighborhood: Thorndike Street is in a medium density area consisting of single-, two- and three-family homes. A former factory (Comfort Pillow) that was converted to condominiums lies at the end of the street, near the intersection with Howard Street. The property is also very close to the Community Path, the commercial district along Holland Street and the heart of Davis Square.
5. Impacts of Proposal: This alteration would not have significant impact on other properties in the neighborhood, only the abutting house at 28 Thorndike St, a two story single family home next door. The windows of both houses on the second floor are at about equal height.



6. Green Building Practices: Applicant proposes to install an energy star window.

7. Comments:

Ward Alderman: Has been notified and has not yet responded.

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 Board 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."

In considering a special permit under §4.4.1, the Board does not find that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The Board are concerned that the proposed window location would allow for greater visibility between the second floors of the buildings at 28 and 30 Thorndike Street, but this situation is not inconsistent with many other Somerville lots, and unless a specific concern is raised by the applicant or the neighbor, then the Board is

comfortable that there are no detrimental impacts of the proposal. Other than the immediate abutter, the improvement will be virtually unseen by the neighborhood.

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, including: 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 facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; to conserve the value of land and buildings; to preserve the historical and architectural resources of the City; to adequately protect the natural environment; to encourage the most appropriate use of land throughout the City; to encourage housing for persons of all income levels; and to preserve and increase the amenities of the municipality.

6.1.2. RB - Residence Districts.

The proposal is consistent with the purpose of the RB district: 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."

The application is compatible with the characteristics of the area.

5. Adverse 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.

No impacts are anticipated.

6. Vehicular and pedestrian circulation: The circulation patterns for motor vehicles and pedestrians which would result from the use or structure will not result in conditions that create traffic congestion or the potential for traffic accidents on the site or in the surrounding area.

No impacts are anticipated.

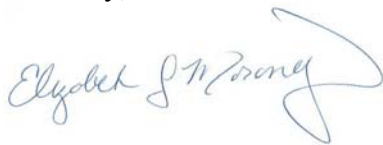
III. RECOMMENDATION

Special Permit under §4.4.1

Based on the above findings and subject to the following conditions, the Planning Board recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT**.

#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	Approval is for the addition of a second-floor window in a non-conforming side yar. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	Plng.							
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>Oct 20, 2010</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>(Nov 16, 2010)</td><td>Plans submitted to OSPCD</td></tr></table>				Date (Stamp Date)	Submission	Oct 20, 2010	Initial application submitted to the City Clerk’s Office	(Nov 16, 2010)	Plans submitted to OSPCD
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Any changes to the approved plan that are not <i>de minimis</i> must receive SPGA approval.										
2	The Applicant shall ensure that the window color and trim match the other windows on the side of the house	BP	Plng.							
3	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.							

Sincerely,


Elizabeth Moroney
Acting Chair

Cc: Applicant/Agent: Kevin Kelleher



30 Thorndike Street