



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
**JOSEPH A. CURTATONE**  
**MAYOR**

***PLANNING BOARD***

***MEMBERS***

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JOSEPH FAVALORO  
ELIZABETH MORONEY  
JAMES KIRYLO  
DANA LEWINTER, ALT.

**Case #:** ZBA 2009-36  
**Date:** September 2, 2009  
**Recommendation:** Conditional Approval

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**PLANNING BOARD REPORT**

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**Site: 31 Appleton Street**

**Applicant Name:** Radhika Bagai  
**Applicant Address:** 31 Appleton Street - Somerville, MA  
**Property Owner Name:** same  
**Property Owner Address:** same  
**Alderman:** Gewirtz

Legal Notice: The applicant seeks Special Permit approval under SZO §4.4.1 for the alteration of a non-conforming structure in order to relocate windows.

Zoning District/Ward: RA / 6

Zoning Approval Sought: Special Permit under SZO§4.4.1

Date of Application: July 27, 2009

Date(s) of meetings/public hearing: [PB: August 20, 2009/ZBA: September 2, 2009]

Date of Decision: N/A

Vote: N/A

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Dear ZBA members:

At its regular meeting on August 20, 2009 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 James Kirylo 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 subject property is an approximately 3,960sf lot on which sits a two and a half story wood frame mixed use structure. There are two dwelling units and a basement office space used as an architect's office by the owners that has direct access to the street. The property is on a corner lot at the intersection of Liberty Avenue and Appleton Street. There is a graded differential on the property of about 15' which is highest in the rear and lowest in the front.

2. Proposal: The Applicant is seeking a special permit under SZO §4.4.1 to alter the façade of the structure by relocating and replacing the windows on all sides of the structure to support an internal redesign. The work is proposed for two phases, the first phase would include construction on the second and half story, with phase two completing the first floor and the basement office space.



3. Nature of Application: The existing structure is nonconforming with respect to side yard, rear yard and front yard setback requirements as well as FAR allowances. Under SZO §4.4.1, structures other than single and two-family dwellings which are non-conforming with respect to dimensional requirements may be renovated or altered only by Special Permit.

4. Surrounding Neighborhood: The property is located in a Residence A (RA) zone. The immediate neighborhood is predominantly residential, with a mix of one- and two-family homes.

5. Green Building Practices: Applicant states that the roof and wall insulation will be improved. Poor quality windows will be replaced with energy efficient windows. Lumber and flooring will be recycled back into the site.

6. Comments:

Fire Prevention: Deputy Chief Steven Keenan stated: Our review of the submitted plans appears to show that there is also going to be a change in the layout of the second floor and also that the layout of the attic will be changed to include a loft. I will need more information on this property before I can comment further. One thing I need to know is whether the attic will be used for sleeping.

Alderman: Alderman Gewirtz appeared at the Planning Board meeting on August 20 and expressed her support for the proposal.

## **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."

The Applicant requires a special permit under §4.4.1 of the SZO. Under §4.4.1, "the SPGA, as a condition of granting a special permit under this Section must find that such extension, enlargement, renovation or alteration is not substantially more detrimental to the neighborhood than the existing nonconforming structure."

The Board finds that the Applicant's proposal **would not be substantially more detrimental** to the surrounding neighborhood than the existing structure, as required under §4.4.1 of the SZO. The proposal is not more detrimental in visual effects or privacy concerns. The Board finds that the alterations would be an improvement to the structure and create an unusual façade that is not typical of historical Somerville architecture, but nevertheless is appealing. The Board notes that there are several other structures in the area that feature elements of modern design (pictures are attached to this report).

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 Board finds that the proposal **is consistent** with the purposes set forth in Article 1 of the Zoning Ordinance, and with, to the extent possible for a lawful pre-existing nonconforming structure, those purposes established for the Residence B (RB) zoning district in which the property is located, namely "(t)o 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 Board finds that the proposal **is compatible** with the site and area. The addition would not be visually intrusive within the neighborhood. As mentioned above there are some structures in the area that feature modern design elements that the Board find visually appealing. The structure directly across the street from the subject property has such features and the Board finds the design to be a positive addition to the street.

### **III. RECOMMENDATION**

#### **Special Permit under §4.4.1**

Based on the above findings, the Planning Board recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT**.

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 alteration of the façade of the structure to install new windows. This approval is based upon the following application materials and the plans submitted by the Applicant:	Building Permit	Plng.							
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>(7/27/09)</td><td>Initial application submitted to the City Clerks Office</td></tr><tr><td>7/28/09 (8/18/09)</td><td>Proposed Plans and Elevations (A1.05, A2.01-A2.04)</td></tr></table>				Date (Stamp Date)	Submission	(7/27/09)	Initial application submitted to the City Clerks Office	7/28/09 (8/18/09)	Proposed Plans and Elevations (A1.05, A2.01-A2.04)
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7/28/09 (8/18/09)	Proposed Plans and Elevations (A1.05, A2.01-A2.04)									
Any changes to the approved plans and elevations that are not <i>de minimis</i> must receive ZBA approval.										
2	The applicant shall make best efforts to complete Phase II immediately following completion of Phase I.	Cont.	Plng.							
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. / ISD							

Sincerely,



Kevin Prior  
Chairman



## 31 APPLETON STREET