



CITY OF SOMERVILLE, MASSACHUSETTS
STRATEGIC PLANNING AND COMMUNITY DEVELOPMENT
JOSEPH A. CURTATONE, MAYOR

STAFF

MADELEINE MASTERS, *PLANNING DIRECTOR*
CHRISTOPHER DI IORIO, *PLANNER/ZONING ADMINISTRATOR*
LORI MASSA, *PLANNER/ZONING ADMINISTRATOR*
DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*
FREDERICK J. LUND, *SENIOR DRAFTSMAN*

Case #: ZBA 2008-67
Date: February 3, 2009
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 42 Allen Street

Applicant Name: Mark Resnick

Applicant Address: 183 Harvard Avenue, Allston, MA 02134

Property Owner Name: same

Alderman: Heuston

Legal Notice: The Applicant seeks a special permit under §4.4.1 in order to finish and legalize partially completed alterations to a non-conforming structure.

Zoning District/Ward: Residence B / 2

Zoning Approval Sought: Special Permit under SZO §4.4.1

Date of Application: November 26, 2008

Date(s) of Meetings/Public Hearing: PB: February 5, 2009 / ZBA: February 18, 2009

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is an approximately 3,476 s.f. lot on which sits a vinyl clad, wood-framed, two story, two-family dwelling. Construction of a two floor rear addition was begun by a previous owner without appropriate city permits. The original building contained approximately 1,160 n.s.f and the addition added approximately 521 n.s.f. The work was never finished and the building has sat vacant and half completed for almost two years. The subject property is located near the terminus of Allen Street at its intersection with Charlestown Street.

2. Proposal: The proposal is to legalize and complete the two floor 15.3' by 26.8' rear addition that had previously been started. When completed the structure would contain 1,681 n.s.f. The addition would enable the applicant to reorganize and expand the two bedrooms in each unit. No additional units or bedrooms would be added. No additional parking would be required.

3. Nature of Application: The original structure was nonconforming with respect to several dimensional requirements, including minimum lot size and front and side yard setbacks.

The proposed addition increases the area of the structure within the nonconforming side yard, which is approximately 3'6" deep; the minimum side yard setback required in this district is 8'. In addition, the proposal will also increase the gross square feet of the building by more than 25% (32%- 2,021 g.s.f to 2,672 g.s.f). The impact to the existing nonconformity and the percent increase in floor area require the applicant to obtain a special permit under §4.4.1 of the Somerville Zoning Ordinance (SZO).

4. Surrounding Neighborhood: The surrounding neighborhood is predominantly residential, though some commercial and industrial uses are located in the immediate area along with a community garden. Residential is primarily single-, two-, and three-family homes mostly 2.5 and 3 story structures. There are some new larger, three-story structures in the surrounding neighborhood. In general, the neighborhood is compact with narrow streets and dense development.

5. Green Building Practices: The applicant is proposing to incorporate low-flow shower heads, energy star appliances, low-flow toilets, and energy saving light bulbs.

7. Comments:

Alderman: Alderman Heuston has been contacted but has not yet provided comments.

Fire Prevention: Deputy Chief Keenan will require a code compliant fire alarm system. ISD may require a sprinkler system to be installed based on the extent of the work.

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."

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 proposed work by the new owner will correct an unfortunate situation that has left an eyesore on the neighborhood for almost two years. The design of the structure and the materials to be used will help to create a cohesive and properly scaled building. Staff finds that the design to complete this modest structure will fit within the neighborhood context.

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."

Staff will require a landscaping plan to be submitted to OSPCD that will screen and improve the appearance of the site. The redesign of the front entrance toward the street will enable the applicant to provide more landscaping along the front of the building along the sidewalk, which will improve the pedestrian experience in the area.

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.”

While the building will be compatible with the density and character of the area, questions continue regarding site access. The November 10, 2008 site plan that was submitted to OSPCD on January 29, 2009 shows the existing driveway and curb cut being maintained. This access is not located on the applicant's property and there is no easement on record to use the driveway. If an agreement cannot be reached by the applicant and the owner of 36 Allen Street, a new curb cut would need to be cut for access to the site. This would require approval from DPW and the Traffic and Parking Department.

III. RECOMMENDATION

Special Permit under §4.4.1

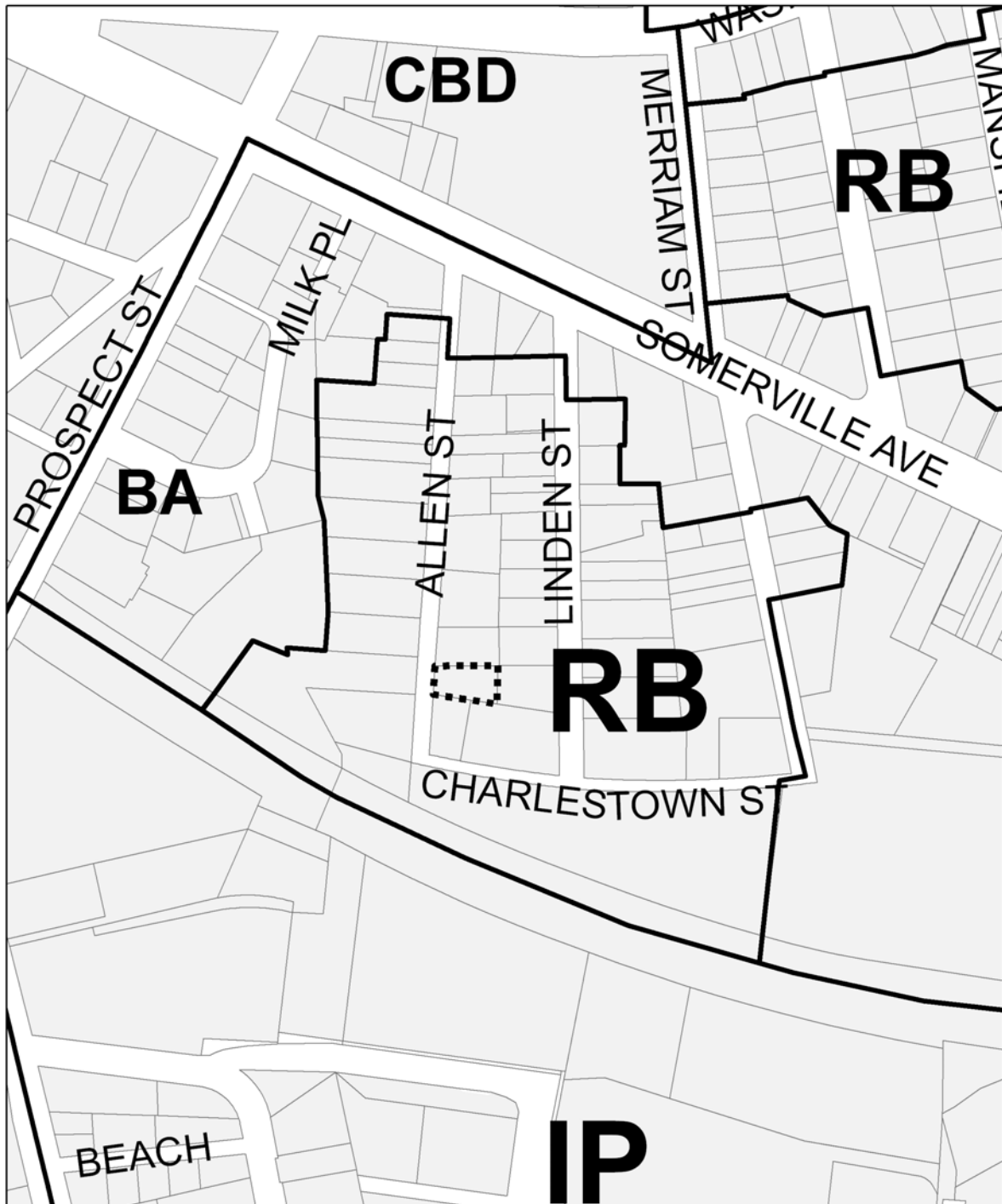
Based on the above findings and subject to the following conditions, the Planning Staff recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT**.

#	Condition	Timeframe for Compliance	Verified (initial)	Notes								
1	Approval is for the construction of an approximately 15.3' deep by 26.8' wide, two story rear addition. 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>(11/26/08)</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>1/30/09(2/3/09)</td><td>Elevations</td></tr><tr><td>11/10/08(1/29/09)</td><td>Site Plan</td></tr></table>				Date (Stamp Date)	Submission	(11/26/08)	Initial application submitted to the City Clerk's Office	1/30/09(2/3/09)	Elevations	11/10/08(1/29/09)	Site Plan
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Any changes to the approved elevations that are not <i>de minimis</i> must receive ZBA approval.												
2	A landscaping plan shall be submitted to OSPCD for approval.	Building Permit	Plng/ISD									

3	The applicant shall secure an easement to use the existing curb cut and driveway on the 36 Allen Street property. If no agreement is reached the applicant shall submit to OSPCD/DPW & Traffic and Parking a new site plan for approval.	Building Permit	Plng /DPW /T&P	
4	A code compliant fire alarm system shall be installed.	CO	FP	
5	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	
6	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.	

ORIGINAL STRUCTURE - BEFORE ILLEGAL CONSTRUCTION





42 ALLEN STREET