



CITY OF SOMERVILLE, MASSACHUSETTS

PLANNING BOARD

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Case #: ZBA 2008-63

Date: December 4, 2008

Recommendation: Conditional Approval

PLANNING BOARD REPORT

Site: 9 Belmont Square

Applicant Name: Moses Blumenstiel

Applicant Address: 9 Belmont Sq, Somerville MA

Property Owner Name: same

Alderman: Taylor

Legal Notice: Applicant seeks a special permit (SZO §4.4.1) to alter a nonconforming dwelling by adding a window and door.

Zoning District/Ward: RB / 3

Zoning Approval Sought: Special Permit (§4.4.1)

Date of Application: November 5, 2008

Date(s) of Public Meeting / 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 9, 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), 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 a 2182 s.f. lot on which sits a three-family, three-story wood frame dwelling. There is a porch located in the back-right portion of the house.

2. Proposal: The proposal is to add a window on the right side of the house near the front on the third floor. The window would align with the existing windows on the third floor and would have trim that matched that of the other windows. The proposal also includes adding a sliding glass door to the back side of the house which would open onto the third floor porch.

9 Belmont: front and rear of structure.



3. Nature of Application: The structure is currently nonconforming with respect to several dimensional requirements, including minimum lot area, lot area per dwelling unit, floor area ratio, street frontage, and front and side yard setbacks. These existing nonconformities require the Applicant to obtain a special permit under §4.4.1 of the Somerville Zoning Ordinance (SZO). The proposal affects the side and rear yards. The right side yard is 7.58 feet; the minimum side yard setback is 8.75 feet with the reduction for narrow lots. The rear yard is 16 feet; which is greater than the minimum of 11 feet with the reduction for shallow lots.
4. Surrounding Neighborhood: The surrounding neighborhood features one-, two-, and multi-family homes. There is a local historic district located behind the property.
5. Impacts of Proposal: There are no anticipated impacts from the proposal.
6. Green Building Practices: None.
7. Comments:
Ward Alderman: Inquired about the proposal but has not provided comments.

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 of the SZO, the Board finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The window would be consistent with the design of the house; it would align with the existing windows and its trim would match that on the house. The door proposed in the rear is commonly found on similar houses to access rear porches.

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 providing adequate light and air. The proposal is consistent with the purpose of the district, which in part is to preserve three-family homes.

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 proposal is designed in a manner that is compatible with the area as specified in finding two, compliance with standards.

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 window and door to the dwelling. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	Plng.							
	<table><tr><th>Stamp Date</th><th>Submission</th></tr><tr><td>Nov 5, 2008</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>Nov 19, 2008</td><td>Plans submitted to OSPCD (1-3rd floor existing, 2-proposed 3rd floor, 3-elevations)</td></tr></table>				Stamp Date	Submission	Nov 5, 2008	Initial application submitted to the City Clerk's Office	Nov 19, 2008	Plans submitted to OSPCD (1-3 rd floor existing, 2-proposed 3 rd floor, 3-elevations)
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Any changes to the approved elevations that are not <i>de minimis</i> must receive ZBA approval.										
2	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

Cc: Applicant/Owner: Moses Blumenstiel

