



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2010-64
Date: November 4, 2010
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 355 Highland Avenue

Applicant Name: Robert Ticktin

Applicant Address: 99 Mayflower Road, Needham, MA 02492

Property Owner Name: Datick Development LLC

Property Owner Address: 99 Mayflower Road, Needham, MA 02492

Agent Name: Alba Baccari

Agent Address: 316 Central Street, Saugus, MA 01906

Alderman: Rebekah Gewirtz

Legal Notice: Applicant Robert Ticktin and owner Datick Development LLC seek a special permit (SZO §4.4.1 & 8.5.B) to renovate an existing dormer, in one unit of a non-conforming three-family structure.

Zoning District/Ward: NB/6

Zoning Approval Sought: Special Permit under SZO §4.4.1 & 8.5.B

Date of Application: 10/12/10

Dates of Public Meeting • Hearing: Planning Board 11/4/10 • Zoning Board of Appeals 11/17/10

I. PROJECT DESCRIPTION

1. Subject Property: The Subject property consists of three 826 Square foot residential units on a 2,477 square foot lot. Within the structure 3,136 square feet is useable space. The building was recently purchased by the applicant and the applicant intends to renovate the existing dormer in the third unit. As is typical for three-family structures in this neighborhood, the lot is nonconforming with the SZO from a number of dimensional requirements.



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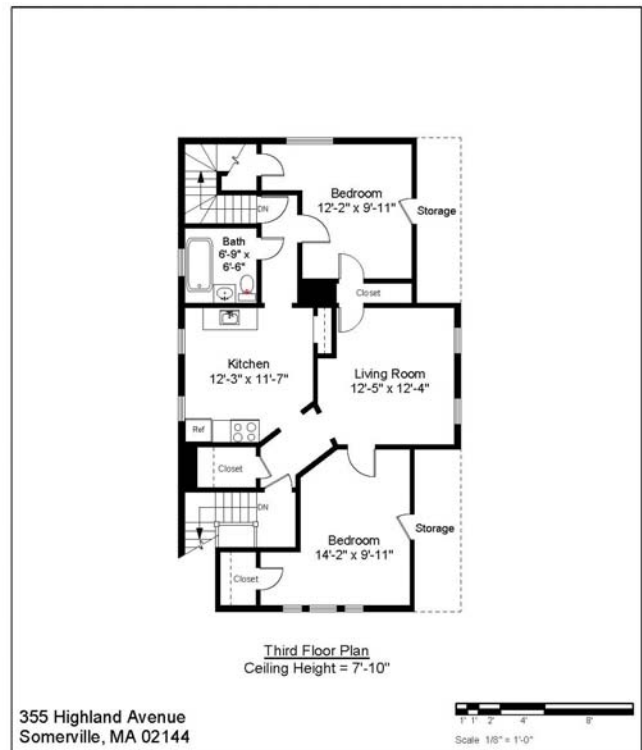


2. Proposal: The applicant would like to renovate the existing third floor bathroom and rear egress. The construction process involves increasing the interior ceiling height of both the bathroom and rear egress in order to adhere to the Massachusetts State Building Code. To do so requires raising the roof on the existing dormer
3. Nature of Application: Dimensional requirements in the NB district are governed by SZO §8.5.B. To renovate the dormer to comply with the Massachusetts state building code requires changes to an existing non-conforming structure under the SZO, in which requires a special permit.
4. Surrounding Neighborhood: The surrounding neighborhood consists of a mix in residential and commercial use. The site is one of the few existing residences zoned in the NB district along this part of Highland Avenue. Additionally, the majority of the residences surrounding the site consist of two to three story buildings. Sloped dormers align the street are typical of the neighborhood character.
5. Impacts of Proposal: The construction will be conducted in an isolated area and shall not be expected to generate any significant impact in the area.
6. Green Building Practices: None have been identified by the applicant.
7. Comments:

Ward Alderman: Has been contacted and has provided inquired as to the notification of abutters. Planning Staff reviewed that abutter notification is forthcoming for the ZBA hearing. At this time the Alderman has not stated a formal opinion of the proposal.



Roof Showing the Renovated Area



Third Floor Plan – with Bathroom & Rear Egress



Images of the Existing Conditions



Images of the Existing Conditions

II. FINDINGS FOR SPECIAL PERMIT (SZO §5.1):

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 finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure.

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 existing structure is a pre-existing non-conforming structure that, while not a business within the NB district, is a part of the mixed-use nature of the street. The district is designed to establish and preserve areas for small-scale retail stores, services and offices which are located in close proximity to residential areas and which do not have undesirable impacts on the surrounding neighborhoods. This has been a residential site for many years.

Alterations to the dwelling, while non-conforming with dwelling unit size, will serve to improve the bathroom facility and egress. In order to meet the required height dimensions of the Massachusetts State Building Code, alterations must be made to the existing dormer on the third level. Completion of these renovations will allow the property to be preserved as residential and continue to contribute to the character of the neighborhood as it has for many years.

By changing the roof pitch to 3:12, the sloped dormer shall benefit the existing built context because it will remain similar to the way it has been and similar to many other dormers on this street. Additionally, the interior space will meet the required height needed to comply with the State Building Code.

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 project will result in a dormer with a profile similar to that which is on the structure today.

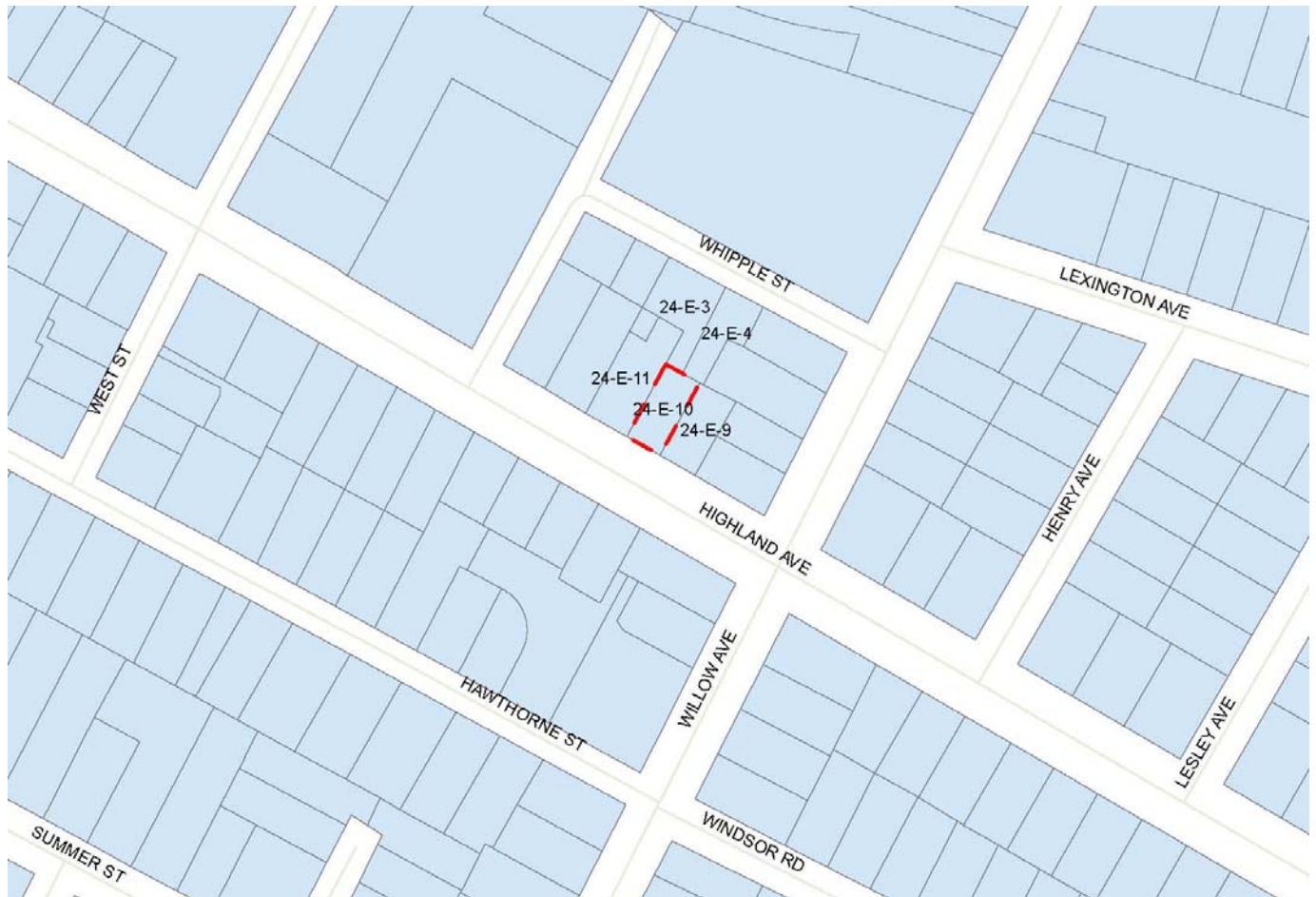
5. Adverse environmental impacts: The proposed use, structure or activity will not constitute an adverse impact on the surrounding area resulting from: 1) excessive noise, level of illumination, glare, dust, smoke, or vibration which are higher than levels now experienced from uses permitted in the surrounding 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 adverse impacts are expected.

III. RECOMMENDATION**Special Permit under §5.1**

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 reconstruction of an existing dormer with a different roof configuration. 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. 12, 2010</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>Oct. 12, 2010</td><td>Plans submitted to OSPCD</td></tr><tr><td>Oct. 22, 2010</td><td>Additional plans & images submitted to OSPCD</td></tr></table>				Date (Stamp Date)	Submission	Oct. 12, 2010	Initial application submitted to the City Clerk's Office	Oct. 12, 2010	Plans submitted to OSPCD	Oct. 22, 2010	Additional plans & images submitted to OSPCD
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Any changes to the approved that are not <i>de minimis</i> must receive SPGA approval.												
2	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP									
3	The siding on the dormer shall match the color and material of the siding on the house. The applicant shall submit color and material samples of siding to the Planning Staff prior to completion of the project.	CO	Plng.									
4	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.									



355 Highland Ave.