



CITY OF SOMERVILLE, MASSACHUSETTS
PLANNING BOARD
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Case #: ZBA 2008-08
Site: 23 Milton Street
Date: March 6, 2008
Recommendation: Conditional Approval

PLANNING BOARD REPORT

Applicant Name: Eden Naby Frye
Applicant Address: 15 Tower Hill Road, Brimfield MA 01010
Property Owner Name: Eden Naby Frye and Mary Naby Frye
Property Owner Address: 15 Tower Hill Road, Brimfield MA 01010
Agent Name: Josh Fenollosa
Alderman: Rebekah Gewirtz

Legal Notice: Applicant & Owner Eden Naby Frye & Mary Naby Frye seek a special permit under SZO §4.4.1 to alter a dimensionally nonconforming structure by altering an existing dormer, raising a portion of the roof, demolishing a carriage house, and adding un-enclosed egress stairs.

Zoning District/Ward: Residence B / Ward 6
Zoning Approval Sought: Special Permit under SZO § 4.4.1
Date of Application: February 19, 2008
Date(s) of Public Hearing: ZBA March 19, 2008
Date of Decision: N/A
Vote: N/A

Dear ZBA members:

At its regular meeting on March 6, 2008 the Planning Board heard the above-referenced application. Based on materials submitted by the Applicant and the Staff recommendation, the Board voted 4-0 with Kevin Prior 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 property is a four-unit dwelling on a 4,346 sf lot. There is an approximately 300 sf historic carriage house attached to the rear of the dwelling.

2. Proposal: The Applicant seeks to remove the carriage house if it cannot be preserved and replace it with landscaping, un-enclosed porches and egress stairs. During demolition care would be exercised to save two large trees behind the structure. The excavated materials would be replaced with top soil. The Applicant also proposes renovating the third floor by modifying an existing dormer, renovating the roof and knee wall at the rear to allow for headroom, and adding a new deck over an existing flat roofed porch. The screened in porch on the first floor would become enclosed.

3. Nature of Application: The structure is currently nonconforming with respect to dimensional requirements. These existing nonconformities require the Applicant to obtain special permits under §4.4.1 of the Somerville Zoning Ordinance (SZO). Section 4.4.1 states that “[l]awfully existing nonconforming structures other than one- and two-family dwellings may be enlarged, extended, renovated or altered only by special permit authorized by the SPGA in accordance with the procedures of Article 5.”

The project would impact the follow nonconformities. The proposal would improve the ground coverage, landscaped area, rear yard setback, and FAR. The maximum allowable ground coverage requirement is 50%, the existing is 55%, and the proposal is for 41% coverage. The landscaped area requirement is 25%, the existing is 18%, and the proposal is for 31% landscaping. The rear yard setback requirement is 20 feet. The carriage house has no rear yard setback. The proposal would have a rear yard setback of 13 feet. The floor area ratio would decrease, remaining below the maximum of 1.

The side yard requirement for a three-story structure is 10 feet for each side yard and 20 feet for the sum of both side yards. The existing side yards are 13 feet and 2 feet. The proposed dormer on the east side of the property would increase the nonconforming nature of the 2-foot side yard setback by increasing the building height in this area.



23 Milton Street – front and east elevations



4. Surrounding Neighborhood: The property is located in a Residence B district near Porter Square. Reflective of the underlying zoning district, the surrounding structures are one-, two-, and three-family residences.

5. Impacts on Abutting Properties: The raised roof in the rear portion of the building may cause some shading on the abutting property. If the Applicant removes the carriage house the sunlight on this abutting property would increase. The current siding on the structure is a mix of materials. Part of the proposal is to re-side the structure in cedar shingles which would improve its appearance.

5. Green Building Practices: The Applicant discussed using bamboo flooring; however, it is not part of this application.

6. Comments:

Fire Prevention: "The proposed demolition work at this address will require a paid fire detail (watch) while the demolition work is going on and combustible material from the demolition work is on site. The renovation of the third floor apartment unit will require that unit to be in compliance with current codes for fire protection."

Historic Preservation: The carriage house "... was determined Preferably Preserved by the HPC on 11/20/07. This means that the building is significant and it is in the long-term best interest of the City to preserve it. It is located in the proposed Orchard Street National Register District. Stables and barns are considered to be very important to preserve if at all possible. In terms of process, we have up to nine months to meet with the owner to find a way to save the building itself and if it is not possible we must find a way to memorialize it in architecture or plaques or photography or all of the above."



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. "The SPGA must find that such extension, enlargement, renovation or alteration is not substantially more detrimental to the neighborhood than the existing nonconforming building...the SPGA may consider, without limitation impacts upon the following: traffic volumes, traffic congestion, adequacy of municipal water supply and sewer capacity, noise, odor, scale, on-street parking, shading, visual effects and neighborhood character."

Under the standards set forth under §4.4.1, the Board finds that the alterations would not be substantially more detrimental to the neighborhood. The design of the raised roof and dormers are characteristic of the architecture of the structure. Re-siding the structure in one material, cedar shingles, will improve its appearance. The shading due to the raised roof on the abutting property is a consideration; however, the visual enhancements to the property may mitigate this effect.

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."

Related to Article 1, the Applicant is working with the Somerville Historic Commission to preserve the historic carriage house if possible. The Board unanimously agrees that the carriage house should be preserved and would like to make certain that the recommended conditional approval shall not be construed as an approval to demolish the structure. The project is located in a Residence B zoning district. The RB district seeks 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. The proposal is consistent with the purposes of the Ordinance.

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 Applicant has designed the alterations such that they relate to the style of the structure and are respectful of the surrounding area. The use of the structure is not proposed to change as a result of the project.

III. RECOMMENDATION

Special Permit under §4.4.1

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

The Board finds that this application complies with the requirements for granting a special permit as set forth under §5.1.4 and that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure.

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 construction of un-enclosed porches and egress stairs, renovation of the third floor by modifying an existing dormer, renovation of the roof and knee wall, addition of a new deck over an existing flat roofed porch and enclosure of the first floor porch. This approval is based upon the following application materials and the plans submitted by the Applicant and/or Agent:	Building Permit	Plng.							
	<table><tr><th>Date</th><th>Submission</th></tr><tr><td>February 19, 2008</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>March 4, 2008</td><td>Modified plans submitted to OSPCD (A1.1, A1.2, A2.1, D1.1, D1.2, D2.1, D2.2)</td></tr></table>				Date	Submission	February 19, 2008	Initial application submitted to the City Clerk’s Office	March 4, 2008	Modified plans submitted to OSPCD (A1.1, A1.2, A2.1, D1.1, D1.2, D2.1, D2.2)
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Any changes to the approved site plan or elevations must receive ZBA approval.										
2	The Applicant shall comply with all of the laws, rules and regulations of the Historic Preservation Commission.	Building Permit	HPC							
3	Landscaping should be installed and maintained in compliance with the American Nurserymen’s Association.	Perpetual	Plng. / ISD							
4	The renovation of the third floor apartment unit will require that unit to be in compliance with current codes for fire protection.	CO	FP							
5	A paid fire detail (watch) will be required for the building demolition and while combustible material from the demolition work is on site.	Demolition Permitting	ISD							
6	The applicant shall develop a demolition plan in consultation with the City of Somerville Inspectional Services Department. Full compliance with proper demolition procedures shall be required, including timely advance notification to abutters of demolition date and timing, good rodent control measures, minimization of dust, noise, odor, and debris outfall, and sensitivity to existing landscaping on adjacent sites.	Demolition Permitting	ISD							
7	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 that the proposal was constructed in accordance with the plans, information submitted and the conditions attached to this approval.	Final Building Permit Signoff	Plng./ISD							

Sincerely,

Elizabeth Moroney
Acting Chair

Cc: Applicant/Owner: Eden Naby Frye; Agent: Josh Fenollosa

