



CITY OF SOMERVILLE, MASSACHUSETTS

PLANNING BOARD

JOSEPH A. CURTATONE, MAYOR

MEMBERS

KEVIN PRIOR, *CHAIRMAN*

JOSEPH FAVALORO

ELIZABETH MORONEY

JAMES KIRYLO

LINDA BOHAN

MICHAEL A. CAPUANO, ESQ. (ALT.)

Case #: ZBA 2008-48

Date: October 2, 2008

Recommendation: Conditional Approval

PLANNING BOARD REPORT

Site: 40 Montrose Street

Applicant Name: Brad Stearns

Applicant Address: 28 Willow Ave, Somerville MA

Property Owner Name: Darrel Morrow

Property Owner Address: 40 Montrose Street, Somerville MA 02143

Alderman: O'Donovan

Legal Notice: The Applicant seeks a special permit §4.4.1 to construct a 1-story addition in the rear of the structure.

Zoning District/Ward: Residence A / 5

Zoning Approval Sought: Special Permit under §4.4.1

Date of Application: September 5, 2008

Date(s) of Public Hearing: ZBA: October 15, 2009

Date of Decision: N/A

Vote: N/A

Dear ZBA members:

At its regular meeting on October 2, 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, 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 one-family dwelling on a 3000 square foot parcel. The lot is rectangular and there is a slight slope upward from the street to the rear of the property. The structure is 2 ½ stories and wood framed.
2. Proposal: The proposal is to construct a one-story L-shaped addition in the rear of the structure to expand the kitchen. The addition would be approximately 86 square feet. The siding would be cement board shingles painted to match the house.



40 Montrose St: Front and rear of house

3. Nature of Application: The structure is currently nonconforming with respect to several dimensional requirements, including minimum lot area, front yard setback, side yard setback and street frontage. The proposed addition increases the structure's encroachment on the nonconforming side yard, which is 3.2'; the minimum side yard setback in this district is 7.2'. These existing nonconformity requires 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 one- and two-family dwellings which are only used as residences, which are nonconforming with respect to dimensional requirements, may be enlarged, extended, renovated or altered by special permit granted by the SPGA in accordance with the procedures of Article 5."
4. Surrounding Neighborhood: The surrounding neighborhood is comprised of one-, two-, and three-family homes that typically have minimal side yards.
5. Green Building Practices: None.
6. Comments:
Fire Prevention / Ward Alderman – Have been contacted but have 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. It would only affect the nonconforming side yard setback.

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 and with the purpose of the district, which is, "[t]o establish and preserve quiet neighborhoods of one- and two-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 proposed addition was designed to reflect the architecture of the house. It would be separated from the abutting property by a driveway and would be located next to this property's two story porch.

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 a one-story, 86+/- square foot addition in the rear of the structure. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	Plng.							
	<table><tr><th>Date</th><th>Submission</th></tr><tr><td>September 5, 2008</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>September 16, 2008</td><td>Modified plans submitted to OSPCD (site plan, side and rear elevation, conceptual floor plan)</td></tr></table>				Date	Submission	September 5, 2008	Initial application submitted to the City Clerk's Office	September 16, 2008	Modified plans submitted to OSPCD (site plan, side and rear elevation, conceptual floor plan)
	Date				Submission					
	September 5, 2008				Initial application submitted to the City Clerk's Office					
	September 16, 2008				Modified plans submitted to OSPCD (site plan, side and rear elevation, conceptual floor plan)					
Any changes to the approved site plan and elevations that are not <i>de minimis</i> must receive ZBA approval.										
2	A code compliant fire alarm system shall be installed.	CO	FP							
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.							

Sincerely,



Elizabeth Moroney
Acting Chair

Cc: Applicant: Brad Stearns
Owner: Darrel Marrow

