



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

PLANNING DIVISION

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Case #: ZBA 2010-80
Date: January 6, 2011
Recommendation: Conditional Approval

PLANNING BOARD RECOMMENDATION

Site: 19 Porter Street

Applicant and Property Owner Name: Peter and Janel Scheidler
Applicant and Property Owner Address: 19 Porter Street, Somerville, MA 02143
Agent Name: Mark Howland
Agent Address: 15 Pleasant Avenue, Somerville, MA 02143
Alderman: Tom Taylor

Legal Notice: Applicants and Owners, Peter & Janel Scheidler seek a special permit to alter a non-conforming structure under SZO §4.4.1 to construct a two-story addition to the rear of an existing two-family residence. RB zone.

Zoning District/Ward: Residence B / Ward 3

Zoning Approval Sought: Special Permit under SZO §4.4.1

Date of Application: December 10, 2010

Dates of Public Meeting • Hearing: Planning Board **1/6/11** • Zoning Board of Appeals **1/19/11**

Dear ZBA members:

At its regular meeting on January 6, 2011 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:



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I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a 5,458 square foot lot with a two-family residence situated on it near the intersection of Porter Street and Gould Avenue. The structure has 1,950 square feet of habitable space. The residence is two stories not including the basement level.
2. Proposal: The Applicant is proposing a two-story addition at the rear of the structure. A wrap around deck will also be added to the second story with an approximately 18 foot long stairwell coming off it to provide access to the property's backyard. On the north façade of the existing structure, four new windows will be added and an existing window on the first floor will be removed. These changes will facilitate an interior renovation and expansion. In the first floor unit, a larger bathroom and a family room would be added, the original bathroom would be converted to a storage space, and rear egress from the unit would be created from the family room. The second floor unit would add a bedroom while replacing an old bedroom with a walk-through study. The addition would also expand the basement area of the structure which will be used for a game room and storage space.
3. Nature of Application: This is a residential property within a Residence B (RB) district. The structure is currently non-conforming with respect to the minimum side yard setback. The Applicant is seeking a Special Permit to alter a non-conforming structure under Somerville Zoning Ordinance (SZO) §4.4.1 to construct a two-story addition at the rear of an existing two-family residence.
4. Surrounding Neighborhood: This property is located in a Residence B district and directly abuts a historic property, 23 Porter Street, to the north. The structures in the surrounding neighborhood are predominantly two-family homes of 2.5 or 3 stories with wood construction.
5. Impacts of Proposal: There shall be minimal impacts to the surrounding neighborhood as the addition would not appear to be detrimental to the immediate abutters or the surrounding area. The proposed addition is consistent with the addition at 23 Porter Street that was approved by the Historic Preservation Commission, and is expected to be submitted for review to the ZBA in the future. The existing structure is located on an extremely deep lot and the proposed addition will be setback 74 feet from the rear lot line which well exceeds the minimum rear setback of 20 feet. All excavation and construction activities for this project will be occurring at the rear of the existing building with the building and the remaining rear setback area acting as buffers to the residences nearby. The excavated area will be approximately 20 feet wide by 25 feet long and 8 feet deep to pour the foundation to match the width and depth of the foundation for the existing structure. Excess soil from the excavation will be disposed of off-site and a dumpster will be placed in the driveway during construction to handle the disposal of solid waste from the project. With construction impacts limited to the rear of the building, no significant disruption to the neighborhood is anticipated. The Board has included conditions in this Special Permit to help alleviate the potential dust, noise, and air quality issues that may arise from the demolition and construction processes. The character of the original house will remain intact and the Applicant is proposing to install siding on the addition that matches the existing siding. Furthermore, as the Applicant is only extending the existing non-conforming setback on the north side of the property, they would not worsen the existing nonconformities of the structure.
6. Green Building Practices: None
7. Comments:

Fire Prevention: Have been notified and are awaiting comments.

Ward Alderman: Alderman Taylor indicated that he is in support of the project based on the applicant expanding their living space.

Historic Preservation: Preservation Planner Kristi Chase would like to ensure that the proposed addition at 19 Porter Street fits with the addition that has been approved by the Historic Preservation Commission at 23 Porter Street. Ms. Chase is comfortable with the proposed design of the addition.



Existing Conditions



Existing Conditions



Existing Conditions

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 §4.4.1 of the SZO, the Board 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 proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to "promote the health, safety, and welfare of the inhabitants of the City of Somerville; to provide for and maintain the uniquely integrated structure of uses in the City; to provide

adequate light and air; to conserve the value of land and buildings; to preserve the historical and architectural resources of the City.”

The proposal is consistent with the purpose of the district (6.1.2. RB - Residence Districts), which is, “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.”

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 is compatible with the characteristics of the surrounding area. The Applicant is proposing to extend the non-conforming setback side of the existing structure by 23 feet and adding a stairwell that will provide access from the second story unit to the backyard. The property will remain a two-story, two-family residential use which is consistent with the surrounding neighborhood.

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 effect is anticipated.

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**. Furthermore, the Planning Board recommends the following conditions.

#	Condition	Timeframe for Compliance	Verified (initial)	Notes										
1	Approval is to alter a non-conforming structure under SZO §4.4.1 to construct a two-story addition to the rear of an existing two-family residence. 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>(December 10, 2010)</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>October 27, 2010 (December 10, 2010)</td><td>Plot Plan</td></tr><tr><td>October 21, 2010 (December 10, 2010)</td><td>Plans submitted with application (Proposed Floor Plans and Elevations)</td></tr><tr><td>December 22, 2010</td><td>Existing Conditions Floor Plans</td></tr></table>				Date (Stamp Date)	Submission	(December 10, 2010)	Initial application submitted to the City Clerk’s Office	October 27, 2010 (December 10, 2010)	Plot Plan	October 21, 2010 (December 10, 2010)	Plans submitted with application (Proposed Floor Plans and Elevations)	December 22, 2010	Existing Conditions Floor Plans
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December 22, 2010	Existing Conditions Floor Plans													
Any changes to the approved site plans, elevations, or use that are not <i>de minimis</i> must receive SPGA approval.														
2	The Applicant shall meet the Fire Prevention Bureau’s requirements.	CO	FP											
3	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											
4	To the maximum extent feasible the Applicant will utilize strategies during construction to mitigate dust and control air quality, to minimize noise and to implement a waste recycling program for the removed debris.	During Construction	OSE/ISD											
5	The Applicant shall provide notice of intent to strictly comply with applicable State and Federal regulations regarding air quality including without limitation continuous dust control during demolition and construction.	CO	Plng/OSE											

6	The Applicant shall develop a demolition plan in consultation with the City of Somerville Inspectional Services Division. Full compliance with proper demolition procedures shall be required, including timely advance notification to abutters of demolition date and timing, good rodent control measures (i.e. rodent baiting), 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 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.	

Sincerely,



Kevin Prior
Chair

Cc: Owner and Applicant: Peter and Janel Scheidler
Agent: Mark Howland



19 Porter Street