



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

PLANNING DIVISION

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Case #: 2010-67
Date: November 18, 2010
Recommendation: Conditional Approval

PLANNING BOARD RECOMMENDATION

Site: 46 Whitman Street

Applicant Name: Matthew Fox

Applicant Address: 46 Whitman St, Somerville, MA 02144

Property Owner Name: Matthew Fox

Property Owner Address: 46 Whitman St, Somerville, MA 02144

Alderman: Robert Trane

Legal Notice: Applicant and owner Matthew Fox, seeks a Special Permit under SZO §4.4.1 for relief under the provisions of SZO §8.5 to legalize and upgrade a finished basement.

Zoning District/Ward: RA/7

Zoning Approval Sought: Special Permit under SZO §4.4.1

Date of Application: October 26, 2010

Dates of Public Meeting • Hearing: Planning Board 11/18/10 • Zoning Board of Appeals 12/01/10

Dear ZBA members:

At its regular meeting on November 18, 2010 the Planning Board heard the above-referenced application. Based on materials submitted by the Applicant and the Staff recommendation, the Board voted 4-0, 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 consists of a two-family home on a 3,517 sq ft lot. The structure has 1,659 sq ft habitable space. The residence is three stories, not including the basement level. The basement level was finished as a family room use many years ago, when this structure was owned by others, but this work did not receive a required special permit.
2. Proposal: The applicant would like to improve the basement level without making changes to the existing structure of the building. The applicant seeks to fix the improper floor installations, add proper insulation, and complete an interior renovation to this area. The applicant, when seeking building permits, was informed that the original renovation has no permit on record and would have required a special permit in order to go forward. Therefore, this applicant is now seeking a special permit to legalize the existing basement improvements so that building permits can be granted to upgrade the space.
3. Nature of Application: Dimensional requirements in the RA district are governed by SZO under the provisions of §8.5.a, §8.5.b, §8.5.d, §8.5.e, §8.5.g, and §8.5.h. To renovate basement level existing conditions requires relief from the SZO for an existing nonconforming structure under the provisions listed above.
4. Surrounding Neighborhood: The surrounding neighborhood consists of three-story residences similar to the subject property.
5. Impacts of Proposal: There shall be no impacts to the surrounding neighborhood, for the construction process will take place in the basement level of the residence. Despite the completion of this basement without permits many years ago, no complaints are on record about this basement. Therefore, with construction impacts limited to the interior of the building, no significant disruption to the neighborhood is anticipated. With the finished condition very similar in impact to the existing condition, no long-term impacts are anticipated.
6. Green Building Practices: none listed.
7. Comments:
Ward Alderman: Has been contacted and has provided no comment in regards to this case.

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 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, Board does not find that the alterations proposed would 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."

Renovations to the existing basement will not require any changes to the existing structure. As stated above the residence is an existing nonconforming structure. Further, any changes made to the interior of the basement level will not modify the existing structure.

The existing structure is a pre-existing non-conforming structure that is consistent with the purpose of the RA district. The district is designed to 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. While the structure does not meet the dimensional requirements of the district, it is typical in size and setbacks to typical homes in the RA district.

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."

No impacts are anticipated.

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 snow experienced form 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 impacts are anticipated

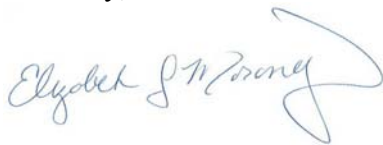
III. RECOMMENDATION

Special Permit under §5.1

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 legalization and renovation of a finished basement. 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>October 26, 2010</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>October 26, 2010</td><td>Plans submitted to OSPCD</td></tr></table>				Date (Stamp Date)	Submission	October 26, 2010	Initial application submitted to the City Clerk’s Office	October 26, 2010	Plans submitted to OSPCD
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Any changes to the approved site plan that are not <i>de minimis</i> must receive SPGA approval.										
2	The structure shall remain a 2-family house, and no additional dwelling units shall be added	Cont.	ISD							
3	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,


Elizabeth Moroney
Acting Chair

Cc: Applicant/Owner: Matthew Fox



46 Whitman Street