



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2015-73

Date: October 7, 2015

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 44 Powder House Blvd.

Applicant Name: Francis & Marjorie Lichtenberger

Applicant Address: 44 Powder House Blvd. Somerville, MA 02144

Owner Name: Francis & Marjorie Lichtenberger

Owner Address: 44 Powder House Blvd. Somerville, MA 02144

Agent Name: Joseph O'Brien (Contractor)

Agent Address: Cambridge Contracting Inc. 12 Park Avenue, Cambridge, MA 02138

Alderman: Rebekah L. Gewirtz

Legal Notice: Legal Notice: Applicants and owners Francis & Marjorie Lichtenberger seek a Special Permit to alter a nonconforming three-family structure by remodeling and adding a family room in the basement. RA Zone. Ward 6.

Dates of Public Hearing: October 7, 2015

I. PROJECT DESCRIPTION

1. Subject Property: The property is a 4,068 square foot lot located on Powder House Boulevard, across from the Tufts University recreation fields. The 2.75 story, three-family structure consists of an unfinished basement, one-bedroom first floor unit, two-bedroom second floor unit, and four-bedroom third floor unit. Enclosed front and rear stairs provide several means of egress to units on all three floors. There is a two-car masonry garage in the rear of the property, and room for four tandem spaces in the driveway. The structure's gross floor area is approximately 5,500 square feet; the net floor area is approximately 3,466 square feet.

2. Proposal: The owner and current residents (the Lichtenberg family), propose to add a family room and bathroom in the basement, to demolish the existing rear stair to the basement, to add a new central stair to the basement from the first floor unit, and to replace and enlarge all of the basement windows. They also seek to make various remodeling improvements in all three units, and to convert the third floor unit from a four-bedroom to a three-bedroom.

3. Green Building Practices: None

4. Comments:

Ward Alderman: Alderman Gewirtz has been contacted but has not yet provided comments.

II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1, §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."*

The structure is currently nonconforming with respect to the following dimensional requirements per SZO §8.5: side yard setback. The proposal will not change the nonconforming dimensions of the setback, but the alteration to a nonconforming structure requires the Applicant to obtain a special permit under §4.4.1 of the SZO. In considering a special permit under §4.4 of the SZO, Staff finds that the proposed alterations would not be substantially more detrimental to the neighborhood than the existing structure. The only visible exterior change will be the enlargement of the basement windows from 20"x32" to 36"x32".

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 "providing for and maintaining the uniquely integrated structure of uses in the City; and encouraging the most appropriate use of land throughout the City."

The proposal is consistent with the purpose of the district (6.1.1. RA - Residence Districts), which is 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. "

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."*

Enlarging the basement windows is compatible with the surrounding area and land uses.

5. Housing Impact: *Will not create adverse impacts on the stock of existing affordable housing.*

No adverse impacts on the existing stock of affordable housing are anticipated.

7. SomerVision Plan: *Complies with the applicable goals, policies and actions of the SomerVision plan, including the following, as appropriate: Preserve and enhance the character of Somerville's neighborhoods, transform key opportunity areas, preserve and expand an integrated, balanced mix of safe, affordable and environmentally sound rental and homeownership units for households of all sizes and types from diverse social and economic groups; and, make Somerville a regional employment center with a mix of diverse and high-quality jobs. The areas in the SomerVision map that are designated as enhance and transform should most significantly contribute towards the SomerVision goals that are outlined in the table below. The areas marked as conserve are not expected to greatly increase the figures in the table since these areas are not intended for large scale change.*

<u>SomerVision Summary</u>	<i>Existing</i>	<i>Proposed</i>
<i>Dwelling Units:</i>	3	3
<i>Parking Spaces:</i>	2	2

III. RECOMMENDATION

Special Permit under §4.4.1, §5.1

Based on the materials submitted by the Applicant, the above findings and subject to the following conditions, the Planning Staff recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT**.

The recommendation is based upon a technical analysis by Planning Staff of the application material based upon the required findings of the Somerville Zoning Ordinance, and is based only upon information submitted prior to the public hearing. This report may be revised or updated with new recommendations, findings and/or conditions based upon additional information provided to the Planning Staff during the public hearing process.



#	Condition	Timeframe for Compliance	Verified (initial)	Notes								
1	Approval is for the Alteration of the nonconforming structure. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/PIng.									
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>(August 13, 2015)</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>(August 13, 2015)</td><td>Modified plans submitted to OSPCD (1-11)</td></tr><tr><td>(August 26, 2015)</td><td>Modified plans submitted to OSPCD (1-13)</td></tr></table>				Date (Stamp Date)	Submission	(August 13, 2015)	Initial application submitted to the City Clerk's Office	(August 13, 2015)	Modified plans submitted to OSPCD (1-11)	(August 26, 2015)	Modified plans submitted to OSPCD (1-13)
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Any changes to the approved (site plan or elevations/use) that are not <i>de minimis</i> must receive SPGA approval.												
Construction Impacts												
2	The Applicant shall at his expense replace any existing equipment (including, but not limited to street sign poles, signs, traffic signal poles, traffic signal equipment, wheel chair ramps, granite curbing, etc) and the entire sidewalk immediately abutting the subject property if damaged as a result of construction activity. All new sidewalks and driveways must be constructed to DPW standard.	CO	DPW									
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									
Design												
4	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP									
Final Sign-Off												
5	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	PIng.									

Date:
Case #:
Site:

