



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2015-97

Date: February 17, 2016

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 15 Dane Ave

Applicant Name: Lynette Tsiang

Applicant Address: 16 Percy Road, Lexington, MA, 02421

Owner Name: Lynette Tsiang

Owner Address: 16 Percy Road, Lexington, MA, 02421

Agent Name: Eric Parkes

Agent Address: 54 Vinal Avenue, Somerville, MA, 02143

Alderman: Maryann Heuston

Legal Notice: Applicant and Owner Lynette Tsiang seeks a special permit to modify a nonconforming structure by demolishing a previous rear addition, and adding a single-story addition in the rear and side yards. Zone RB. Ward 2.

Dates of Public Hearing: February 17, 2016

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a 6,900sf lot containing a single family structure of approximately 1,500sf. A previous two-story rear addition of approximately 400sf is currently structurally unsafe due to improper construction.



Aerial view of property



Street view of property

2. Proposal: The proposed alterations include the demolition of the existing rear addition, and the construction of a new, single-story addition of approximately 400sf that wraps around the rear and side of the main house, the addition includes a deck that wraps around the rear and side of the house. The house remains a 3-bedroom, single family structure.

3. Green Building Practices: The new construction will have spray foam insulation in all cavities, and all new and replacement windows will have a U-value of approximately 0.20. Green building materials will be used where applicable: sheathing, siding, paints, flooring, cabinetry, lighting, etc.

4. Comments:

Ward Alderman: Alderman has been contacted.

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 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: rear and side yard setbacks.

The proposal will impact the following nonconforming dimensions: rear yard setback. The current dimension is 5.1' from the corner of the two-story addition, and 3.5' from the corner of the single-story entry vestibule. The proposed addition would increase the rear yard setback to 6' at the closest point. The required rear setback in RB Zones is 20'. The proposal will also impact the currently nonconforming side yard setback, increasing it from 1' to approximately 4' (the requirement is 8'). These alterations to a nonconforming structure require the Applicant to obtain a Special Permit 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."

In considering a special permit under §4.4 or 4.5 of the SZO, Staff find the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The proposal has been designed with setbacks that minimally impact the neighbors and are an improvement over the existing conditions.

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 The purposes of the Ordinance are 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 lessen congestion in the streets; to protect health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; to conserve the value of land and buildings; to preserve the historical and architectural resources of the City; to adequately protect the natural environment; to encourage the most appropriate use of land throughout the City; to encourage housing for persons of all income levels; and to preserve and increase the amenities of the municipality.

The proposal is consistent with the purpose of the district, 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.”*

Surrounding Neighborhood: The surrounding neighborhood contains a mix of residential building types, as well as a park and a large commercial building.

Impacts of Proposal (Design and Compatibility): The impacts of the proposal are minimal and will be compatible with the surroundings.

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.*

Impacts of Proposal (Environmental): No negative environmental impacts with respect to items 1-4 listed above are anticipated as a result of the proposed alterations.

6. Vehicular and pedestrian circulation: *The circulation patterns for motor vehicles and pedestrians which would result from the use or structure will not result in conditions that create traffic congestion or the potential for traffic accidents on the site or in the surrounding area.*

Impacts of Proposal (Circulation): No negative impacts to vehicular or pedestrian circulation are anticipated as a result of the proposed alterations.

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

8. 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.

III. RECOMMENDATION

Special Permit under §4.4.1

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 Special Permit to modify a nonconforming structure by adding a rear and side addition. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/Plng.							
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>October 15, 2015</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>February 1, 2016</td><td>Modified plans submitted to OSPCD (1-11)</td></tr></table>				Date (Stamp Date)	Submission	October 15, 2015	Initial application submitted to the City Clerk's Office	February 1, 2016	Modified plans submitted to OSPCD (1-11)
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	February 1, 2016				Modified plans submitted to OSPCD (1-11)					
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 post the name and phone number of the general contractor at the site entrance where it is visible to people passing by.									
3	Approval is subject to the Applicant's and/or successor's right, title and interest in the property.	Cont.	Plng.	Deed submitted & application formed signed						

4	The Applicant shall at their 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	
5	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	
Public Safety				
6	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
Final Sign-Off				
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.	

