



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2011-32

Date: May 4, 2011

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 32 Dartmouth Street

Applicant Name: JSS Realty Corp.

Applicant Address: 4 Airline Drive, North Reading, MA 01864

Property Owner Name: Same as Applicant

Property Owner Address: Same as Applicant

Agent Name: Richard G. Di Girolamo, Esq.

Agent Address: 424 Broadway, Somerville, MA 02145

Alderman: Walter Pero

Legal Notice: Applicant and owner JSS Realty Corp., seeks a special permit to alter a nonconforming structure under SZO §4.4.1 to construct a three-story wood framed porch and stairs in the rear of an existing three-family residence. RA zone.

Zoning District/Ward: RA / Ward 4

Zoning Approval Sought: Special Permit SZO §4.4.1

Date of Application: March 23, 2011

Dates of Public Meeting • Hearing: Zoning Board of Appeals **5/4/11**

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a 5,500 square foot lot with a three-family residence situated on it near the intersection of Dartmouth Street and Evergreen Avenue. The structure has 3,551 square feet of habitable space and the structure is 2½ stories, not including the basement level.
2. Proposal: The Applicant is proposing to construct three exterior porches, one on top of the other, in the rear portion of an existing three-family structure with a small set of stairs from the first floor porch to the driveway. The proposed porches and stairs will occupy a portion of the existing driveway and will extend flush along the left elevation stopping approximately six feet short of the end of the



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structure. As part of this project, an existing bulkhead in the driveway will be removed to allow the construction of the porches. The porches will be supported on two sides by the existing structure and on the outlying corner by a post foundation. The second and third floor porches will only be accessible from the interior of each of those units. The first floor porch will be entirely enclosed with screening/lattice work, while the second and third floor porches will have a 42" high railing around them. These proposed porches will provide new, private outdoor space for all three units in the rear of the structure, in addition to the existing common outdoor space on the first floor front porch.

3. Nature of Application: This is a residential property within a RA district. The property is nonconforming with regard to minimum lot size and minimum lot area per dwelling unit. The structure is also currently nonconforming with respect to its minimum front yard and right side yard setbacks. Although three-family dwellings are not permitted in the RA district as-of-right, the structure has been operating as a three-family dwelling since the 1920's and is therefore an existing, nonconforming structure. The Applicant is seeking a special permit to alter a lawfully existing nonconforming structure that is not a one- or two-family dwelling under Somerville Zoning Ordinance (SZO) §4.4.1 to construct three porches, one on top of the other, and stairs in the rear of an existing three-family residence.

4. Surrounding Neighborhood: The property is located in an RA district. The surrounding neighborhood consists of a mixture of single-, two-, and three-family homes, most of which are 2½ stories in height.

5. Impacts of Proposal: There shall be minimal impacts to the surrounding neighborhood as the proposed porches and stairs would not appear to be detrimental to the immediate abutters or the surrounding area. The proposed porches are situated in the rear of the structure and will be minimally visible from the street. The character of the original house will remain intact as the proposed porches will extend flush along the left elevation stopping approximately six feet short of the end of the structure and will be subordinate in nature to the rest of the existing structure. Privacy will not be a major concern for the neighbor to the south at 30 Dartmouth Street, as there are already numerous windows on the sides of both structures that face each other across the driveway that separates the two buildings. Further, with construction impacts limited to the rear of the building, no significant disruption to the neighborhood is anticipated. Staff has included conditions in this special permit to help alleviate the potential dust, noise, and air quality issues that may arise from the construction process. Staff does have concerns about how the parking situation will work on the site once the proposed porches are constructed. As shown, it appears that the porches will necessitate the removal of one off-street parking spot on the site or require tandem parking to be used to reach the rear most portion of the driveway area. Therefore, Staff has included a condition that the Applicant submit a parking plan for the site for Planning Staff approval to show how parking will be handled once the porches have been constructed.

6. Green Building Practices: None indicated.

7. Comments:

Fire Prevention: Has been notified but has not yet provided comments.

Ward Alderman: Alderman Pero has been notified but has not yet provided comments.

Historic Preservation: Has been notified but has not yet provided comments.



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 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."

In considering a special permit under §4.4.1 of the SZO, Staff 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 promoting "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; 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 (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."

The project is compatible with the characteristics of the surrounding area. The Applicant is proposing to construct three exterior porches, one on top of the other, and stairs in the rear portion of the existing structure. Other structures in the area have similar style rear porches and this design is consistent with the others. The proposed porches will extend flush along the left elevation stopping approximately six feet short of the end of the structure and will be subordinate in nature to the rest of the existing structure. The property will remain a 2½ story, three-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 environmental effects are anticipated. The proposed porches will extend flush along the left elevation and will stop approximately six feet short of the end of the structure. The porches and stairs will be constructed on a portion of the existing driveway, therefore not creating any new impervious surface on the site. No additional units are proposed for the structure and therefore no additional waste water is anticipated as a result of the project. There may be a small increase in noise upon project completion as residents of the structure will now each have their own private outdoor space to use, but this is not anticipated to be excessive in nature or detrimental to the neighborhood.

III. RECOMMENDATION

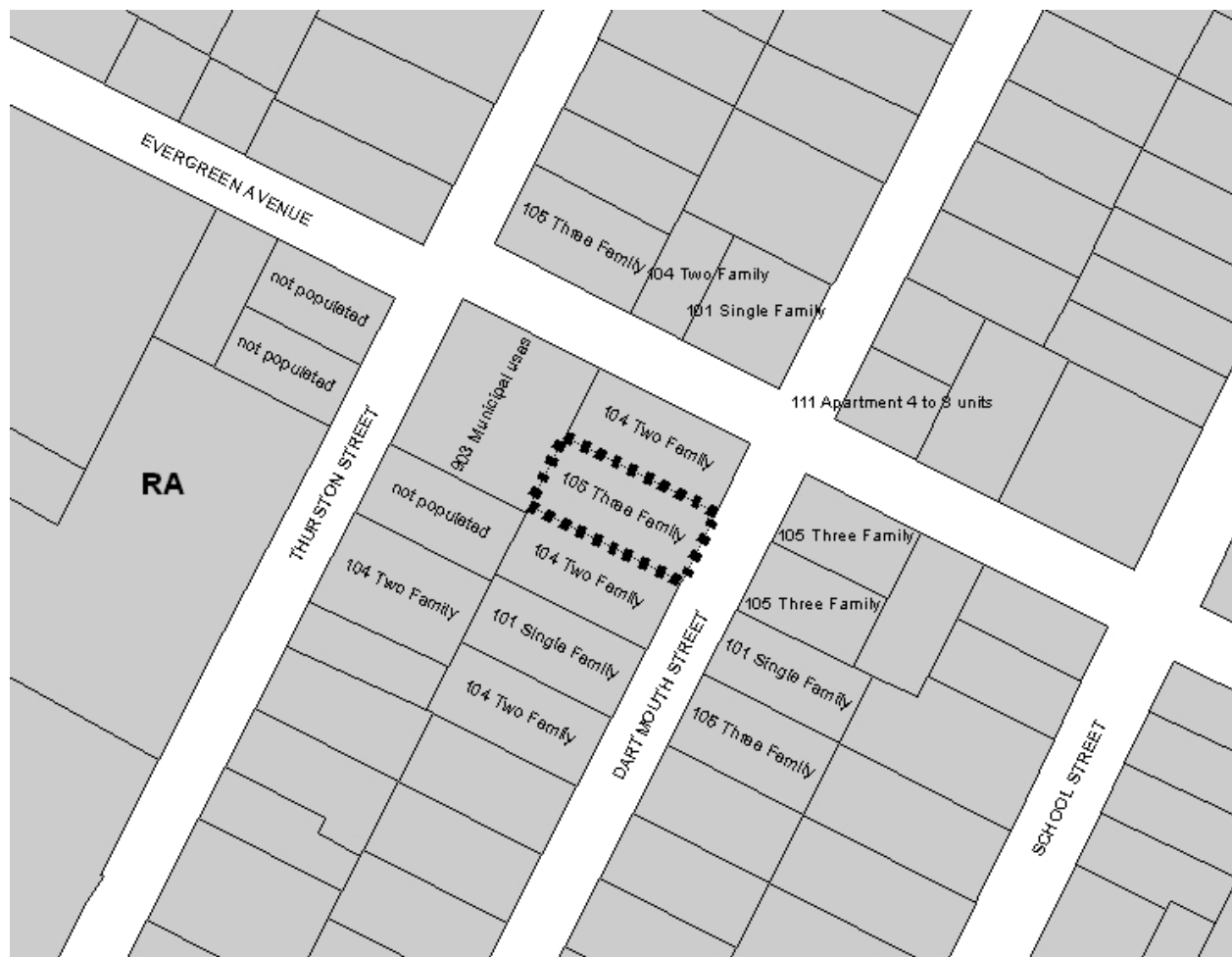
Special Permit under §4.4.1

Based on 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 to alter a nonconforming structure to construct a three-story wood framed porch and stairs in the rear of an existing three-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>(March 23, 2011)</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>March 1, 2011 (April 15, 2011)</td><td>Plot Plans (Existing and Proposed)</td></tr><tr><td>(April 15, 2011)</td><td>Existing Floor Plans submitted with application (EX 01 – EX 04)</td></tr><tr><td>January 18, 2011 (April 15, 2011)</td><td>Proposed Floor Plans and Elevations submitted with application (S-4 01 – S-4 10)</td></tr></table>				Date (Stamp Date)	Submission	(March 23, 2011)	Initial application submitted to the City Clerk's Office	March 1, 2011 (April 15, 2011)	Plot Plans (Existing and Proposed)	(April 15, 2011)	Existing Floor Plans submitted with application (EX 01 – EX 04)	January 18, 2011 (April 15, 2011)	Proposed Floor Plans and Elevations submitted with application (S-4 01 – S-4 10)
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Any changes to the approved site plans or elevations 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	The Applicant shall submit to Planning Staff for approval a parking plan for the site to demonstrate where the parking spaces will be located.	BP	Plng.	
4	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	
5	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	
6	The Applicant shall obtain a Certificate of Occupancy for three units.	Final Sign Off	Plng.	
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.	



32 Dartmouth Street