



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2015-47

Date: July 30, 2015

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 9-11 Dresden Circle

Applicant Name: Newr, LLC

Applicant Address: 22 Huntington Road, Arlington, MA 02474

Owner Name: Newr, LLC

Owner Address: 22 Huntington Road, Arlington, MA 02474

Agent Name: Joseph P. Hanley, Esq., McDermott, Quilty, & Miller

Agent Address: 131 Oliver St, 5th floor, Boston, MA 02110

Alderman: Rebekah Gewirtz

Legal Notice: Owner/Applicant, Newr, LLC, seeks a Special Permit to alter a nonconforming 2-family structure to increase the FAR and add a rear addition, rear deck, dormer, windows and doors. RB zone. Ward 6.

Dates of Public Hearing: August 5, 2015

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a two-family, 2 ½ story house that has been gutted and the siding has been removed. It is located adjacent to Kenney Park. The units have three and five bedrooms. There is no parking onsite. There is a one story portion of the building that extends approximately 9 feet into the rear yard.

2. Proposal: The proposal is to completely renovate and add living space to the structure. The work includes adding 754 square feet of living space to the basement, adding a window well in the left side setback to create an egress window to the basement, adding a shed dormer to the left side of the house that is 50% of the length of the roof, adding a second floor to the rear one-story portion of the house and a



deck on the roof of this structure, building a two-story rear porch and stairs and creating new window and door openings. Both units will contain three bedrooms.



9-11 Dresden: Front, side and rear of structure



3. Green Building Practices: The building will comply with the stretch energy code (required). A high R-value closed cell spray foam insulation, high efficiency HVAC systems, tankless hot water, sustainable building supplies, low flush toilets and energy star qualified light bulbs will be used.

4. Comments:

Fire Prevention: Does not have any comments at this time.

Wiring Inspection: An exterior light and electrical receptacle is required for all levels of the porches that have access to the ground and an electrical receptacle is required for the third floor deck.

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



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: lot size, lot area per dwelling unit, floor area ratio, front and side yard setbacks.

The proposal will impact the following nonconforming dimensions: side yard setbacks and floor area ratio. The current left side yard setback is 3.9 feet. The proposed window well will be just less than a foot from the side lot line. The requirement in the district is 8 feet. The dormer and rear porch and stair will also be in this nonconforming side yard. The nonconforming right side yard setback is 5.7 feet. The rear second floor addition and roof deck will be within this side yard. The floor area ratio is currently 1.15 and the maximum allowed is 1.0. The increase in floor area will make the FAR 1.51. These alterations to a nonconforming structure requires the Applicant to obtain special permits 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 that 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 the landscaping and pervious area will continue to be conforming to the requirements of the SZO.

The parking requirement is nonconforming because there are no on-site parking spaces. The parking requirement will not change as a result of the proposal.

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 maintain the uniquely integrated structure of uses in the City.

The proposal to renovate a two-family house is consistent with the purpose of the RB district, which is, "[t]o 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 renovations and additions proposed do not substantially alter the form or use of the two-family house. The window well distance of less than a foot to the side lot line is not ideal; however, the City owned park is the abutter on this side and there is a fence that would prevent people on the neighborhood lot from getting close to the well.

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

The units will be more expensive with a renovation and additions to the structure. The units are not restricted as affordable units and even without the expansion of the building the owner could increase the cost of the units.

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.*

The proposal will allow for increased living space and outdoor amenity space which is not counter to the goals of SomerVision for this lot in the area of the City marked to be preserved.

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

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 construction of a dormer, rear addition and deck, rear porch and stairs, increase in net sf, a window well, and window and door alterations. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/Plng.											
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>July 1, 2015</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>June 26, 2015</td> <td>Plans submitted to OSPCD (plot plan)</td> </tr> <tr> <td>July 1, 2015</td> <td>Modified plans submitted to OSPCD (site plan)</td> </tr> <tr> <td>July 21, 2015</td> <td>Modified plans submitted to OSPCD (Z1-Z2 – zoning compliance, Z3 Existing floor plans, A1 Proposed floor plans, A2-A3 Proposed floor plans)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	July 1, 2015	Initial application submitted to the City Clerk's Office	June 26, 2015	Plans submitted to OSPCD (plot plan)	July 1, 2015	Modified plans submitted to OSPCD (site plan)	July 21, 2015	Modified plans submitted to OSPCD (Z1-Z2 – zoning compliance, Z3 Existing floor plans, A1 Proposed floor plans, A2-A3 Proposed floor plans)
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Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.														
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	An exterior light and electrical receptacle is required for all levels of the porch that have access to the ground and an electrical receptacle is required for the third floor deck.	Final sign off	Wiring Inspector											
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	Plng.											

