



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

MICHAEL F. GLAVIN  
EXECUTIVE DIRECTOR

**PLANNING DIVISION STAFF**

GEORGE PROAKIS, *DIRECTOR OF PLANNING*  
LORI MASSA, *SENIOR PLANNER*  
MELISSA WOODS, *SENIOR PLANNER*  
DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*

**Case #:** ZBA 2015-45

**Date:** July 30, 2015

**Recommendation:** Conditional Approval

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**PLANNING STAFF REPORT**

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**Site:** 40 Evergreen Avenue

**Applicant Name:** Burgundy Realty, Vincent Lee, Manager  
**Applicant Address:** 10 Nouvelle Way, Unit 923, Natick, MA 01760  
**Owner Name:** Burgundy Realty, Vincent Lee, Manager  
**Owner Address:** 10 Nouvelle Way, Unit 923, Natick, MA 01760  
**Alderman:** Tony Lafuente

Legal Notice: Applicant & Owner, Burgundy Realty, Vincent Lee, Manager, seek a Special Permit to alter a nonconforming two-family structure by adding a second story to the front porch, a window well, and new windows and doors under SZO §4.4.1 and a Special Permit to not provide a parking space §9.13. RA zone. Ward 4.

Dates of Public Hearing: August 5, 2015

\*An increase in the FAR was originally listed in the legal notice; however, the current and proposed FAR are within allowable limits.

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**I. PROJECT DESCRIPTION**

1. Subject Property: The subject property is a two-family house on a 5,500 square foot lot. There is a one-story porch that wraps around the front of the house. Each unit has two bedrooms.
2. Proposal: The two-family house is currently being renovated and the following changes are proposed. Each unit would have three bedrooms. A second story would be added to the front porch with an external stair to provide access from the first to the second floor. A window well is proposed to be installed in the front yard along Dartmouth Street and an existing window will be expanded and other window will be added to provide light into the basement. A 677 square foot area in the basement will become a recreation room. The remaining portion of the basement will remain unfinished. There is an



existing bathroom on this side of the basement that will serve as a utility bathroom. This side of the basement is common space for both units and will not be used as living space. The driveway will remain where it is located which fits a total of four cars with two parked in tandem. There will be a number of skylights on the roof.



3. Green Building Practices: None.

4. Comments:

*Fire Prevention:* Fire Prevention does not have comments at this time.

*Wiring Inspection:* An exterior light and electrical receptacle is required for all levels of the porch.

*Ward Alderman:* Alderman LaFuente 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: side yard setback.

The proposal will impact the following nonconforming site yard setback. The current dimension to the porch that will be altered is 6 feet and the requirement in the district is 8 feet. This alteration 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 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 because the window well will be a conforming distance from the front lot line and the railing for the second floor porch will be in line with the first floor porch below.

The following dimensions will change but remain conforming. The Floor Area Ratio for the house will increase but it will continue to be conforming at 0.726. The limit in the district is 0.75.

The increase in the number of bedrooms required parking relief. The property is nonconforming to parking requirements because the existing units with two bedroom each require three parking spaces and only two spaces are conforming to the dimensional requirements and can be counted as legal spaces. The addition of one bedroom per unit increases the parking requirement to four. Therefore, the application requires relief from providing one additional parking space.

SZO §9.13 allows for sites with nonconforming parking to apply for a Special Permit to modify parking requirements if the total number of spaces is less than six. In considering a special permit under §9.13 of the SZO the Applicant must be able to demonstrate that granting the requested special permit would not cause detriment to the surrounding neighborhood through any of the criteria as set forth under SZO §9.13, which are as follows:

- 1) increase in traffic volumes;
- 2) increased traffic congestion or queuing of vehicles;
- 3) change in the type(s) of traffic;
- 4) change in traffic patterns and access to the site;
- 5) reduction in on-street parking;
- 6) unsafe conflict of motor vehicle and pedestrian traffic.

The site practically meets the number of spaces required by the ordinance because four spaces fit in the driveway. Some maneuvering of cars will be necessary; however, this is a typical situation with driveways and an existing situation for this lot. It is not expected to have negative impacts to traffic flow or a significant decrease to pedestrian safety.

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 is consistent with the purpose of the RA district, in making alterations to the two-family house.

In considering a special permit under §9.13 of the SZO the SPGA may grant such a special permit only when consistent with the purposes set forth in Section 9.1. The proposal to reduce the required parking by one space will not be counter to the purposes of this section. The required number of parking spaces fit on the lot in tandem and will be available to the occupants of the units.

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 porch alteration to add a second story will be compatible with the existing structure and is a typical feature on a Somerville house. The design of the second story of the porch will match that of the existing first floor of the porch in the detailing of the posts, railings and balusters. The driveway will not change from its current configuration.

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

The residential unit will be more expensive with a renovation and access to a porch. 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 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>	2	2

**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 second floor to the front porch and for alterations to windows and doors. 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>July 1, 2015</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>June 31, 2015 (incorrect date as listed on plan)</td><td>Modified plans submitted to OSPCD (Plot Plan)</td></tr><tr><td>July 20, 2015</td><td>Modified plans submitted to OSPCD (Floor Plans: S-1, S-2 (see August 7 floor plan for correct door location onto porch), S-3, S-4, Roof Plan: A-4)</td></tr><tr><td>(July 29, 2015)</td><td>Plans submitted to OSPCD (illustrative rendering of proposed structure)</td></tr></table>				Date (Stamp Date)	Submission	July 1, 2015	Initial application submitted to the City Clerk’s Office	June 31, 2015 (incorrect date as listed on plan)	Modified plans submitted to OSPCD (Plot Plan)	July 20, 2015	Modified plans submitted to OSPCD (Floor Plans: S-1, S-2 (see August 7 floor plan for correct door location onto porch), S-3, S-4, Roof Plan: A-4)	(July 29, 2015)	Plans submitted to OSPCD (illustrative rendering of proposed structure)
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Any changes to the approved plans that are not <i>de minimis</i> must receive SPGA approval.														
2	An exterior light and electrical receptacle is required for the second level of the porch.	Final sign off	Wiring Inspector											
3	The second floor posts, railing and balusters shall match in style, size and be in line with these elements on the first floor porch.	Final sign off	Plng.											
Final Sign-Off														
4	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.											

