



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

PLANNING DIVISION

STAFF

GEORGE PROAKIS, *DIRECTOR OF PLANNING*
LORI MASSA, *SENIOR PLANNER*
DAN BARTMAN, *SENIOR PLANNER*
ADAM DUCHESNEAU, *PLANNER*
DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*
AMIE SCHAEFFER, *PLANNING INTERN*

Case #: ZBA 2012-52

Date: July 26, 2012

Recommendation: Conditional Approval

UPDATED PLANNING STAFF REPORT¹

Site: 22 Franklin Street, Somerville, MA 02145

Applicant Name: Mistry Associates, Inc., Nalin Mistry, President

Applicant Address: 315 Main Street, Reading, MA 01867

Property Owner Name: Peter I. and Venilde F. Santana

Property Owner Address: 22 Franklin Street, Somerville, MA 02145

Alderman: William Roche

Legal Notice: Applicant Mistry Associates, Inc., and Owners Peter and Venilde Santana, seek a Special Permit under SZO §4.4.1 to alter a nonconforming single-family dwelling including the addition of a new basement entrance and modifications to window openings as part of an as-of-right addition of one dwelling unit to the property.

Zoning District/Ward: Residence B / Ward 1

Zoning Approval Sought: Special Permit

Date of Application: May 23, 2012

Dates of Public Hearing: Zoning Board of Appeals – **Wednesday, July 11, 2012**

I. PROJECT DESCRIPTION

1. Subject Property: The subject parcel is a 5,200 square foot lot in a Residence B district in the East Somerville neighborhood near the intersection of Webster and Franklin streets. The parcel contains a 2½ story single-family dwelling that has a net floor area of 3,134 square feet. This Italianate style dwelling is well maintained and the interior has recently been renovated.

¹ This is an updated Staff Report from July 5, 2012. Due to concerns regarding the emergency egress from the second bedroom, this second bedroom has been removed from the plans.



There has been no prior zoning relief.

2. Proposal: The Applicant proposes to alter this single-family dwelling by creating a new by-right unit in the basement which would include a new basement entry and modifications to basement window openings. The new unit, to be approximately 1500 square feet, would have one bedroom located at the front of the unit, a living room in the center, and a combination kitchen/dining room would be located at the rear of the unit. The bedroom would be 13 feet long and 22 feet wide. The unit will also have one bathroom, a laundry room, and a living room. The current floor area ratio (FAR) is .60 and, upon the addition of one dwelling unit, the FAR will increase to .84.

The new unit will be accessible through a new entry, which is to be located below grade on the right side of the front façade. This new entry includes a stairwell that is 7'-7" in length with 42" high railings on either side and is consistent in length to the existing porch stair located on the left side of the front façade. The new stairwell will be more than 8 feet in height and lead to an open hallway with access to the living room and bedroom one, through sliding glass doors. Short posts, consistent with those of the existing porch, will support the porch above and enable the hallway to remain open to access natural light and fresh air.

There are two basement windows located on the left side or North façade and one window is located on the right side or South façade. All windows are currently 1'-6" long by 3 feet wide. The left side windows would become 4'-5" in length and retain the same 3 foot width while the right side window would become 3 feet in length and would also retain the same width.

A site plan has been devised that limits the visibility of the new entrance from the sidewalk or street and includes a path between the proposed new basement entry and the existing porch stair. A three foot wide path will link the single-family dwelling with the proposed new basement unit and evergreen shrubs will be installed between this proposed path and the Franklin Street sidewalk to diminish visibility of the new entry and railings. The evergreens, upon maturity, will be a minimum of 4 feet tall and the existing chain link fence that extends across the front façade and a portion of the left side of the parcel will be permanently removed and replaced with new three foot high wrought iron fencing.

Parking for the proposed two-family dwelling has been determined to require one additional parking stall, according to SZO §9.5.2.a, and this stall has been configured within the existing driveway. Two stalls are currently located near the rear of the property, parallel to the wood deck on the right side façade. The additional parking space for the basement unit has been positioned closer to the street with the stall parallel to the front porch. This space will not to extend beyond the edge of the existing porch.



22 Franklin Street, front and right side facades.

3. Nature of Application: The structure is currently nonconforming with respect to several dimensional requirements including minimum lot size, and front and left side yard setbacks. Under the Somerville Zoning Ordinance §4.4.1 a nonconforming single-family dwelling may only alter a nonconformity through a Special Permit. Therefore, the basement windows proposed to be enlarged on the left side façade and the addition of a stairwell within the front yard setback requires a Special Permit.

The Applicant does not need parking relief according to SZO §9.5.2.a, which states that existing one and two-family residences converting to two or three-family residences shall provide one parking space per additional dwelling unit.

4. Surrounding Neighborhood: The subject parcel is located in the East Somerville neighborhood within a Residence B district and is immediately adjacent a parking lot. The surrounding area has a medium density level and is predominantly composed of single, two-, and multi-family dwellings. Broadway, located two blocks north, has a variety of commercial, retail, and office uses as well as access to public transportation.

5. Impacts of Proposal: The proposed basement window enlargements and new basement entry are not detrimental to the structure. While the design for this new basement unit keeps the single-family dwelling completely intact, the addition of this unit creates a two-family dwelling at the expense of losing another single-family dwelling within the City. However, the design for this new unit does allow for the additional unit to be reversed, should future owners decide to revert the structure back into a single-family dwelling. Additionally, the proposed site plan takes the overall streetscape into account and has been devised so that the new basement entry is minimally visible from the street or sidewalk. The streetscape will actually be improved upon completion of this proposal as the chain link fence that currently exists will be replaced with a wrought iron fence and four foot tall evergreen shrubs will be installed to deter visibility of the new basement entry.

6. Green Building Practices: There are no green building practices noted on the application.

7. Comments:

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

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

Historic Preservation: Historic Preservation Staff indicated the following comments to Planning Staff on Monday, July 02, 2012. This dwelling is not designated historic on a local or national level; however, this building demonstrates the architectural quality that would warrant such a designation. This single-family home has been maintained well and, although the addition of a basement unit would add to the loss of single-family dwellings within the City, the design for this unit allows the original unit to continue to be recognized as a single-family home. The new basement entry does not negatively impact the historic structure itself.

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 of the SZO, Staff find that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The addition of a by-right basement unit to this single-family dwelling does not negatively impact the streetscape or neighborhood and keeps the original unit entirely intact. As part of the proposal, a site plan has been devised to enhance the streetscape and deter visibility of the new basement entry. Although this structure is currently a single-family dwelling, the immediate surrounding structures are predominantly two or more dwelling units.

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 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 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; and to encourage housing for persons of all income levels.

The proposal is consistent with the purpose of the Residence B district, §6.1.2, 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 proposed window alterations and new basement entry, for the new by-right dwelling unit, have been designed to be compatible with the built and unbuilt surrounding area. The enlargement of the windows on the left side façade will not negatively impact abutters or the surrounding neighborhood as these windows are at grade level and look out to a parking lot for a 4-8 unit apartment building. The new basement entry will not negatively impact the original unit at the property and, once the proposed site plan is implemented, the new entry will not be noticeable from the street or sidewalk.

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 a Special Permit to alter a nonconforming single-family dwelling including the addition of a new basement entrance and modifications to window openings as part of an as-of-right addition of one dwelling unit to the property. 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>(May 23, 2012)</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>March 28, 2012 (June 27, 2012)</td><td>Plot plan submitted to OSPCD</td></tr><tr><td>June 20, 2012 (July 2, 2012)</td><td>Site plan submitted to OSPCD (sheet C-1)</td></tr><tr><td>June 25, 2012 (July 2, 2012)</td><td>Elevation and floor plans submitted to OSPCD (sheets A-1, A-2, A-3, and A-5)</td></tr><tr><td>June 25, 2012 (July 17, 2012)</td><td>Revised floor plan submitted to OSPCD (sheet A-4)</td></tr></table>				Date (Stamp Date)	Submission	(May 23, 2012)	Initial application submitted to the City Clerk’s Office	March 28, 2012 (June 27, 2012)	Plot plan submitted to OSPCD	June 20, 2012 (July 2, 2012)	Site plan submitted to OSPCD (sheet C-1)	June 25, 2012 (July 2, 2012)	Elevation and floor plans submitted to OSPCD (sheets A-1, A-2, A-3, and A-5)	June 25, 2012 (July 17, 2012)	Revised floor plan submitted to OSPCD (sheet A-4)
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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	In accordance with the approved site plan, the Applicant shall dismantle the existing chain link fence, which extends across the front façade and partially along the left side façade, and replace it with a fence of a material other than chain link.	CO	PIng. / ISD													
3	In accordance to the approved site plan, the Applicant shall install evergreen shrubs between the new fencing and new walkway, to be located between the original and new basement entry. The shrubs shall be a minimum of 4 feet in height at maturity and should adequately conceal the new basement entrance from the street and sidewalk.	CO	PIng.													
4	The Applicant or Owner shall meet the Fire Prevention Bureau’s requirements.	CO	FP													

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.	
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22 Franklin Street