



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2016-35

Date: June 8, 2016

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 1 Fremont Avenue

Applicant Name: Deborah Lucas
Applicant Address: 1 Fremont Avenue, Somerville MA, 02143
Owner Name: Deborah Lucas
Owner Address: 1 Fremont Avenue, Somerville MA, 02143
Agent Name: NA
Agent Address: NA
Alderman: Maryann Heuston

Legal Notice: Applicant and Owner Deborah Lucas, seeks a Special Permit to modify a nonconforming structure by adding a garage, dormer and roof deck. Zone RB, Ward 2.

Dates of Public Hearing: April 20, 2016

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a 2,600sf lot containing a two-family, 2-1/2 story gable roofed structure.
2. Proposal: The proposal adds a dormer on one side of the gable roof, and demolishes the existing rear decks, replacing them with an attached garage at grade with new living area above that, and a deck above the living area. The design also reconfigures the interior of the structure while maintaining the same number of units and bedrooms.
3. Green Building Practices: None listed in application.





Aerial view of property



Street view of property

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: side and rear yard setbacks. The side yard setback on the proposed dormer side is currently 1'-2" and will not be changed. The rear yard setback is currently 3'11" and will be reduced to 1'7".

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 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/use.

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 protect and promote a housing stock that can accommodate the diverse household sizes and life stages of Somerville residents at all income levels, paying particular attention to providing housing affordable to individuals and families with low and moderate incomes; 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 multi and single family structures of various architectural styles.

Impacts of Proposal (Design and Compatibility): The applicant worked closely with her neighbor at 5 Fremont Avenue to mitigate impacts of the proposal. This neighbor would be the only one potentially impacted by the design due to shading. The design steps back on the second level addition on the rear and side setbacks and terminates at the second level to mitigate shading issues. The shading studies illustrate that the impacts of the design will be minimal for the neighbor at 5 Fremont Avenue.

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 adverse impacts on the surrounding area anticipated as a result of excessive noise, illumination, glare, dust smoke or vibration, or from emissions of noxious materials, or pollution of water ways or ground water, or interference with radio or television signals.

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 traffic congestion or potential for accidents are anticipated as a result of this structure.

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.*

9. Impact on Affordable Housing: *In conjunction with its decision to grant or deny a special permit for a structure of four or more units of housing, the SPGA shall make a finding and determination as to how implementation of the project would increase, decrease, or leave unchanged the number of units of*

rental and home ownership housing that are affordable to households with low or moderate incomes, as defined by HUD, for different sized households and units.

No impact on affordable housing.

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. 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>March 7, 2016</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>June 1, 2016</td> <td>Modified plans submitted to OSPCD (1-10)</td> </tr> </tbody> </table> | | | | Date (Stamp Date) | Submission | March 7, 2016 | Initial application submitted to the City Clerk's Office | June 1, 2016 | Modified plans submitted to OSPCD (1-10) |
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| 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. | During Construction | Plng. | | | | | | | |
| 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 | | | | | | | |

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|-----------------------|--|---------------------------|------------------|--|
| 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 | |
| Design | | | | |
| 6 | Applicant shall provide final material samples for siding, trim, windows, and doors to Planning Staff for review and approval prior to construction. | BP | Plng. | |
| 7 | An exterior light and electrical receptacle is required for the first (or all) level of the porch and an electrical receptacle is required for the second level (if there is no access to the ground). | Final sign off | Wiring Inspector | |
| Site | | | | |
| 8 | Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards; | Perpetual | Plng. / ISD | |
| 9 | The electric, telephone, cable TV and other such lines and equipment shall be placed underground from the source or connection. The utilities plan shall be supplied to the Wiring Inspector before installation. | Installation of Utilities | Wiring Inspector | |
| 10 | All new sidewalks will be installed by the Applicant in accordance with the specifications of the Highway Superintendent. Specifically, all driveway aprons shall be concrete; | CO | Plng. | |
| Public Safety | | | | |
| 11 | The Applicant or Owner shall meet the Fire Prevention Bureau's requirements. | CO | FP | |
| Final Sign-Off | | | | |
| 12 | 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. | |