



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2012-22

Date: April 12, 2012

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 109 Hancock Street

Applicant Name: George Westerman and Marilyn Augustyn

Applicant Address: 109 Hancock Street, Somerville, MA 02144

Property Owner Name: George Westerman and Marilyn Augustyn

Property Owner Address: 109 Hancock Street, Somerville, MA 02144

Alderman: Rebekah L. Gewirtz / Ward 6

Legal Notice: Applicants and Owners, George Westerman and Marilyn Augustyn seek a Special Permit under SZO §4.4.1 for relief under the provisions of SZO §8.5.E to alter a nonconforming structure to increase the floor area ratio of the property, including the addition and modification of basement windows. RA zone. Ward 6.

Zoning District/Ward: RA Zone / Ward 6

Zoning Approval Sought: Special Permit under SZO §4.4.1

Date of Application: March 16, 2012

Dates of Public Hearing: Zoning Board of Appeals – **April 18, 2012**

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a two-family dwelling on a 2,886 square foot lot at the corner of Hancock Street and Spencer Avenue, between Highland Avenue and the Community Path at Lexington Park. The dwelling currently has 2,666 square feet of habitable space and the property contains a fair amount of landscaping. The dwelling is 2½ stories in height, not including the basement, with a gable roof and large shed dormer on the left side elevation. The building is located in a Residence A district and abuts residential properties of similar size and shape on all sides. No prior zoning relief has been given to the subject property.



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2. Proposal: Applicants and owners, George Westerman and Marilyn Augustyn, would like to renovate a portion of the existing basement to create a family room to be used by the property owners/residents of 109 Hancock Street. The portion of the basement proposed to be finished is 15 feet in length by 9'4" in width. Finishing this portion of the basement would add 151 square feet of living area to the dwelling and increase the floor area ratio from 0.92 to 0.98. The new net floor area of the dwelling would be 2,817 square feet.

The portion of the basement to be finished is located at the front of the building and would utilize the three-sided bay to the right of the front porch. As part of this proposal the basement would gain one additional window (noted as W2 on plans) located on the right side of the three-sided bay, and enlarge two existing windows (noted as W1 and W3 on plans) located in the middle of the three-sided bay and on the adjacent right side elevation. All three windows will have white vinyl frames with one light of insulated glass. This is consistent with the vinyl windows already existing in the dwelling. The top of the window frames will correspond to the new basement ceiling and be located directly under the basement sill. All three windows will retain their location under the corresponding first floor window and will be installed above grade with no window wells or exterior casings. Both Windows 1 and 2 will become the width of the window directly above. Window 3 will remain the same width (36"), which is 3" less than the width of the window above it and will be elongated by 7". The window is currently 14" in height and is proposed to become 21" in height.

Current and proposed window dimensions are listed below:

W1	Existing - 36" in width by 14" in height	Proposed - 48" in width by 27" in height
W2	Not Applicable	Proposed - 31" in width by 27" in height
W3	Existing - 36" in width by 14" in height	Proposed - 36" in width by 21" in height

This proposal also includes the installation of a spiral stair beneath the existing staircase. This spiral stair will connect the family room in the basement to the first floor where it can be accessed by the second floor unit via the existing staircase. The new staircase is proposed to be five feet in diameter with a maximum rise of 9.5" and a minimum tread of 7.5". To create a landing for the new stair, the first floor entry will have a 1 foot wide by 4 feet long portion of wall and floor removed, located adjacent to the existing staircase, and a small closet, located under the current stair, will also be removed. The new stairwell will have 6'6" of headroom available.



The proposed family room would have a seven foot ceiling height and stud walls. 5/8" sheetrock would be used for both the walls and ceiling along with 3.5" fiberglass insulation in each stud and joist bay. Between the proposed family room and remaining storage area, 5/8" sheetrock will be used on either side of the stud wall.

107-109 Hancock Street: Front and west side elevations

3. Nature of Application: Dimensional requirements in the RA district are governed by the Somerville Zoning Ordinance (SZO) under the provisions of §8.5. The property is currently nonconforming with regard to the minimum lot size, minimum frontage, minimum lot area per dwelling unit, floor area ratio, and the minimum front, left side, and rear yard setbacks. The existing floor area ratio (FAR) of the structure, which does not include the unfinished basement, is 0.92 which exceeds the maximum allowable FAR for an RA district which is 0.75. Therefore, a Special Permit is required under the SZO §4.4.1 to further increase the nonconforming FAR for the property and to legalize the basement as habitable space.

4. Surrounding Neighborhood: The property is located in an RA district. The surrounding neighborhood contains predominantly two-family dwellings that are 2½ stories in height and similar to the subject property. There are also some three- and multi-family dwellings mixed into the surrounding area, along with some commercial and office uses along Highland Avenue.

5. Impacts of Proposal: There shall be no impacts to the surrounding neighborhood for the construction process will take place in the basement level of the existing structure. Therefore, with construction impacts limited to the interior of the building, no significant disruption to the neighborhood is anticipated. All waste from the project will be transported away by the contracting company to a facility that is licensed to take care of the waste.

6. Green Building Practices: The Applicant references their intent to use “good energy efficient practices” but is not specific about what measures will be taken.

7. Comments:

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

Ward Alderman: Alderman Gewirtz has been notified. Alderman Gewirtz sent a response on April 2, 2012 stating that she was comfortable with the Applicant’s proposal.

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 Permit.

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 finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The construction process will take place in the basement level of the existing structure and therefore, with construction impacts limited to the interior of the building, no significant disruption to the neighborhood is anticipated.

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 protect health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to conserve the value of land and buildings; and to encourage the most appropriate use of land throughout the City.”

The subject building is a pre-existing nonconforming structure that is consistent with the purpose of the RA district, SZO §6.1.1. The district is designed 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.”

No impacts are anticipated due to finishing a portion of the existing basement to create a family room. The construction process will take place in the basement level of the existing structure and therefore, with construction impacts limited to the interior of the building, no significant disruption to the neighborhood is anticipated. The structure will remain a 2½ story, two-family dwelling and will continue to be used for residential purposes.

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 impacts are anticipated from this project. All proposed work and elements to be added as part of the project will be inside the structure and predominantly in the basement. No new noise, glare, smoke, vibration, nor emissions of noxious materials nor pollution of water ways or ground water nor transmission of signals that interfere with radio or television reception are anticipated as part of the project. The structure will remain a 2½ story, two-family dwelling and will continue to be used for residential purposes.

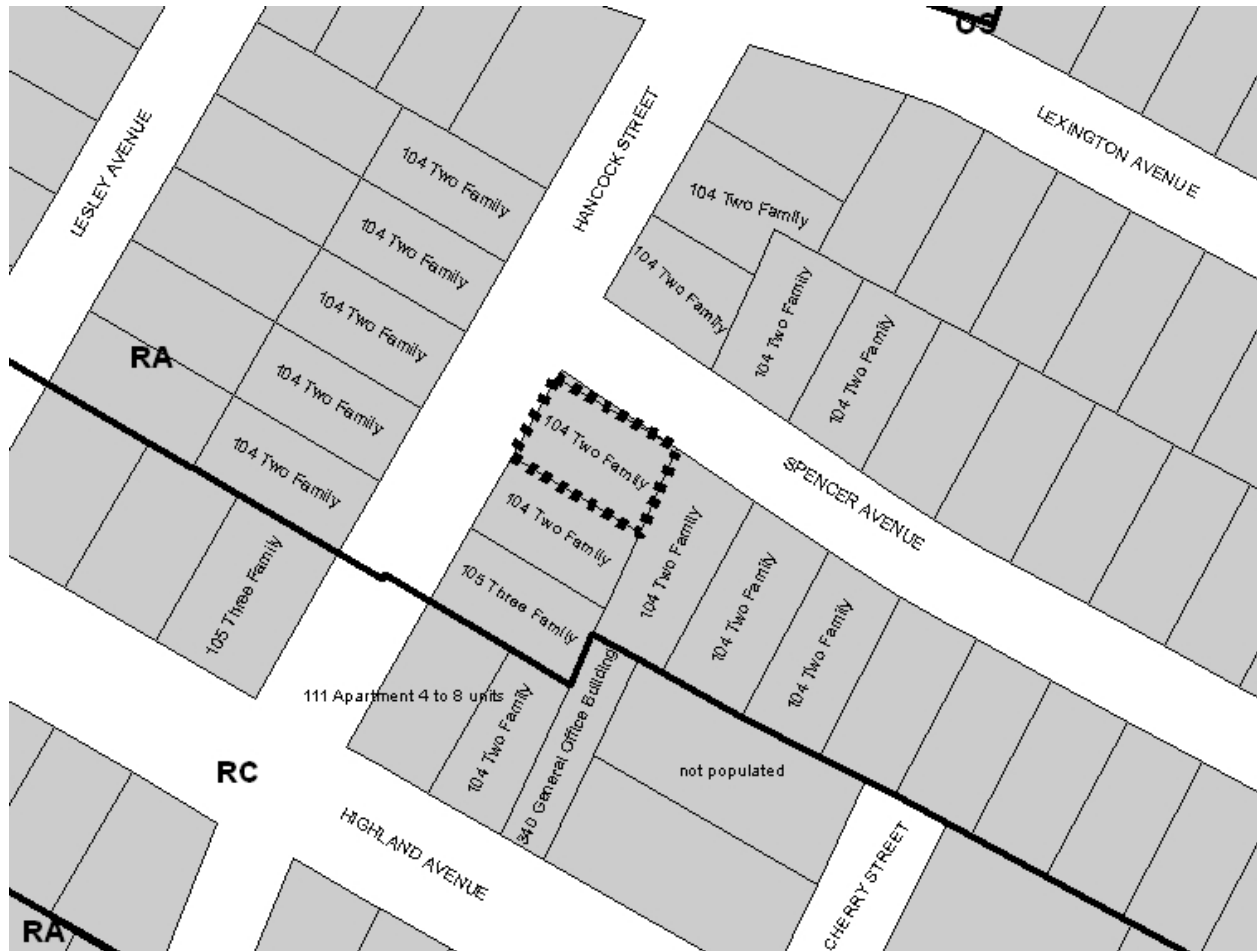
III. RECOMMENDATION

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 relief under the provisions of SZO §8.5.E to finish a portion of the basement to add a family room to an existing two-family residence. This approval is based upon the following application materials and the plans submitted by the Applicant: <table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>(March 16, 2012)</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>February 13, 2012 (March 28, 2012)</td><td>Plot Plan</td></tr><tr><td>February 13, 2012 (March 28, 2012)</td><td>Basement Renovation Plan</td></tr><tr><td>January 29, 2011 (March 28, 2012)</td><td>Building Floor Plans (Sheets B, 1, 2, and 3)</td></tr><tr><td>(March 28, 2012)</td><td>Proposed Basement Window Specifications</td></tr><tr><td>March 21, 2012 (March 28, 2012)</td><td>Existing Conditions – Front and West Elevations</td></tr><tr><td>March 21, 2012 (April 5, 2012)</td><td>Proposed Basement Windows – Front and West Elevations</td></tr></table> Any changes to the approved interior plan or elevations that are not <i>de minimis</i> must receive SPGA approval.	Date (Stamp Date)	Submission	(March 16, 2012)	Initial application submitted to the City Clerk’s Office	February 13, 2012 (March 28, 2012)	Plot Plan	February 13, 2012 (March 28, 2012)	Basement Renovation Plan	January 29, 2011 (March 28, 2012)	Building Floor Plans (Sheets B, 1, 2, and 3)	(March 28, 2012)	Proposed Basement Window Specifications	March 21, 2012 (March 28, 2012)	Existing Conditions – Front and West Elevations	March 21, 2012 (April 5, 2012)	Proposed Basement Windows – Front and West Elevations	BP/CO	ISD/Plng.	
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	2	The structure shall remain a two-family dwelling; no additional dwelling units shall be added.	Cont.	ISD																
3	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.																	



109 Hancock Street