



**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*  
SARAH WHITE, *PRESERVATION PLANNER*  
ETHAN LAY-SLEEPER, *PLANNER*  
DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*

**Case #:** ZBA 2015-111

**Date:** ~~January 20, 2016~~ February 3, 2016

**Recommendation:** Conditional Approval

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**PLANNING STAFF REPORT**

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**Site:** 221 Highland Ave

**Applicant Name:** Adrian M.K. Hartline (a.k.a Adrian Kucera-Hartline)

**Applicant Address:** 221 Highland Avenue, Somerville, MA 02413

**Owner Name:** Adrian M.K. Hartline (Unit 2); Matt Swanson & Shelley S. Stoneburner (Unit 1)

**Owner Address:** 221 Highland Avenue, Somerville, MA 02413

**Alderman:** Mark Niedergang

Legal Notice: Applicant, Adrian M.K. Hartline, a.k.a Adrian Kucera-Hartline, seeks a Special Permit per SZO §4.4.1 to alter a non-conforming structure by constructing a dormer within the left side yard setback, RC zone. Ward 5.

Dates of Public Hearing: Zoning Board of Appeals – ~~January 20, 2016~~ February 3, 2016

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**I. PROJECT DESCRIPTION**

*221 Highland Ave., assessor's image.*

1. Subject Property: The subject property is a 2 ¾-story structure built c.1910 that has been converted into two condominiums. The unit in question for this application is unit #2 which, in part, covers the top floor of the structure.
2. Proposal: The proposal includes the addition of a shed dormer within the left side yard setback. Since the initial January 20, 2016 ZBA hearing, the applicant has re-submitted plans that include glass block for the proposed new windows. Further, the dormer has been moved back 2' 1" from the gable end of the roof on which it is proposed to be built.



3. Green Building Practices: None listed.
4. Comments:

*Ward Alderman*: Mark Niedergang has been notified of this project and has not submitted 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 §4.4.1 of the SZO. This section of the report goes through §4.4.1 in detail.

### 1. Information Supplied:

- Staff finds that the information provided by the Applicant conforms to the requirements of §4.4.1 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 property has several non-conformities, but the one triggering the Special Permit is the left side yard setback. These intensification of the existing non-conforming left side setback requires the Applicant to obtain a Special Permit under §4.4.1 of the Somerville Zoning Ordinance (SZO).
- The current left side yard setback is 1.6 feet in a zone where a minimum 10 foot setback is required. ~~The proposed dormer would be set back 2.9 feet from the left side yard setback.~~ The lowest point of the dormer will sit within the left side yard setback at 1.6 feet from the property line.
- At the January 20, 2016, ZBA hearing, some members of the ZBA questioned if the initial proposal had been presented in compliance with our planning/zoning standards and if we routinely measured the length of roof from the ridge or the eave. A meeting with the Planning Director, Senior Planner and Zoning Review Planner confirmed the following:
  - a) Length of roof is measured from the eave;
  - b) The initial proposal was 50% or less of the roof length;
  - c) The existing roofline extends just beyond the left gable at the eave providing a longer roofline with which to work;
  - d) Because this is an RC district, the dormer is considered a "3<sup>rd</sup> story" and 3 stories are allowed in this district.

*Section 4.4.1 states that Lawfully existing nonconforming structures other than one- and two-family dwellings may be enlarged, extended, renovated or altered only by special permit authorized by the SPGA in accordance with the procedures of [Article 5](#). The SPGA must find that such extension, enlargement, renovation or alteration is not substantially more detrimental to the neighborhood than the existing nonconforming building. In making the finding that the*

*enlargement, extension, renovation or alteration will not be substantially more detrimental, the SPGA may consider, without limitation, impacts upon the following: traffic volumes, traffic congestion, adequacy of municipal water supply and sewer capacity, noise, odor, scale, on-street parking, shading, visual effects and neighborhood character.*

- In considering a Special Permit under §4.4 of the SZO, Staff finds that the alterations proposed to this legal 2 ¾ single-family residence would not be substantially more detrimental to the neighborhood than those present on the existing structure. Many of the other structures in the immediate surrounding area present dormers of varying sizes and styles within the side yard setbacks. Moreover, the abutting property immediately to the left has a long shed dormer within their right side yard setback that overlooks 221 Highland.
- The addition of this dormer will allow for reasonable expansion of head height in a bathroom area and will not increase the FAR. **The dormer addition will also allow for additional head height in the existing stairwell.** This is a reasonable accommodation to make for a unit with minimal room for expansion.

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 secure safety from fire, panic and other dangers; 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 RC district which is "...to establish and preserve a district for multi-family residential and other compatible uses which are of particular use and convenience to the residents of the district".

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 surrounding neighborhood is a mixture of two- and three-family structures, residential conversions, condos and apartments of varying late 19<sup>th</sup> and early 20<sup>th</sup>-century styles, but with similar massing.
- There are few to no impacts from the proposal. The proposed changes are compatible with the use, form, and massing of the residential structures in the immediate area. The proposed changes are reasonable accommodations to make in order to allow for the property owner to make reasonable modifications to their home.

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

- The proposal will not impact the existing stock of affordable housing.

7. 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 not contribute to the metrics of SomerVision but will allow the property owner to make some modifications to their home.

### 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 to construct a dormer within the left side yard setback.	BP/CO	ISD/ Plng.							
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>December 14, 2015</td><td>Initial submission to City Clerk</td></tr><tr><td>January 27, 2016</td><td>Revised plans submitted to OSPCD</td></tr></table>				Date (Stamp Date)	Submission	December 14, 2015	Initial submission to City Clerk	January 27, 2016	Revised plans submitted to OSPCD
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	December 14, 2015				Initial submission to City Clerk					
	January 27, 2016				Revised plans submitted to OSPCD					
<u>Any changes to the approved plan that are not determined to be <i>de minimis</i> by Planning Staff must receive ZBA approval.</u>										
Construction Impacts										

2	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	
3	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	
<b>Design</b>				
4	The size, form, massing and design of the dormer shall match exactly the plans that are included with this report and that are in the case file for this project. Any changes to these plans must be reviewed and approved by the Planning Staff or the ZBA before they are executed.	ISD	ISD/Plng	
5	Because the new windows are less than 3 feet from the property line, the Applicant is required to install glass block instead of typical, double-hung windows. The glass block installation shall be framed to mimic the appearance of a true window opening.	ISD	ISD/Plng	
<b>Miscellaneous</b>				
6	The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the building and property.	Cont.	ISD	
7	The basement area shall never be used as/converted to a bedroom.	Cont.	ISD	
<b>Public Safety</b>				
8	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
<b>Final Sign-Off</b>				
9	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.	