



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2014-119

Date: February 26, 2015

Recommendation: Conditonal Approval

PLANNING STAFF REPORT

Site: 9 Montgomery Avenue

Applicant & Owner Name: The Montgomery Avenue Trust

Applicant & Owner Address: 8 Purington Lane Hampton, NH 03842

Agent Name: Richard Di Girolamo

Agent Address: 424 Broadway Somerville, MA 02145

Alderman: Matt McLaughlin

Legal Notice: Applicant and Owner, The Montgomery Avenue Trust, seeks a Special Permit to construct a dormer/cross gable. RB Zone. Ward 1.

Dates of Public Hearing: **Zoning Board of Appeals - Wednesday, March 4, 2015**

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is 3,892 square feet and composed of a gable-end two-family dwelling. There is no prior zoning relief.
2. Proposal: The proposal is for a 15' shed dormer to be located on the right side elevation. The Applicants are legalizing an existing second dwelling unit and will meet the parking requirement due to the three-bay garage at the rear of the parcel. Only relief for the dormer is required.
3. Green Building Practices: There are none listed on the application.
4. Comments:

Fire Prevention: Has reviewed the plans and has no comments at this time.



Ward Alderman: Has reviewed the plans and has no comments at this time.

II. FINDINGS FOR SPECIAL PERMIT:

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 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."*

Under the existing zoning code, alterations to a non-conformity requires approval for a Special Permit. The existing dwelling is non-conforming with regard to right side yard setback and therefore requires a Special Permit to construct a dormer and increase the non-conformity.

Under the proposed code, dormers are considered building components and are allowed so long as they meet the dimensional requirements. The dormer is less than 50% of the length of the roofline and less than 24' in length (whichever is greater); however, this dormer does not meet the 50% glazing, the 4:12 roof pitch, nor the 1' ridgeline setback requirement. Therefore, these three items have been conditioned to comply with the proposed zoning code. Approving this dormer with the conditions noted above will meet the findings of the new ordinance in that that the dormer will be contextual with the existing neighborhood and meet the occupant needs.

In considering a special permit under both the existing and proposed zoning ordinances, Staff find that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure.

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 provide adequate light and air; and to encourage housing for persons of all income levels.

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."*

The surround Winter Hill neighborhood is a mix of one-, two-, and three-family homes in close proximity to the good and services offered along Broadway.

There are no impacts to the proposal except those associated with residential uses.

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

The proposal will legalize a second pre-existing dwelling unit to this site as of right, but will not have an impact on existing affordable housing.

6. 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 does not make a noticable contribution to the SomerVision target numbers, but the proposal is contextual to the neighborhood with regard to form and massing and is conditioned to comply with the new code.

III. RECOMMENDATION

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 construct a dormer/cross gable. 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>(November 24, 2014)</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>February 5, 2015</td><td>Plans submitted to OSPCD (A-1, A-2, A-3, A-4, A-5, A-6)</td></tr><tr><td>October 10, 2014</td><td>Plot/Landscape plan submitted to OSPCD</td></tr></table>				Date (Stamp Date)	Submission	(November 24, 2014)	Initial application submitted to the City Clerk's Office	February 5, 2015	Plans submitted to OSPCD (A-1, A-2, A-3, A-4, A-5, A-6)	October 10, 2014	Plot/Landscape plan submitted to OSPCD
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Any changes to the approved elevation that are not <i>de minimis</i> must receive SPGA approval.												
Pre-Construction												
2	The Applicant will be required to demonstrate that the updated project plans meet the current City of Somerville stormwater policy.	BP	Eng.									
Construction Impacts												
3	The Applicant shall at his 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									
Design												
4	The Applicant shall submit updated plans prior to receiving a building permit to comply with the 50% glazing, 4:12 roof pitch, and 1' ridgeline setback requirements for the dormer.	BP	Plng.									
Site												
5	Any additional pavement added to the site shall be pervious.	Perpetual	Plng. / ISD									
Public Safety												
6	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP									
Final Sign-Off												
7	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.									

