



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2011-91

Date: December 29, 2011

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 42 Preston Road

Applicant and Owner Name: Stephanie Nickerson

Applicant and Owner Address: 42 Preston Road, Somerville, MA 02143

Agent Name: Mat Cummings, Architect

Agent Address: Cummings Architects, LLC., 87 Central Street, Ipswich, MA 01938

Alderman: Maryann Heuston

Legal Notice: Applicant and Owner Stephanie Nickerson seeks a special permit to alter a nonconforming structure under SZO §4.4.1 to construct a second story rear addition and first floor mudroom. RB zone. Ward 2.

Zoning District/Ward: RB zone / Ward 2

Zoning Approval Sought: Special Permit under SZO §4.4.1

Date of Application: November 15, 2011

Date of Public Hearing: Zoning Board of Appeals – **January 4, 2012**

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a 5,575 square foot lot with a three-family residence situated on Preston Road which is near the intersection of Summer Street and School Street. The structure currently has 4,691 square feet of habitable space and is 2½ stories high, not including the basement level. In 1954 the property owner at the time, Percy Fuller, received zoning relief to construct an addition on the rear of his first floor dwelling unit which allowed for the creation of Unit #3 in the structure.

2. Proposal: The Applicant is proposing to construct a second story addition at the rear of the structure along with a mudroom and a small porch on the first floor that will be used by all three units at the property. Currently, the first floor contains Unit #1 and Unit #3. Unit #1 is a one bedroom apartment with a living room, kitchen, and bathroom and Unit #3 is a studio apartment. The second



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and third floors of the building contain Unit #2 which is a three bedroom apartment with a living room, dining room, kitchen, and bathroom. The third floor contains two of the bedrooms for Unit #2 and a walk-in closet. The addition on the second floor would expand the living space for Unit #1 by adding two new bedrooms and a second full bathroom on the second floor above Unit #3. This would increase the net square footage of the entire structure by 529 square feet. As part of this addition, an internal stairwell would be added for access to the new bedrooms on the second floor. The second story addition would have two windows on the left side of the property and two windows on the rear façade, but would not add any windows on the right side elevation. The new mudroom would be located on the rear left side of the existing structure and the small attached porch would provide access down onto the driveway. The mudroom would have one window on its rear façade.

3. Nature of Application: This is a residential property within an RB district. The structure is currently nonconforming with respect to minimum lot size and minimum front and right side yard setbacks. The right side yard setback is only 1.8 feet which is less than the 8 feet of minimum required side yard setback as specified in the Somerville Zoning Ordinance (SZO) for 2½ story structures. The existing front yard setback is only 9.2 feet, but the requirement is 15 feet under SZO §8.5.G. The existing right side yard setback nonconformity requires the Applicant to obtain a special permit to alter a lawfully existing nonconforming structure that is not a one- or two-family dwelling under SZO §4.4.1 to construct the second story rear addition and first floor mudroom.

4. Surrounding Neighborhood: This is a residential property within an RB district. The surrounding area is comprised mostly of single- and two-family dwellings with some three- and multi-family structures in the area. Most buildings in the neighborhood are between 2½ and 3 stories in height.

5. Impacts of Proposal: There shall be minimal impacts to the surrounding neighborhood as the proposed second story rear addition and first floor mudroom and porch would not appear to be detrimental to the immediate abutters or the surrounding area. The proposed second story addition will be located in the rear of the structure and will be within the footprint of the existing building. Additionally, there are no windows being proposed on the right side of the second story addition and therefore the privacy situation will not change with regard to the neighbor on that side who would potentially be the most impacted by this addition. The proposed mudroom and porch will only extend the existing, compliant, left side yard setback eight feet deeper into the lot, but will not worsen this condition in any manner. In fact, the proposed project will maintain all existing setbacks, including the existing 41.4 foot rear yard setback which well exceeds the minimum rear yard setback for the district of 20 feet. With construction impacts limited to the rear of the building, no significant disruption to the neighborhood is anticipated. The character of the original house will remain intact as Planning Staff is proposing that the Applicant be required to install siding and roofing on the addition that matches those on the existing structure. Furthermore, as the Applicant is only altering the existing nonconforming setback on the right side of the property by increasing it vertically, the Applicant would not be worsening the existing nonconformities of the structure. The structure will remain a 2½ story, three-family dwelling and will continue to be used for residential purposes.

6. Green Building Practices: The Applicant has indicated that by placing the addition upon the existing structure they will not be impacting the existing vegetation at the site.

7. Comments:

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

Ward Alderman: Alderman Heuston indicated in an email to Planning Staff that she supports this application.

Historic Preservation: Has been contacted but has not yet provided comments.



Existing Conditions – Front (above), Right Side (below)



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 finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The proposed second story addition will be located in the rear of the structure and will be within the footprint of the existing building. Additionally, there are no windows being proposed on the right side of the second story addition and therefore the privacy situation will not change with regard to the neighbor on that side who would potentially be the most impacted by this addition. The proposed mudroom and porch will only extend the existing, compliant, left side yard setback eight feet deeper into the lot, but will not worsen this condition in any manner. In fact, the proposed project will maintain all existing setbacks, including the existing 41.4 foot rear yard setback which well exceeds the minimum rear yard setback for the district of 20 feet. The character of the original house will remain intact as Planning Staff is proposing that the Applicant be required to install siding and roofing on the addition that matches those on the existing structure. Furthermore, as the Applicant is only altering the existing nonconforming setback on the right side of the property by increasing it vertically, the Applicant would not be worsening the existing nonconformities of the structure. The structure will remain a 2½ story, three-family dwelling and will continue to be used for residential purposes, which is consistent with the surrounding neighborhood. Therefore, there are no anticipated negative impacts from the proposal.

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 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; and to encourage the most appropriate use of land throughout the City."

The proposal is consistent with the purpose of the district (6.1.2. RB - Residence Districts), 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 project is compatible with the characteristics of the surrounding area. There shall be minimal impacts to the surrounding neighborhood as the proposed second story rear addition and first floor mudroom and porch would not appear to be detrimental to the immediate abutters or the surrounding area. The proposed second story addition will be located in the rear of the structure and will be within the footprint of the existing building. Additionally, there are no windows being proposed on the right side of the second story addition and therefore the privacy situation will not change with regard to the neighbor on that side who would potentially be the most impacted by this addition. The proposed mudroom and porch will only extend the existing, compliant left side yard setback eight feet deeper into the lot, but will not worsen this condition in any manner. In fact, the proposed project will maintain all existing setbacks, including the existing 41.4 foot rear yard setback which well exceeds the minimum rear yard setback for the district of 20 feet. With construction impacts limited to the rear of the building, no significant disruption to the neighborhood is anticipated. The character of the original house will remain intact as Planning Staff is proposing that the Applicant be required to install siding and roofing on the addition that matches those on the existing structure. The structure will remain a 2½ story, three-family dwelling which is consistent with the surrounding neighborhood.

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. 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 proposal. The structure will remain a 2½ story, three-family dwelling and will continue to be used for residential purposes.

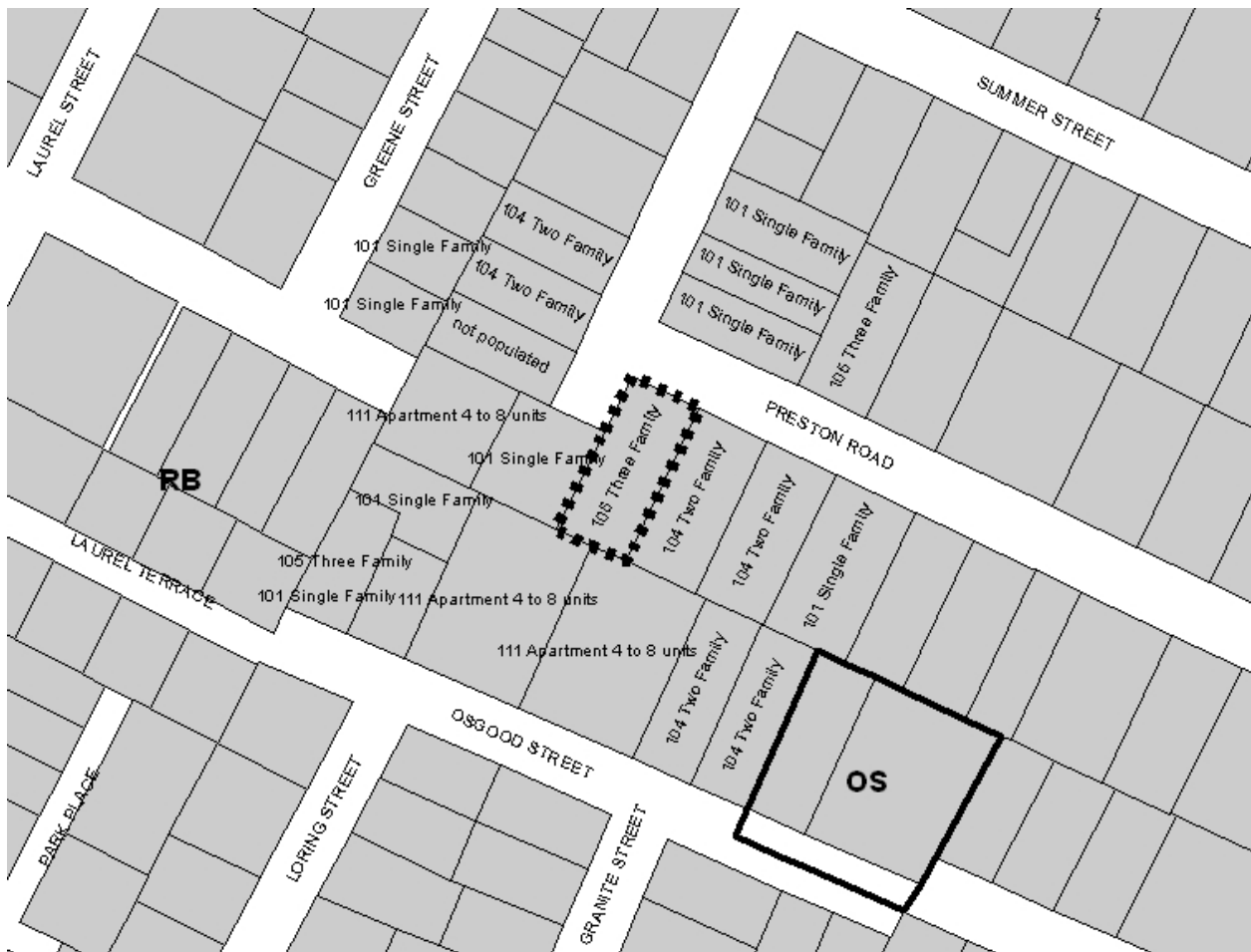
III. RECOMMENDATION

Special Permit under §4.4.1, 5.1

Based on 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 alter a nonconforming structure under SZO §4.4.1 to construct a second story rear addition and first floor mudroom. 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>(November 15, 2011)</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>November 15, 2011 (December 29, 2011)</td><td>Plot Plan</td></tr><tr><td>(December 29, 2011)</td><td>Existing Elevations and Floor Plans (1 – 4)</td></tr><tr><td>(December 29, 2011)</td><td>Proposed Elevations and Floor Plans (5 – 8)</td></tr></table>	Date (Stamp Date)	Submission	(November 15, 2011)	Initial application submitted to the City Clerk’s Office	November 15, 2011 (December 29, 2011)	Plot Plan	(December 29, 2011)	Existing Elevations and Floor Plans (1 – 4)	(December 29, 2011)	Proposed Elevations and Floor Plans (5 – 8)	BP/CO	ISD/Plng.	
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2	The Applicant shall update the fire alarm system to be code compliant.	CO	FP											
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											
4	New siding type and color, roofing, and materials of the proposed addition and mudroom shall match those on the existing structure.	CO	Plng.											
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.											



42 Preston Road