



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2015-15

Date: June 18, 2015

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 15 Wesley Park

Applicant Name: Joseph David Tarkoff and Jocelyn Segal Tarkoff

Applicant Address: 15 Wesley Park, Somerville MA 02143

Owner Name: Joseph David Tarkoff and Jocelyn Segal Tarkoff

Owner Address: 15 Wesley Park, Somerville MA 02143

Agent Name: Richard G. Di Girolamo

Agent Address: 424 Broadway, Somerville, MA 02145

Alderman: Robert McWatters

Legal Notice: Applicant and Owner, Joseph David Tarkoff and Jocelyn Segal Tarkoff, seek a Special Permit to alter a nonconforming three-family to add window wells for the basement. RB zone. Ward 3.

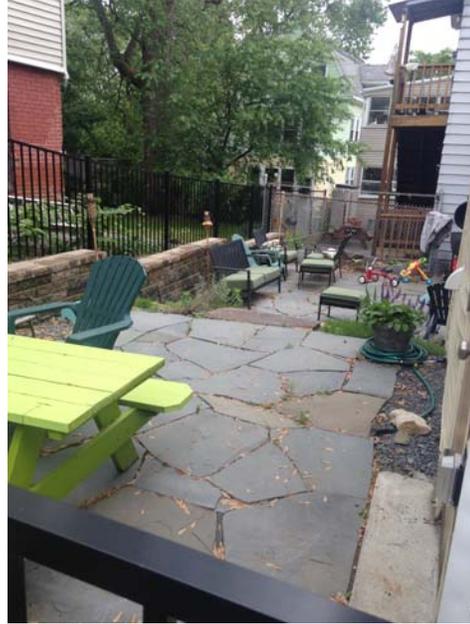
Dates of Public Hearing: June 24, 2015

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a 2,656 square foot lot with a 1918 net square foot, 2 ½ story, 3-family house on it. The existing basement is storage and utility space. There are two 1-bedroom units and one 2-bedrooms unit.
2. Proposal: The proposal is to install two window wells and three windows in order to creating living space in the basement for one of the units. The units on the second and third floors will not change. There will be one 1-bedroom unit, one 2-bedroom unit and one 3-bedroom unit in the house. The window wells will be 40 by 24 inches and the windows will be vinyl casement, 36 by 48 inches. There will be a new window on the front of the house and a well and window on the right side and rear of the house.



15 Wesley Park – Front (top l), Rear Yard (top r), Front & Left Side Yard (bottom) - location of new windows and 1 window well



3. Green Building Practices: None.

4. Comments:

Fire Prevention: The smoke detectors in the entire residential unit will have to be hardwired.

Wiring/Building Inspection: This project requires an architect. The mechanical space cannot be located off of a bedroom. A detailed plan of the mechanical space is required to show that there is adequate access in front of the meters.

Ward Alderman: Planning Staff has been in touch with Alderman McWatters regarding the 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 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 dimensional requirements, including lot area, lot area per dwelling unit, front yard setback, side yard setback and street frontage.

The proposal will impact the following nonconforming dimensions: front yard setback and left side yard setback. The window wells on the left side and rear of the structure will project out 40 inches from the house. The left side yard setback at the window well location is just over 40 inches. The rear yard setback is over 20 feet. On the front of the house the window in the basement will be enlarged. 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 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 find that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The alterations will be minimally impactful to the appearance of the building, landscaped area and pervious coverage. The floor area ratio will continue to be conforming to the requirements of the SZO. The previous parking requirement was 4.5 which rounds up to 5 and the current proposal has a parking requirement of 5; therefore, no additional parking is required.

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 providing for and maintain the uniquely integrated structure of uses in the City.

The proposal is consistent with the purpose of the district, which is, “[t]o 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 new and enlarged windows and window wells on the left and rear of the structure will not be readily visible from the public right of way and will not be negatively impactful to the appearance of the house. The window in the front of the house will be visible from the street. It is larger than a typical basement window; however, it will remain within the foundation area of the house and aligned with the windows above making it an acceptable design. The trash and recycling bins that are stored in the front of the house by this window shall be moved to the side or rear yard.

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

The units are not restricted as affordable units. The increase in living space of one of the units will make it a more expensive unit; however, it will also allow an increase in the diversity of housing sizes in the building and allow for the potential for a family to live here.

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 property is in an area that is to be preserved in the SomerVision map.

<u>SomerVision Summary</u>	<i>Existing</i>	<i>Proposed</i>
<i>Dwelling Units:</i>	3	3

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 alteration to a 3-family house to install windows and window wells. 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>May 21, 2015</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>May 18, 2015</td> <td>Plans submitted to OSPCD (a 01-04)</td> </tr> <tr> <td>June 3, 2015</td> <td>Modified plans submitted to OSPCD (a 05-06)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	May 21, 2015	Initial application submitted to the City Clerk's Office	May 18, 2015	Plans submitted to OSPCD (a 01-04)	June 3, 2015	Modified plans submitted to OSPCD (a 05-06)
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Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.												
2	The smoke detectors in the entire residential unit must be hardwired.	CO	FP									
3	The Applicant shall submit a detailed plan of the utility room to the Wiring Inspector and Building Inspector for their review and approval.	BP	ISD									
4	The trash and recycling bins shall not be stored in the front yard.	Perpetual	ISD									
Final Sign-Off												
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.									

