



CITY OF SOMERVILLE, MASSACHUSETTS
PLANNING BOARD
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Case #: ZBA2008-48
Site: 12-14 Albion Place
Date: September 26, 2008
Recommendation: Conditional Approval

PLANNING BOARD REPORT

Applicant Name: Frances Dilks
Applicant Address: 90 Pearson Avenue - Somerville, MA 02144
Property Owner Name: same
Property Owner Address: same
Alderman: O'Donovan

Legal Notice: The applicant seeks Special Permit approval under SZO §4.4.1 for the alteration of a non-conforming structure in order to construct a third story on an existing two and a half story building, to construct a two story rear deck and to make alterations to the front porch.

Zoning District/Ward: RB / 5

Zoning Approval Sought: Special Permit under SZO§4.4.1

Date of Application: August 6, 2008

Date(s) of meetings/public hearing: [PB: September 4/18, 2008/ZBA: October 1, 2008]

Date of Decision: N/A

Vote: N/A

Dear ZBA members:

At its regular meeting on September 18, 2008 the Planning Board heard the above-referenced application. Based on materials submitted by the Applicant and the Staff recommendation, the Board voted (5-0), to recommend **conditional approval** of the requested **Special Permit**.

In conducting its analysis, the Planning Board found:

I. PROJECT DESCRIPTION

1. Subject Property: The property is an approximately 3139 s.f. lot on which sits a 2.5 story, two-unit, wood structure. The structure contains 2221 n.s.f. of living space and a two-story front porch with an enclosed second floor. The property is located at the end of a private cul-de-sac.
2. Proposal: The Applicant is proposing to construct a third floor on the existing two and a half story structure to enlarge the space of two bedrooms and install a bathroom. The applicant is also proposing to reconstruct the two story front porch and to open the second level that is currently enclosed. The rear deck will be reconstructed to include a second level, which will be open as well. Additional windows will be incorporated into the façade design to allow for more light into the structure.
3. Nature of Application: The structure is currently nonconforming with respect to side and front yard setback requirements. The existing nonconformity 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 one- and two-family dwellings which are only used as residences, which are nonconforming with respect to dimensional requirements, may be enlarged, extended, renovated or altered by special permit granted by the SPGA in accordance with the procedures of Article 5.”
4. Surrounding Neighborhood: Reflective of the underlying RB zoning, the immediate neighborhood is predominantly residential, with a mix of two- and three-family homes. Surrounding structures are predominantly 2.5 and 3-stories. The neighborhood is densely developed with many lots near 3000 s.f. in area.
5. Green Building Practices: None.
6. Comments:

Fire Prevention: Deputy Chief Steve Keenan has stated that the proposal to construct a third floor on this existing two and a half story building will require code compliant fire detection devices in the addition.

Alderman: Alderman O'Donovan has been contacted and has stated that he is in support of this 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 Board 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 Applicant requires a special permit under §4.4.1 of the SZO. Under §4.4.1, “The SPGA , as a condition of granting a special permit under this Section much find that such extension, enlargement,

renovation or alteration is not substantially more detrimental to the neighborhood than the existing nonconforming structure.”

The Board finds that the applicant has made a substantial effort to address Staff concerns regarding the appearance of the proposed third floor.

The Board finds that the third floor addition and the rear deck would not be substantially more detrimental to the surrounding neighborhood than the existing structure, as required under §4.4.1 of the SZO. This design is reflective of traditional triple deckers found throughout Somerville and is in character with other similar structures in the neighborhood. Regarding the front porch, the Board finds the removal of the second floor enclosure and the general reconstruction to be beneficial to the neighborhood. The renovations will reduce the bulk of the structure along the street wall and will be architecturally more consistent with traditional porch designs in Somerville.

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 Board finds that the proposal **is consistent** with the purposes set forth in Article 1 of the Zoning Ordinance, and with, to the extent possible for a lawful pre-existing nonconforming structure, those purposes established for the RB district in which the property is located, namely, "[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 Board finds that the proposal **is compatible** with the site and area as there are many triple-decker residential structures in the immediate neighborhood. The location of the structure at the end of a cul-de-sac and the close proximity of other structures will limit any visual impacts of the proposed third floor on the surrounding area. The Board finds that the alterations proposed for the front porch will improve the character of the building and create a structure that is more compatible with the street on which it faces.

III. RECOMMENDATION

Special Permit under §4.4.1

Based on the above findings, the Planning Board recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT**.

The Board finds that this application complies with the requirements for granting a special permit as set forth under §5.1.4 and that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure.

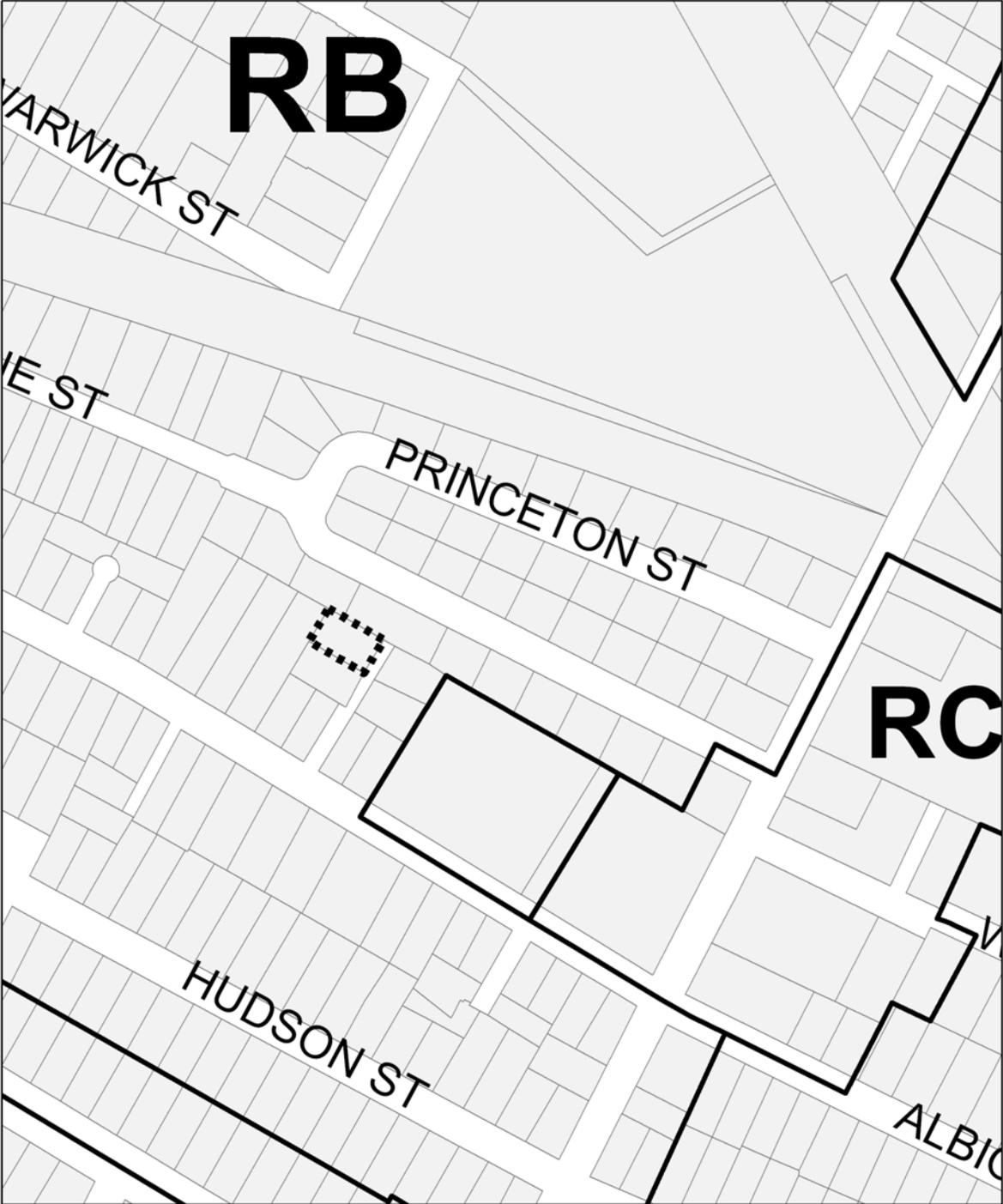
Although the Planning Board is recommending approval of the requested Special Permit, the following conditions should be added to the permits:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	Approval is to construct a third story on the existing two and a half story structure, to reconstruct the front two-story porch and front façade windows and construct a two-story open porch in the rear. This approval is based upon the following application materials and the plans submitted by the Applicant and/or Agent:	Building Permit	Plng.							
	<table border="1"> <thead> <tr> <th>Date</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>August 6, 2008</td> <td>Initial application and plans submitted to the City Clerk's Office (Plan of land, a1.1, a1.2, a1.3)</td> </tr> <tr> <td>September 16, 2008</td> <td>Revised elevations submitted to OSPCD (a2.1, a2.2, a2.3, a2.4)</td> </tr> </tbody> </table>				Date	Submission	August 6, 2008	Initial application and plans submitted to the City Clerk's Office (Plan of land, a1.1, a1.2, a1.3)	September 16, 2008	Revised elevations submitted to OSPCD (a2.1, a2.2, a2.3, a2.4)
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Any changes to the approved site plan and elevations that are not <i>di minimis</i> must receive ZBA approval.										
2	The applicant shall provide a code compliant fire alarm system.	CO	FP							
3	Columns on the front porch shall be 6" by 6" in dimension.	CO	Plng.							
4	No future enclosure of the porches/decks shall be allowed.	Cont.	ISD							
5	The Applicant shall contact Planning Staff at least five working days in advance of a request for a final sign-off on the building permit to ensure the proposal was constructed in accordance with the plans and information submitted and the conditions attached to this approval.	Final Building Permit Signoff	Plng. / ISD							

Sincerely,



Kevin Prior
Chairman



12-14 ALBION PLACE