



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2013-49
Date: August 1, 2013
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 24 Arlington Street

Applicant Name: Ivo and Ida Masci
Applicant Address: 24 Arlington Street, Somerville, MA 02145
Property Owner Name: Same
Agent Name: Richard G. Di Girolamo, Esq.
Agent Address: 424 Broadway, Somerville, MA 02145
Alderman: Maureen Bastardi

Legal Notice: Applicants and Owners Ivo and Ida Masci, seek a Special Permit under SZO §4.4.1 to alter an existing, non-conforming, single-family dwelling by constructing an addition within the existing non-conforming rear yard setback. RB zone. Ward 1.

Zoning District/Ward: RB District / Ward 1

Zoning Approval Sought: Special Permit under SZO §4.4.1

Date of Application: June 3, 2013

Dates of Public Meeting: Zoning Board of Appeals – **August 7, 2013**

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a single family dwelling on a 5,526 square foot lot. The property is in a Residential B zone in East Somerville, south of Broadway. The structure is three stories and has a net floor area of approximately 2,958 square feet with a .54 floor area ratio. Despite having two kitchens and two stairways, the interior of the structure is free flowing with no obstructions and is currently used as a single family dwelling. Although there is no Certificate of Occupancy for the subject property, the building permit application that was denied on July 3, 2013, which triggered the



application for a Special Permit, indicates that there is one residential unit in the dwelling. City of Somerville Assessors data also indicates that the subject property is a single family dwelling.

2. Proposal: Applicants and Owners, Ivo and Ida Masci, propose to construct a second story addition above two existing roofs in the rear of the property. The new addition will increase the net square footage of the building by approximately 600 square feet and will include the installation of new windows on the right, rear, and left facades of the structure. The proposed addition will be used to expand an existing kitchen on the 2nd floor.

The proposal also includes the relocation of the one allowed curb cut. The Somerville Zoning Ordinance (SZO §9.9.c) limits the amount of driveway curb cuts to one per street line in RA and RB districts. The Applicants/Owners will be closing the existing curb cut to the right of the structure and opening a new 18 foot wide curb cut to the left of the structure. The Applicants/Owners will use the relocated curb cut to access a new approximately 29 foot wide driveway. SZO §9.9.b allows two-way driveways to have a maximum width of 30 feet. The relocation of a curb cut can be done by-right without Special Permit approval; however will need approval and coordination from the Highway Superintendent.

The current landscaping is 25% of the parcel. When the curb cut is relocated the landscaping will increase to 33%. The current pervious area conforms to the SZO at 36%. Due to this existing conformity regarding pervious area, Staff has conditioned that the new driveway be pervious to remain in conformance with the SZO.

The dwelling is a single family dwelling with six bedrooms therefore two parking spaces need to be provided under SZO §9.5.1.a. There is currently one parking space on the site; therefore, by adding a two car driveway the Applicants/Owners will become conforming to parking requirements. Planning Staff notified the Applicants/Owners that if the dwelling became a two-family dwelling in the future a Variance will be needed for parking relief.



24 Arlington Street

3. Nature of Application: The structure is currently nonconforming with respects to several dimensional requirements including minimum lot size, rear yard setback, and right side yard setback. In accordance with the Somerville Zoning Ordinance (SZO) §4.4.1, a nonconforming single family dwelling may increase a nonconforming dimension through Special Permit approval.

The required rear yard setback is twenty feet. However, since the depth of the lot is less than 100 feet, three inches may be deducted from the requirement for each foot by which the depth is less than 100 feet. Since the depth of the lot is 84 feet, the property receives four feet of rear yard setback relief, making the rear yard setback requirement for this property 16 feet. Since the current rear yard setback is 9 feet, constructing an addition in the rear of the structure is an alteration that requires Special Permit approval. The rear addition proposes to decrease the rear yard setback to 8.3 feet; however, Planning Staff recommends Condition #3 that “the addition shall be pulled back approximately six inches on the south facing wall from the proposed dimension aligning the addition to the existing setbacks on the structure”.

The least width of a side yard for a three story structure is 10 feet and the current right side yard width is 6.5 feet. The proposal does not encroach any farther into the right side yard setback than the existing structure.

The proposal alters the conforming left side yard setback to become 28 feet away from the left lot line. Planning Staff recommends Condition #4 that “the addition shall be pulled back two feet on the east facing wall from the proposed dimension aligning the addition to the existing setbacks of the structure”. After abiding by Condition #4 the left side yard setback will become approximately 30 feet.

4. Surrounding Neighborhood: The surrounding neighborhood is comprised of single and multi-family homes. Also in the surrounding area are a church, a playground, and an elderly housing complex.

5. Impacts of Proposal: There are very few impacts of this proposal. The proposed modification to the rear of the structure would not appear to be detrimental to the building or the surrounding neighborhood. The alterations to the rear of the dwelling will not greatly impact the Arlington Street streetscape. The overall height of the building will remain the same. The footprint of the structure will only encroach less than one foot farther into the already nonconforming rear yard setback and two feet farther into the conforming left side yard.

6. Green Building Practices: The applicant indicates that no green building practices will be utilized in the proposed addition.

7. Comments:

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

Ward Alderman: Alderman Bastardi met with the Applicant and plans to write a formal letter of support for this project. Planning Staff has not yet received a letter.

Highway Superintendent: Has looked at the property and will approve the relocation of the curb cut.

Traffic and Parking: Has no 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 §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 proposal to construct an approximately 600 square foot second story addition in the rear of the property will allow the homeowners to expand their kitchen without a great deal of impact on their neighbors.

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 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, 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 proposed addition is compatible with the existing and surrounding structures as this is a residential structure within a residential neighborhood.

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 a Special Permit under SZO §4.4.1 to alter an existing, non-conforming, single family dwelling by constructing a second story addition above two existing roofs within the existing non-conforming rear yard setback. 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>(June 3, 2013)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>October 9, 2012 (July 30, 2013)</td> <td>Modified Certified Plot Plan of Land submitted to OSPCD</td> </tr> <tr> <td>July 19, 2013 (July 30, 2013)</td> <td>Modified floor plans and elevations submitted to OSPCD (Drawing numbers X-1, 1, X-2, 2, X-3, 3, 4, and 5)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	(June 3, 2013)	Initial application submitted to the City Clerk's Office	October 9, 2012 (July 30, 2013)	Modified Certified Plot Plan of Land submitted to OSPCD	July 19, 2013 (July 30, 2013)	Modified floor plans and elevations submitted to OSPCD (Drawing numbers X-1, 1, X-2, 2, X-3, 3, 4, and 5)
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Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.												
Design												
2	New siding type and color, roofing, trim, and materials of the addition shall match that of the main structure.	CO	Plng.									
3	The addition shall be pulled back approximately six inches on the south facing wall from the proposed dimension aligning the addition to the existing setbacks on the structure.	CO	Plng.									
4	The addition shall be pulled back two feet on the east facing wall from the proposed dimension aligning the addition to the existing setbacks of the structure.	CO	Plng.									
5	The proposed driveway shall be constructed of a pervious material.	CO	Plng.									
During Construction												

6	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	
7	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	
Public Safety				
8	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
Final Sign-Off				
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.	

