



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
JOSEPH A. CURTATONE
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MICHAEL F. GLAVIN
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PLANNING DIVISION STAFF

GEORGE PROAKIS, *DIRECTOR OF PLANNING*
LORI MASSA, *SENIOR PLANNER*
MELISSA WOODS, *SENIOR PLANNER*
DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*

Case #: ZBA 2015-41

Date: July 9, 2015

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 259-261 Willow Street

Applicant Name: KTA Construction, LLC
Applicant Address: 7 Gemma Drive, Peabody, MA
Owner Name: KTA Construction, LLC
Owner Address: 7 Gemma Drive, Peabody, MA
Agent Name: Richard G. Di Griolamo
Agent Address: 424 Broadway, Somerville MA 02145
Alderman: Rebekah Gewirtz

Legal Notice: Applicant, KTA Construction, LLC, and Owner, KTA Construction, seek a Special Permit to alter a nonconforming two-family to add living space in the basement. RA zone. Ward 6.

Dates of Public Hearing: July 15, 2015

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a two-family house on a 3360 square foot lot that was recently renovated. There is a two-bedroom unit and a three-bedroom unit. The building permit application for the work included the following:

Unit 1 Re Model Kitchen with new appliances and cabinets. Re Model existing Bath. Add Full bath and Laundry in basement.

Unit 2 Re Model kitchen with new Appliances and Cabinets. Re Model existing bath. Add Full bath and laundry in unit.

Replace Steam Heat with new furnace to supply Heat and AC for both units. Repair all plumbing and electrical were needed.

Planning Staff placed a condition of approval on the building permit that stated, "Approved for only utility space in the basement. Approval does not include additional living space."

The Applicant is saying that a Building Inspector told him that living space in the basement is allowed because the nonconforming structure is not increasing by more than 25%. This section of the Somerville Zoning Ordinance that allows for nonconforming one- and two-family dwellings to expand by up to 25% is only applicable if the additional square footage complies with dimensions of the Zoning Ordinance. In this case the property is already over the Floor Area Ratio allowed and to increase that nonconformity requires a Special Permit.



2. Proposal: The basement was built out as living space and the Applicant is seeking a Special Permit to legalize the space.

3. Green Building Practices: None

4. Comments:

Fire Prevention: Fire Prevention has signed off on the June 2015 Certificate of Occupancy for the two-family dwelling.

Ward Alderman: Alderman Gewirtz has been made aware of 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 the following dimensional requirements: side yard setback, floor area ratio and frontage.

The proposal will impact the nonconforming floor area ratio. The current FAR is 0.92, the proposal is 1.05, and the requirement in the district is .075. 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 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.”

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 basement will supply a living room, bathroom and office for the two-bedroom unit and there will continue to be what appears to be sufficient storage and utility space.

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 maintaining the uniquely integrated structure of uses in the City and conserving the value of land and buildings.

The proposal to add living space to a two-family house is consistent with the purpose of the RA district, which is, “[t]o establish and preserve quiet neighborhoods of one- and two-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.”*

Adding living space in the basement is often less disruptive to neighbors than adding living space by putting on an addition and increasing the massing of a house.

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

Adding living space will make the residential unit more expensive; however, no affordable units will be impacted by the proposal.

8. 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.*

<u>SomerVision Summary</u>	<i>Existing</i>	<i>Proposed</i>
<i>Dwelling Units:</i>	2	2

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 to having living space in the . 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 22, 2014</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>Aug 28, 2014</td> <td>Plans submitted to OSPCD (Plot Plan)</td> </tr> <tr> <td>Mar 10, 2015</td> <td>Plans submitted to OSPCD (Floor Plans)</td> </tr> <tr> <td>(June 30, 2015)</td> <td>Plans submitted to OSPCD (Site Plan)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	June 22, 2014	Initial application submitted to the City Clerk’s Office	Aug 28, 2014	Plans submitted to OSPCD (Plot Plan)	Mar 10, 2015	Plans submitted to OSPCD (Floor Plans)	(June 30, 2015)	Plans submitted to OSPCD (Site Plan)
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Any changes to the approved plans that are not <i>de minimis</i> must receive SPGA approval.														
Final Sign-Off														
2	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.											

