



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2018-97
Date: December 12, 2018
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 144 Highland Avenue

Applicant / Owner Name: Matthew McCarthy and Gregory McCarthy
Applicant / Owner Address: 94 Bradlee Ave, Swampscott, MA 01907 and 7 Addison Street, Arlington, MA 02476
Agent Name: Richard G. DiGirolamo, Esq.
Agent Address: 424 Broadway, Somerville, MA 02145
Alderman: Ben Ewen-Campen

Legal Notice: Applicants and Owners, Matthew McCarthy and Gregory McCarthy, seek a Special Permit per SZO §4.4.1 and §7.11.1.C to construct an addition greater than 25% of the existing gross floor area to a nonconforming structure in order to establish a fifth dwelling unit on the site. A Special Permit per SZO 9.13 is also being sought for parking relief. RC Zone. Ward 3.

** Since the publishing of the legal advertisement the proposal has been revised to maintain the existing four dwelling units; therefore, a Special Permit per SZO §7.11.1.C is not required.*

Dates of Public Hearing: Zoning Board of Appeals – September 5, 2018



I. PROJECT DESCRIPTION

1. Subject Property: The subject property consists of one 4,376 square foot parcel that contains a four-unit dwelling. The dwelling structure is attached to a single family dwelling next door at 142 Highland Avenue, which is a separate parcel. Both structures are 2.5 stories.

2. Proposal: The proposal is to construct a side and rear addition to the existing structure and reconfigure the layout of the existing four units.
3. Green Building Practices: The application states that the project will meet or exceed the stretch energy code.
4. Comments:

Ward Alderman: Alderman Ewen-Campen has been informed of this proposal. One of his constituents, the direct abutter that is adjoined to structure on the subject site, expressed some concerns about the size of an earlier proposal. The direct abutter has expressed to Alderman Ewen-Campen that he is OK with the revised proposal and is interested to hear what the ZBA says.

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."*

Article 4: Nonconforming Uses and Structures

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.”

The structure is currently nonconforming with respect to the dimensional requirements for lot size and left side yard setback, neither of which will be affected by the proposal.

Section 4.4.1 states that “Alteration, reconstruction, extension or structural change to a nonconforming one- or two-family structure not affecting the nonconforming aspect of the one- or two-family structure and where the alteration, reconstruction, extension, or structural change will comply with all current dimensional requirements of the zoning ordinance, and provided any such alteration, reconstruction, extension or structural change does not increase the Gross Floor Area of the dwelling by more than twenty-five percent (25%).”

The total increase in gross floor area (GFA) will be greater than 25%. The existing GFA is 4,075 s.f and the proposal is to add 1,673 s.f that will increase the GFA to 5,748 s.f, or 41% of the existing structure.

In considering a special permit under §4.4 of the SZO, the Board finds the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The proposal will allow for an addition that meets dimensional requirements. The proposal has been designed with setbacks that minimally impact the neighbors and the requirements for lot area per dwelling unit, ground coverage, landscaped area, pervious area, floor area ratio (FAR), building height, front yard, rear yard, and right side yard setbacks, and street frontage will continue to be conforming to the requirements of the SZO.

Article 9: Off-Street Parking and Loading

	Existing		Proposed	
Unit #1	1 BR	1.5 spaces	2 BR	1.5 spaces
Unit #2	1 BR	1.5 spaces	2 BR	1.5 spaces
Unit #3	1 BR	1.5 spaces	2 BR	1.5 spaces
Unit #4	1 BR	1.5 spaces	2 BR	1.5 spaces
Total	6 spaces		6 spaces	

The site currently provides only one parking space for the four units. The proposal is to change the layouts of the units that will add one bedroom to each unit, which will not increase the number of required parking spaces. The proposal is to provide three compact spaces in the rear of the site. SZO §9.13 allows for sites seeking to modify parking area design standards to apply for a Special Permit. SZO §9.11 requires the Applicant to provide spaces that are at least 9’x18’. The proposed three spaces would be 8’x16’ with a 20-foot back-out area. Relief is being requested to modify the parking design standards.

In considering a special permit under §9.13 of the SZO “the SPGA may grant such a special permit only when consistent with the purposes set forth in Section 9.1, and upon reaching the findings and determinations set forth in Section 5.1.4”. The Board finds that granting the requested Special Permit is consistent with the purposes of SZO §9.1 and will not cause detriment to increased traffic volumes, traffic congestion of queuing of vehicles, changes in the type of traffic, change in traffic patterns and access to the site, reduction in on-street parking, or unsafe conflicts of motor vehicles and pedestrian traffic.

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 promote 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 lessen congestion in the streets; to protect health; to secure safety from fire, panic and other dangers; 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; to adequately protect the natural environment; to encourage the most appropriate use of land throughout the City; and to preserve and increase the amenities of the municipality.

The proposal is consistent with the purpose of the RC district, which is, “to establish and preserve a district for multi-family residential and other compatible uses which are of particular use and convenience to the residents of the district.

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."*

Surrounding Neighborhood: The subject property is located on the southern side of Highland Avenue between the blocks of Central Street and Trull Lane. This is a neighborhood with a range of uses that include multi-family residential dwellings, a restaurant, convenience store, fast order-food establishments, and retail stores.

Impacts of Proposal (Design and Compatibility): The design of the proposed addition will be integrated into an exterior overhaul of the property that will include new siding, windows, doors, and trim. The proposed materials will be an improvement over existing conditions and will enhance the aesthetics of the site.

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

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.

III. RECOMMENDATION

Special Permit under §4.4.1 and §9.13

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 construction of a side and rear addition. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/PIn g.							
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>July 18, 2018</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>November 7, 2018</td> <td>Plans submitted to OSPCD (T-1, Z-1, Z-2, A-0, A-1, A-2, A-3, A-4, A-5, A-6, EC-1, EC-2, and EC-3)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	July 18, 2018	Initial application submitted to the City Clerk’s Office	November 7, 2018	Plans submitted to OSPCD (T-1, Z-1, Z-2, A-0, A-1, A-2, A-3, A-4, A-5, A-6, EC-1, EC-2, and EC-3)
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Any changes to the approved site plan or elevations/use that are not <i>de minimis</i> must receive SPGA approval.										
Pre-Construction										

2	The proposed basement finished floor elevation shall not be less than is 1 foot above the Seasonal High Ground Water elevation. The seasonal high ground water elevation shall be determined by a Massachusetts certified soil evaluator and stated on a signed soil test pit log.	BP	Eng.	
Construction Impacts				
3	The applicant shall post the name and phone number of the general contractor at the site entrance where it is visible to people passing by.	During Construction	Plng.	
4	The Applicant shall at their 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	
5	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	
6	For the convenience of and respect for the neighborhood, during the construction phase, construction work shall not begin prior to <u>7:30am</u> and shall finish no later than <u>5pm</u> Monday through Friday. There shall be no construction or construction-related work performed on weekends or holidays.	During Construction	ISD	
Design				
7	Applicant shall provide final material samples for siding, trim, windows, and doors to Planning Staff for review and approval prior to the issuance of a building permit.	BP	Plng.	
Site				
8	Landscaping shall be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD	
9	The driveway must be constructed of permeable pavers.	CO	Plng. / ISD	
Miscellaneous				
10	Gas and electric meters shall not be on the front of the structure. Gas and electric meters may be located on the side of the structure but shall be screened from the street by a hardy, staff approved evergreen planting. Utilities shall not be located adjacent to windows and shall not impact any parking, landscaping, or egress. The provisions of this condition may be waived by staff if the applicant submits a letter from the utility, signed by a utility representative, on utility letterhead, indicating that there is no feasible alternative to placing meters in violation of this condition.	CO	ISD	
11	Electrical conduits on the exterior facades of buildings shall be painted to match the wall material to which they are attached. Conduits are not allowed on the front of any structure.	CO	Plng.	

12	Garbage and recycling locations shall be clearly indicated on site plans. Storage areas shall be inside of the structure or shall be fully screened from view from both the public way and abutters by an appropriate material reviewed and approved by staff. The location shall not impact any parking, landscaping, or egress.	BP	Plng.	
13	Granting of the applied for use or alteration does not include the provision for short term rental uses, such as AirBnB, VRBO, or the like. Separate approvals are needed for the aforementioned uses.	Ongoing	ISD / Plng.	
14	The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the building and all on-site amenities, including landscaping, fencing, lighting, parking areas and storm water systems, ensuring they are clean, well kept and in good and safe working order.	Cont.	ISD	
Public Safety				
15	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
16	Per Somerville fire safety regulations, grills, barbecues, chimineas and the like are NOT permitted on decks or porches.	Perpetual	FP/ISD	
17	To the extent possible, all exterior lighting must be confined to the subject property, cast light downward and must not intrude, interfere or spill onto neighboring properties.	CO	Plng.	
Final Sign-Off				
18	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.	

