



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
JOSEPH A. CURTATONE
MAYOR

MICHAEL F. GLAVIN
EXECUTIVE DIRECTOR

PLANNING DIVISION STAFF

GEORGE PROAKIS, *DIRECTOR OF PLANNING*
SARAH LEWIS, *SENIOR PLANNER*
SARAH WHITE, *PLANNER/PRESERVATION PLANNER*
ALEX MELLO, *PLANNER*
DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*

Case #: ZBA 2018-28
Date: April 4, 2018
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 166 Walnut Street

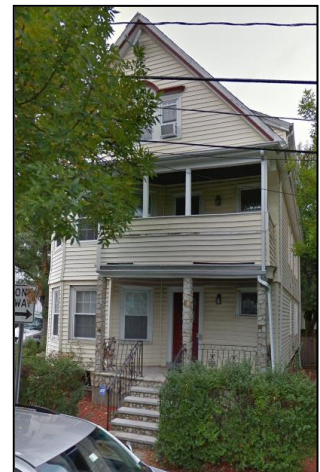
Applicant Name: Anthony Adam of A. Adam Construction
Applicant Address: 13 Henderson Street, Somerville, MA 02145
Owner Name: Aaron Liebhaber
Owner Address: 74 Wall Street #31M, New York, New York 10005
Owner Name: Dan Feinstein
Owner Address: 61 Fairmount St., Arlington, MA 02474
Alderman: Jesse Clingan

Legal Notice: Applicant, Anthony Adam of A. Adam Construction, and Owners, Aaron Liebhaber and Dan Feinstein, seek a special permit under SZO §4.4.1 to alter a nonconforming structure by constructing a bulkhead door within the front yard. RB Zone. Ward 4.

Dates of Public Hearing: Zoning Board of Appeals – April 4, 2018

I. PROJECT DESCRIPTION

1. Subject Property: The subject site contains one parcel of 2,970 square feet that consists of a two-family dwelling.
2. Proposal: The proposal is to construct a bulkhead within the front yard.
3. Green Building Practices: There are none listed on the application form.
4. Comments:
Ward Alderman: Alderman Clingan has been informed of this proposal and has yet to comment as of the publication of this report.



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: lot area, lot area per dwelling unit, floor area ratio (FAR), front, rear, left, and right yard setbacks, and street frontage.

The proposal will impact the nonconforming dimension of the front yard setback. The current front yard dimension is 10 feet, the proposal to construct a bulkhead will be 4 feet from the front property line, and the requirement in the district is 15 feet. 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 or 4.5 of the SZO, Staff finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The proposal would allow for the owners to isolate a utility room from living space. The proposal has been designed with setbacks that minimally impact the neighbors and the requirements for number of dwelling units, ground coverage, landscaped area, pervious area, and building height will continue to be conforming to the requirements of the SZO.

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 protect health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to conserve the value of land and buildings; 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 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."*

Surrounding Neighborhood: The subject site is located on Walnut Street between the blocks of Walnut Road and Broadway. The neighborhood is residential in nature and abutting structures include single, two-, and three-family dwellings.

Impacts of Proposal (Design and Compatibility): The proposed bulkhead will not have a detrimental impact on the design of the structure as it will be screened by existing bushes within the front yard.

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

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.

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 construction of a bulkhead. 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>March 1, 2018</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>(March 27, 2018)</td> <td>Plans submitted to OSPCD</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	March 1, 2018	Initial application submitted to the City Clerk’s Office	(March 27, 2018)	Plans submitted to OSPCD
	Date (Stamp Date)				Submission					
March 1, 2018	Initial application submitted to the City Clerk’s Office									
(March 27, 2018)	Plans submitted to OSPCD									
Any changes to the approved plans that are not <i>de minimis</i> must receive SPGA approval.										
Construction Impacts										
2	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.							

3	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	
Site				
4	Landscaping shall be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD	
Miscellaneous				
5	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.	
6	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				
7	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
Final Sign-Off				
8	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.	

