



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2018-146
Date: January 9, 2019
Recommendation: Conditional approval

PLANNING STAFF REPORT

Site: 2 Morrison Avenue

Applicant / Owner Name: Tal Patlazaan and Sophie Simkin
Applicant / Owner Address: 2 Morrison Avenue, Somerville, MA 02144
Agent Name: Richard G. DiGirolamo, Esq.
Agent Address: 424 Broadway, Somerville, MA 02145
Alderman: Mark Niedergang

Legal Notice: Applicant/Owner, Tal Patlazaan and Sophie Simkin, seek a special permit under SZO §4.4.1 to alter a nonconforming structure by constructing a rear addition within the required left side yard setback that will be greater than 25% of the existing gross floor area (GFA) and a special permit under SZO §9.13 for parking relief. RB Zone. Ward 5.

**After further analysis, a Special Permit under SZO §9.13 is not required.*

Dates of Public Hearing: Zoning Board of Appeals – January 9, 2018

I. PROJECT DESCRIPTION

1. Subject Property: The subject property consists of one parcel totaling 4,605 square feet of land area and contains a 2.5 story two-family dwelling. The property is located at the intersection of Morrison Avenue and Cedar Street. The Community Path directly abuts the subject property to the south.
2. Proposal: The proposal is to construct a rear addition and construct dormers on both sides of the roof. An additional dwelling unit will be added to the site to make it a three-family dwelling.



3. Green Building Practices: The application states that the proposal will not exceed the stretch energy code.

4. Comments:

Ward Alderman: Alderman Niedergang has been informed of this proposal. An earlier version of the plan included a new curb cut on Cedar Street. That particular plan did not have support from Alderman Niedergang or Planning Staff because it would have been too close to the Community Path cross-walk across Cedar Street. The proximity of the curb cut would have increased the amount of potential conflicts between motorist, pedestrian, and bicycles traveling Cedar Street, cross the path, and entering/exiting the driveway. The plan has since been revised to keep the existing curb cut on Morrison Avenue with a long driveway that opens up to three spaces in the rear.

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

The structure is currently nonconforming with respect to the following dimensional requirements: lot area, front yard setback, and left side yard setback.

The proposal will impact the following nonconforming dimension of the left side yard setback. The current dimension is 6'-6 1/4" and the proposed addition would be the same distance from the left property line. The side yard setback requirement in the RB district for a 2.5 story structure is 8 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 "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 4,512 s.f and the proposal is to add 1,164 s.f that will increase the GFA to 5,676 s.f, or 26% 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 the creation of an additional dwelling unit adjacent to the Community Path. 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, 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

	<i>Existing</i>		<i>Proposed</i>	
Unit #1	2 BR	1.5 spaces	3 BR	2 spaces
Unit #2	3 BR	2 spaces	3 BR	2 spaces
Unit #3	--	--	2 BR	1.5 spaces
Total	4 spaces (rounded up from 3.5)		6 spaces (rounded up from 5.5)	

The site currently provides only one parking space for the two-family dwelling that requires four spaces. Therefore, the site is nonconforming with respect to the number of required off-street parking spaces. For sites with a nonconforming number of parking spaces, SZO 9.4.2 only requires a proposal to provide the number of required spaces for what is being added to the site. The proposal is to add a dwelling unit and add a bedroom to Unit #1, which will increase the number of required parking spaces by two. The proposal is to provide three spaces on site, which satisfies the number of spaces required under SZO 9.4.2. **Therefore, a Special Permit under SZO §9.13 is not required.**

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 avoid undue concentration of population; 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 RB 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 property is located at the intersection of Morrison Avenue and Cedar Street. The Community Path directly abuts the subject property to the south. This particular side of Morrison Avenue is comprised of similarly styled two-family dwellings. There are a few other houses on Morrison Avenue that are used as three-family dwellings. Cedar Street is mostly residential in nature and nearby land uses include two, three, and multi-family dwellings as well as a two-story office building across the Community Path. Building heights in this area range from 2.5 stories to four stories.

Impacts of Proposal (Design and Compatibility): The proposal will add dormers to the existing structure and an addition in the rear. The slope of the proposed dormers is not considered by Staff to be a

preferable design. Staff recommends a condition that revised plans be submitted to Planning Staff prior to the issuance of a building permit for their review and approval that shows the dormer slopes at no less than 3:12. Staff believes that with the revised dormer slope, the proposed design would be compatible with the surrounding neighborhood.

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	<p>Approval is for the construction of a rear addition, the construction of dormers, and adding a dwelling unit. This approval is based upon the following application materials and the plans submitted by the Applicant:</p> <table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>October 23, 2018</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>August 15, 2018</td> <td>Plot Plan</td> </tr> <tr> <td>October 19, 2018</td> <td>Plans submitted to OSPCD (A-011, EX-100, A-102, and A-400)</td> </tr> <tr> <td>December 19, 2018</td> <td>Landscape Plan</td> </tr> <tr> <td>December 20, 2018</td> <td>Plans submitted to OSPCD (A-000 and A-020)</td> </tr> </tbody> </table> <p>Any changes to the approved site plan or elevations/use that are not <i>de minimis</i> must receive SPGA approval.</p>	Date (Stamp Date)	Submission	October 23, 2018	Initial application submitted to the City Clerk’s Office	August 15, 2018	Plot Plan	October 19, 2018	Plans submitted to OSPCD (A-011, EX-100, A-102, and A-400)	December 19, 2018	Landscape Plan	December 20, 2018	Plans submitted to OSPCD (A-000 and A-020)	BP/CO	ISD/Plng.	
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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.	
3	The Applicant must contact the Engineering Department to coordinate the timeline for cutting or opening the street and/or sidewalk for utility connections or other construction. There is a moratorium on opening streets from November 1st to April 1st and there is a list of streets that have additional opening restrictions.	BP	Eng	
Construction Impacts				
4	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.	
5	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	
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	
Design				
7	Applicant must 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.	
8	Applicant must provide revised elevation drawings showing dormer slopes at no less than 3:12 to Planning Staff for review and approval prior to the issuance of a building permit and approval showing	BP	Plng.	
Site				
9	Landscaping shall be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD	
Miscellaneous				
10	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.	
11	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.	

12	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				
13	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
14	Per Somerville fire safety regulations, grills, barbecues, chimineas and the like are NOT permitted on decks or porches.	Perpetual	FP/ISD	
15	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				
16	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.	

