



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

GEORGE J. PROAKIS, AICP
EXECUTIVE DIRECTOR

PLANNING DIVISION STAFF

SARAH LEWIS, *DIRECTOR OF PLANNING*
DANIEL BARTMAN, *SENIOR PLANNER*
SARAH WHITE, *PLANNER/PRESERVATION PLANNER*
ALEX MELLO, *PLANNER*

Case #: ZBA 2019-87
Date: September 18, 2019
Recommendation: Conditional approval

PLANNING STAFF REPORT

Site: 23 Ash Avenue

Applicant Name: Kneeland Construction
Applicant Address: 407R Mystic Ave, Suite 34B, Medford, MA 02155
Owner Name: Pietro Coco
Owner Address: 23 Ash Avenue, Somerville, MA 02145
City Councilor: Jesse Clingan

Legal Notice: Applicant, Kneeland Construction, and Owner, Pietro Coco, seek a special permit under SZO §4.4.1 to alter a nonconforming structure by enclosing a rear second story deck and constructing dormers. RA Zone. Ward 4.

Dates of Public Hearing: Zoning Board of Appeals – September 18, 2019

I. PROJECT DESCRIPTION

1. Subject Property: The subject property consists of two parcels totaling 4,200 square feet and contains a two-family dwelling. The rear of the structure contains stairs and decks the lead down from the second story.
2. Proposal: The proposal is to construct an addition that will enclose the second story rear deck, construct two dormers on the left elevation, and one dormer on the right elevation.
3. Green Building Practices: The application states that the proposal will include efficient windows, insulation, and proper ventilation.
4. Comments:



City Councilor: Councilor Clingan has been informed of the 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, front yard setback, rear yard setback, and left side yard setback.

The proposal will impact the nonconforming dimensions of the rear and left side yard setbacks. The current dimensions are 8.7 feet between the rear property line and the existing deck and 2.1 feet between the structure and the left side property line. The proposal is to construct a second story addition in the rear that will maintain the 8.7 distance to the rear property line and 2.1 feet to the left property line. The proposal will also construct two dormers on the left side, which will also maintain the 2.1 foot distance to the property line. The requirements in the district are 20 feet for the rear yard and 8 feet for the left side yard. 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 finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The proposal has been designed with setbacks that minimally impact the neighbors and the requirements for ground coverage, landscaped area, pervious area, floor area ratio (FAR), and right side yard setback 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 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 RA district, which is, “to 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."*

Surrounding Neighborhood: The subject property is located on the eastern side of Ash Avenue, which is a residential street next to the Healy School and the Mystic public housing development.

Impacts of Proposal (Design and Compatibility): The front elevation will be altered by the construction of the dormers on both sides of the ridge. The size and scale of the proposed dormers are compatible with the existing structure and the surrounding neighborhood. The proposed second story addition will be visible to those traveling north on Ash Avenue and will be wrapped in clapboards to match that of the existing structure.

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
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1	Approval is for the construction of a second story rear addition and dormers. 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>July 25, 2019</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>August 27, 2019</td> <td>Plans submitted to OSPCD (A-01 to A-08)</td> </tr> <tr> <td>October 3, 2019</td> <td>Proposed plot plan</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	July 25, 2019	Initial application submitted to the City Clerk's Office	August 27, 2019	Plans submitted to OSPCD (A-01 to A-08)	October 3, 2019	Proposed plot plan
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Any changes to the approved elevations 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									
4	For the convenience of and respect for the neighborhood, during the construction phase, construction work shall not begin prior to 7:30am and shall finish no later than 5pm Monday through Friday. There shall be no construction or construction-related work performed on weekends or holidays.	During Construction	ISD									
Design												
5	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												
6	Landscaping shall be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD									
Miscellaneous												
7	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.									
8	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												
9	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP									
10	Per Somerville fire safety regulations, grills, barbecues, chimineas and the like are NOT permitted on decks or porches.	Perpetual	FP/ISD									

11	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				
12	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.	

