



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2019-14
Date: ~~March 20, 2019~~ **April 3, 2019**
Recommendation: Conditional approval

UPDATED PLANNING STAFF REPORT

Site: 24-26 Robinson Street

Applicant Name: North America Development, LLC
Applicant Address: 93 Broadway, Somerville, MA 02145
Owner Name: 24-26 Robinson Road LLC
Owner Address: 35 Fairway Drive, Woburn, MA 01801
Agent Name: Nicole Starck, Esq.
Agent Address: 6 Lexington Street, 3rd floor, Waltham, MA 02452
City Councilor: Mark Niedergang

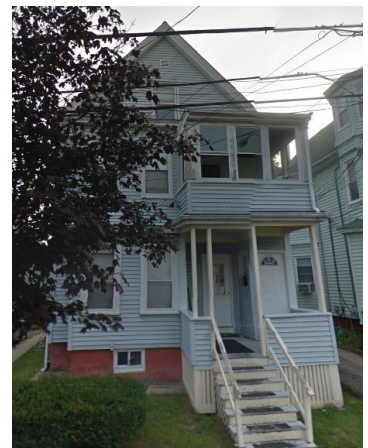
*This staff report has been updated. Items which no longer apply have been ~~struck~~ and updated information has been **highlighted in yellow.***

Legal Notice: Applicant, North America Development, LLC, and Owner, 24-26 Robinson Road LLC, seek a special permit under SZO §4.4.1 to alter a nonconforming structure by finishing a portion of the basement. RA Zone. Ward 5.

Dates of Public Hearing: Zoning Board of Appeals – ~~March 20, 2019~~ **April 3, 2019**

I. PROJECT DESCRIPTION

1. Subject Property: The subject property consists of one parcel totaling 3,190 square feet that contains a two-family, 2.5 story, dwelling.
2. Proposal: The proposal is to alter the interior layouts of the two units and finish a portion of the basement. The project also includes as-of-right construction of a two-story rear deck.
3. Green Building Practices: None listed on the application form.
4. Comments:



City Councilor: Councilor Niedergang 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 yard setback, rear yard setback, right side yard setback, and street frontage.

The proposal will impact the nonconforming dimension of FAR. The current dimension is 0.81, the proposal to add 725 square feet of living area by adding a family room, bedroom, and bathroom will increase the FAR to .93. The requirement in the district is 0.75. 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 “[I]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 will allow for the creation of a modest amount of living space in the basement. 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, building height, and left 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 lessen congestion in the streets; to protect health; to secure safety from fire, panic and other dangers; to provide adequate light and air; 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 southeastern side of Robinson Street, which is located between Bartlett Street and Central Street. It is a residential neighborhood that includes single, two-, and three-family dwellings.

Impacts of Proposal (Design and Compatibility): ~~Finishing the basement will not have an impact on the design and compatibility of the structure with the surrounding area.~~ The proposal includes the installation of a light well in the front of the house. To minimize the visual impact of the light well the Applicant is proposing landscaping improvements in the front yard. There was a question at the March 20, 2019 ZBA hearing about basement windows on both sides of the house being removed. That was a drafting error and windows are now shown on the revised plan set. Planning Staff is recommending adding a condition that the entire driveway be constructed of permeable pavers to enhance the aesthetics of the site and to help reduce stormwater runoff.

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 finishing of the basement. 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>February 6, 2019</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>March 13, 2019 March 27, 2019</td> <td>Plans submitted to OSPCD (Z0.1, Z0.2, Z0.3, EX1.1, A1.1, A2.1, and A2.2)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	February 6, 2019	Initial application submitted to the City Clerk's Office	March 13, 2019 March 27, 2019	Plans submitted to OSPCD (Z0.1, Z0.2, Z0.3, EX1.1, A1.1, A2.1, and A2.2)
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Any changes to the approved plans 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	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							
5	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							
Miscellaneous										
6	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.							
7	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							
8	The entire driveway shall be constructed of a permeable paver.	CO	Plng.							
Public Safety										
9	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP							
Final Sign-Off										

10	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.	
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