



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 2018-63
Date: June 20, 2018
Recommendation: Unable to Recommend

PLANNING STAFF REPORT

Site: 285-291 Beacon Street

Applicant / Owner Name: David and Julian Lewis
Applicant / Owner Address: 402A Highland Avenue, Somerville, MA 02144
Alderman: J.T Scott

Legal Notice: Applicants/Owners, David Lewis and Julian Lewis, seek a special permit under SZO §4.4.1 to alter a nonconforming structure by constructing a new dormer, extending an existing dormer, and constructing a second story deck. RC Zone. Ward 2.

Dates of Public Hearing: Zoning Board of Appeals – June 20, 2018

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is comprised of three parcels (39-H-10, 39-H-11, and 39-H-12) that total 3,555 square feet. The site consists of a mixed use building with a footprint that takes up most of the lot. The building contains two ground floor commercial tenants, a bakery and restaurant, and two residential units in each of the gabled roof portions of the structure for a total of four residential units.



2. Proposal: The proposal is to construct a new dormer on the left side of the eastern gable, extend the existing dormer on the right side of the east gable, and enlarge an existing second-story deck on the eastern side of the building. The proposal also includes adding a window to the existing right side of the west dormer.

3. Green Building Practices: The proposed dormers will be insulated to exceed stretch code requirements for optimal energy efficiency.

4. Comments:

Ward Alderman: Alderman Scott 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, ground coverage, landscaped area, pervious area, front, rear, left, and right yard setbacks.

The proposal will impact the nonconforming front and right side yard dimensions. The building is currently built to the front lot line along Beacon Street and to the right side lot line on Sacramento Street; therefore, the existing dimension is zero for those respective setbacks. The existing dormer on the east side of the structure is setback 7 feet from the right side property line at its closest point along Sacramento Street and the extension of said dormer will be 7'-11" from the front property line along Beacon Street. The proposed new dormer and extension of the existing dormer will stay within the footprint of the gabled roof portion of the existing structure. The second level deck is currently 8 feet wide and the proposal is to keep it that width but enlarge out more toward the front of the building. The deck will be 7'-11" from the front property line along Beacon Street.. 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 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."

In considering a special permit under §4.4 of the SZO, Staff is not able to find that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The proposal would meet the requirements for lot area per dwelling unit, floor area ratio, 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 not consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to provide for and maintain the uniquely integrated structure of uses in the City; to encourage the most appropriate use of land throughout the City; and to preserve and increase the amenities of the municipality.

The proposed use would be consistent with the purpose of the RC district, since the use is not changing, 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 locus is located on the northern side of Beacon Street in a neighborhood with a mix of residential structures, mixed use structure with ground floor retail, and a supermarket. Building height varies in the neighborhood from one story to seven stories; however, two and three story buildings are the most common building height.

Impacts of Proposal (Design and Compatibility): The proposed dormer is greater than 50% of the length of the sloping roof to which it is attached and is therefore considered a third story. Three stories are allowed in the RC zoning district. However, Planning Staff is of the opinion that the dormer is too large for the existing structure. The massing of the proposed dormers is incompatible with the character of the existing gable. Overall, the visual aesthetic of the proposed dormers is not supported by Planning Staff.

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

6. SomerVision Plan: Does not comply 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. As mentioned previously the massing of the proposed dormers is incompatible with the character of the existing gable

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 is **UNABLE TO RECOMMEND** 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.

If the Zoning Board of Appeals decides to vote to approve the proposal, Staff would recommend the following conditions:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	Approval is for the extension of an existing dormer and second level roof deck and for the construction of a new dormer. 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>May 3, 2018</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>June 14, 2018</td> <td>Modified plans submitted to OSPCD</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	May 3, 2018	Initial application submitted to the City Clerk's Office	June 14, 2018	Modified plans submitted to OSPCD
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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	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							
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							
Design										
5	Applicant shall provide final material samples for siding, trim, windows, and doors (to the Design Review Committee for review and comment and) to Planning Staff for review and approval prior to the issuance of a building permit.	BP	Plng.							
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							
Public Safety										

8	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
9	Per Somerville fire safety regulations, grills, barbecues, chimineas and the like are NOT permitted on decks or porches.	Perpetual	FP/ISD	
10	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				
11	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.	

