



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2019-42
Date: ~~June 5, 2019~~ August 7, 2019
Recommendation: Conditional approval

UPDATED PLANNING STAFF REPORT

Site: 29 Ward Street

Applicant / Owner Name: Scott Flanagan
Applicant / Owner Address: 33 Ward Street, Somerville, MA
City Councilor: J.T. Scott

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 / Owner, Scott Flanagan, seeks a special permit under SZO §4.4.1 to alter a nonconforming structure by constructing a third story and adding a third dwelling unit. A special permit is also being sought under SZO §9.13 for parking relief. BA Zone. Ward 2.

**It has been determined by Planning Staff that a special permit under SZO §4.4.1 is not required.*

Dates of Public Hearing: Zoning Board of Appeals – ~~June 5, 2019~~ August 7, 2019

I. PROJECT DESCRIPTION

- Subject Property: The subject property, 29 Ward Street, is two lots totaling 3,500 sf that contains a two and one-half story dwelling and a concrete block garage. The garage is constructed along the property line in the rear and hangs two feet over the property line onto 33 Ward Street. Both properties are owned by the Applicant. In 2010, the Applicant/Owner received a special permit (ZBA 2010-57) to expand the garage by constructing a second level and a ten foot extension on the left side. The use of the space is for a personal workshop. The addition added approximately 1,000 sf.
- Proposal: The proposal is to convert the existing gable half story into a flat roofed third story and add convert the two-family dwelling into a three-family dwelling. The proposed modifications dimensionally comply with the requirements for the BA zoning district but require parking relief.



3. Green Building Practices: The application states that the parking space being created will be a permeable surface.

4. Comments:

City Councilor: Councilor Scott has been informed of the proposal and has yet to comment as of the publication of this report.

II. FINDINGS FOR SPECIAL PERMIT (SZO §9.13):

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 conforming with respect to the dimensional requirements of Article 8. The proposed work will not create any new zoning violations. **Therefore a special permit under SZO 4.4.1 is not required.**

Article 9: Off-street Parking and Loading

	<i>Existing</i>		<i>Proposed</i>	
Unit #1	1 BR	1.5 spaces	1 BR	1.5 spaces
Unit #2	1 BR	1.5 spaces	1 BR	1.5 spaces
Unit #3	--	--	1 BR	1.5 spaces
Total	3 spaces		5 spaces (round up from 4.5 spaces)	

The site currently provides only ~~one~~ **two** parking spaces for the two-family dwelling. Therefore, the site is nonconforming with respect to the number of required off-street parking spaces as three are currently required. 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 one-bedroom dwelling unit, which will increase the number of required parking spaces to five. The proposal is to provide one additional space on the site rather than the two additional spaces required. SZO §9.13 allows for sites with nonconforming parking to apply for a Special Permit to modify parking requirements if the total number of spaces is six or fewer. Relief is being requested from providing the additional one required parking space.

In considering a special permit under §9.13 of the SZO “the SPGA may grant such a special permit only when consistent with the purposes set forth in Section 9.1, and upon reaching the findings and determinations set forth in Section 5.1.4”. The Board finds that granting the requested Special Permit is consistent with the purposes of SZO §9.1 and will not cause detriment to increased traffic volumes, traffic congestion of queuing of vehicles, changes in the type of traffic, change in traffic patterns and access to the site, reduction in on-street parking, or unsafe conflicts of motor vehicles and pedestrian traffic.

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 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 BA district, which is, "to establish and preserve business areas bordering main thoroughfares that are attractive to a wide range of uses, including retail business and services, housing, government, professional and medical offices, and places of amusement. While it is anticipated that most users will arrive by motor vehicle, it is intended that the area should be safe for and conducive to pedestrian traffic."

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 abutting properties are comprised of commercial uses. There is a metal, 15 foot structure to the rear and a 1 ½ story factory building to the left side of the site. There is a small Residence B zoning district with residential houses across the street some of which are three stories.

Impacts of Proposal (Design and Compatibility): The proposed third story is not anticipated to be impactful to the industrial neighborhood or the nearby residences that are also three stories.

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.*

<u>SomerVision Summary</u>	<u>Existing</u>	<u>Proposed</u>
<u>Dwelling Units:</u>	2	3

III. RECOMMENDATION
Special Permit under §9.13

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 third story and added a dwelling unit. 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>April 8, 2019</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>February 20, 2019</td> <td>Modified plans submitted to OSPCD (1-6)</td> </tr> <tr> <td>June 25, 2019</td> <td>Existing and proposed site plans</td> </tr> <tr> <td>August 3, 2019</td> <td>Plot Plan</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	April 8, 2019	Initial application submitted to the City Clerk's Office	February 20, 2019	Modified plans submitted to OSPCD (1-6)	June 25, 2019	Existing and proposed site plans	August 3, 2019	Plot Plan
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August 3, 2019	Plot Plan													
Any changes to the approved site plan or elevations/use 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	The proposed parking space must be of a permeable material.	Perpetual	Plng.											
7	Landscaping shall be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD											
Miscellaneous														
8	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.											

9	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				
10	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
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.	

