



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2019-69
Date: August 7, 2019
Recommendation: Conditional approval

PLANNING STAFF REPORT

Site: 298 Lowell Street

Applicant / Owner Name: Claire Brickell and Elie Dolgin
Applicant / Owner Address: 298 Lowell Street, Somerville, MA 02144
City Councilor: Mark Niedergang

Legal Notice: Applicants and Owners, Claire Brickell and Elie Dolgin, seek a special permit under SZO §4.4.1 to alter a nonconforming structure by constructing a dormer on each side of the roof. RA Zone. Ward 5.

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

I. PROJECT DESCRIPTION

1. Subject Property: The subject property consists of one parcel totaling 5,893 square feet of lot area that contains a single family dwelling in a 2.5 story gable end structure. In 2002, the Zoning Board of Appeals (ZBA) approved the construction of the single story rear addition.
2. Proposal: The proposal is to construct a shed dormer on each side of the main gable roof.
3. Green Building Practices: The application does not list any green building practices.
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, front yard setback, and right side yard setback.

The proposal will impact the nonconforming dimension of the right side yard setback. The current dimension is 2.8 feet, and the proposed right side dormer will be three feet from the right side property line. The requirement in the district is 8 feet for a 2.5 story structure. This alteration to a nonconforming structure requires the Applicant to obtain special permits under §4.4.1 of the Somerville Zoning Ordinance (SZO).

A dormer is proposed on the left elevation that conforms to the left side yard setback requirement as it is 24.2 feet from the property line and could be permitted as-of-right.

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 will allow for the increase in living space without expanding upon the structure to create two additional bedrooms and a bathroom. 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 setback, left side yard setback, and street frontage 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 provide adequate light and air; to conserve the value of land and buildings; to adequately protect the natural environment; 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 west side of Lowell Street on the block between the bridge and Wilton Street.

Impacts of Proposal (Design and Compatibility): Staff has a design preference for a slope of 4:12 on shed dormers; however, due to building code requirement for a minimum head height of 6’-8” at the stair landing a 3:12 slope is proposed. The proposal is steeper than the original proposal that had a 2:12 slope. Staff understands the inflexible nature of building code that prevented a 4:12 slope from being achieved. Staff finds that the proposed dormers are designed to be compatible with the neighborhood and 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 dormers. This approval is based upon the following application materials and the plans submitted by the Applicant: | BP/CO | ISD/Plng. | | | | | | | | | |
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| | <table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>June 25, 2019</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>July 19, 2019</td> <td>Plans submitted to OSPCD (T100, EX100, EX200, EX201, D100, D101, A100-A102, A110, A200, A201, A300, and A301)</td> </tr> <tr> <td>June 6, 2019</td> <td>Certified Plot Plan</td> </tr> </tbody> </table> | | | | Date (Stamp Date) | Submission | June 25, 2019 | Initial application submitted to the City Clerk's Office | July 19, 2019 | Plans submitted to OSPCD (T100, EX100, EX200, EX201, D100, D101, A100-A102, A110, A200, A201, A300, and A301) | June 6, 2019 | Certified 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 | | | | | | | | | |
| Final Sign-Off | | | | | | | | | | | | |

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| 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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