



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2019-53
Date: July 17, 2019
Recommendation: Conditional approval

PLANNING STAFF REPORT

Site: 54 Myrtle Street

Applicant / Owner Name: Christiane Bode-Boezio and Alessandro Boezio
Applicant / Owner Address: 54 Myrtle Street #1, Somerville, MA 02145
City Councilor: Matthew McLaughlin

Legal Notice: Applicants and Owners, Christiane Bode-Boezio and Alessandro Boezio, seek a special permit under SZO §4.4.1 to alter a nonconforming structure by construction a two-story addition within the left side yard. RB Zone. Ward 1.

Dates of Public Hearing: Zoning Board of Appeals – July 17, 2019

I. PROJECT DESCRIPTION

1. Subject Property: The subject property contains two parcels totaling 12,637 square feet of land area. The property contains three townhouse style units built in 2004 that are arranged side-by-side.

2. Proposal: The proposal is to construct a two-story addition to Unit #1 in the left side yard. The addition will conform to the setback requirements. The proposal also includes site improvements to the driveway and landscape area. The proposal does not increase the parking requirement for the site.

3. Green Building Practices: The application states that the proposal will include new high-efficiency furnaces and higher Seasonal Energy Efficiency Ratio (SEER) condensers to replace the existing system, in combination with new energy recovery ventilators (ERVs). The existing attic is to be



closed, conditioned, and re-insulated. The existing asphalt footprint is to be reduced by replacing a portion with two permeable paver parking spaces and added landscaping.

4. Comments:

City Councilor: Councilor McLaughlin 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 required right side yard setback, which the proposal will not impact.

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 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 lot area, lot area per dwelling unit, ground coverage, landscaped area, pervious area, floor area ratio (FAR), building height, front yard setback, 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 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 prevent the overcrowding of land; to avoid undue concentration of population; to conserve the value of land and buildings; to adequately protect the natural environment; 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 RB district, which is, “to establish and preserve medium density neighborhoods of one-, two- and three-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 western side of Myrtle Street on the block between Washington Street and Pearl Street. This stretch of Myrtle Street is mostly residential and the town-house style is common on this block.

Impacts of Proposal (Design and Compatibility): The proposed addition will be compatible in size and scale with the existing structure and the surrounding neighborhood. The exterior materials (siding, trim, and windows) will match that of the existing structure as closely as possible. The proposal also includes improved landscaping with added lawn area, permeable pavers, and a new wood fence (conditioned to be no taller than four feet high).

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 two-story side addition. 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 16, 2019</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>May 15, 2019</td> <td>Plans submitted to OSPCD (1-15)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	May 16, 2019	Initial application submitted to the City Clerk's Office	May 15, 2019	Plans submitted to OSPCD (1-15)
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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	Materials for siding, trim, windows, and doors must match the existing structure as closely as possible.	BP	Plng.							
Site										
6	Landscaping shall be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD							
7	The fence height in the front yard must be no taller than four feet.	Perpetual	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	Per Somerville fire safety regulations, grills, barbecues, chimineas and the like are NOT permitted on decks or porches.	Perpetual	FP/ISD	
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.	

