



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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**Case #:** ZBA 2019-96  
**Date:** October 16, 2019  
**Recommendation:** Conditional approval

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**PLANNING STAFF REPORT**

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**Site: 59 Linden Avenue**

**Applicant / Owner Name:** Marc Wagner and Fan Wang  
**Applicant / Owner Address:** 70 Lincoln St, L215, Boston, MA 02111  
**City Councilor:** Mark Niedergang

Legal Notice: Applicants and Owners, Marc Wagner and Fan Wang, seek a special permit under SZO §4.4.1 to alter the nonconforming structure by constructing a 2.5-story addition in the rear that will increase the existing structures gross floor area by greater than 25%. The proposal will also extend the structure backward within the nonconforming left side yard setback. A special permit under SZO §9.13 for parking relief is also required. The proposal will result in two dwelling units being located on the site. RA Zone. Ward 5.

Dates of Public Hearing: Zoning Board of Appeals – October 16, 2019

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**I. PROJECT DESCRIPTION**

1. Subject Property: The subject property consists of one parcel totaling 5,150 square feet of land area. The site contains one 2.5 story, gable end, single family dwelling and a 1.5 story two-car garage/barn in the rear.
2. Proposal: The proposal is to construct a 2.5 story addition behind the existing dwelling structure and establish a second dwelling unit on the site. The existing structure will become larger by adding four feet to the buildings width on the right side. The proposal also includes enclosing the front porch and constructing a new one.
3. Green Building Practices: The application states that the proposal will include thermal efficient windows and spray foam insulation.



4. Comments:

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

## **II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1 and §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 nonconforming with respect to the following dimensional requirements: lot area, left side yard setback, and street frontage.

The proposal will impact the nonconforming dimension of the left side yard setback. The current dimension is 1.2 feet. The proposed enclosure of the front porch will be setback 2.3feet from the left property line where the proposed closet will be. The proposed 2.5 story rear addition will be five feet from the left 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).

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.”

The total increase in gross floor area (GFA) will be greater than 25%. The existing GFA is 6,308 s.f and the proposal is to add 4,591 s.f that will increase the GFA to 10,899 s.f, or 73% of the existing structure.

Section 4.4.1 also states that “alteration, reconstruction, extension or structural change to a nonconforming one- or two-family structure not affecting the nonconforming aspect of the one- or two-family structure and where the alteration, reconstruction, extension, or structural change will comply with all current dimensional requirements of the zoning ordinance, and provided any such alteration, reconstruction, extension or structural change does not increase the Gross Floor Area of the dwelling by more than twenty-five percent (25%).”

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 allows an addition to the structure to create an additional dwelling unit and improvements to the front porch. The proposal has been designed with setbacks that minimally impact the neighbors and the requirements for

number of dwelling units, lot area per dwelling unit, ground coverage, landscaped area, pervious area, floor area ratio (FAR), building height, front yard setback, rear yard setback, and right side yard setback will continue to be conforming to the requirements of the SZO.

*Article 9: Off-street Parking and Loading*

	<i>Existing</i>		<i>Proposed</i>	
Unit #1	2 BR	1.5 spaces	2 BR	1.5 spaces
Unit #2	--	--	3 BR	2 spaces
<b>Total</b>	<b>2 spaces</b> (rounded up from 1.5)		<b>4 spaces</b> (rounded up from 3.5)	

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 site currently provides two parking spaces for the single family dwelling. The proposal requires four parking spaces and no additional spaces are being provided. The site will nonconforming with respect to the number of required off-street parking spaces as two additional spaces are 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 two required parking spaces.

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”. Staff 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 protect health; to secure safety from fire, panic and other dangers; to prevent the overcrowding of land; 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 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 east side of Linden Avenue on the block between Cedar Avenue/Mountain Avenue and Summer Street. Linden Avenue is a residential street with 1.5, 2.5, and three-story structures.

*Impacts of Proposal (Design and Compatibility):* The proposed addition is intended to be differentiated from the existing structure by using different materials and colors and a majority of the addition has a flat roof. The proposal calls for having a roof deck atop the second story that is accessed by a half story sun room. The aesthetics of the site will be improved by replacing the existing asphalt driveway with a permeable paver driveway and added landscaping features.

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.

<i>SomerVision Summary</i>	<i>Existing</i>	<i>Proposed</i>
<i>Dwelling Units:</i>	1	2

**III. RECOMMENDATION**

**Special Permit under §4.4.1 and §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 addition to the existing structure and adding a second 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>August 29, 2019</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>September 21, 2019</td> <td>Modified plans submitted to OSPCD (S1.0-S1.1, A1.0-A1.3, A2.0-A2.3, A3.0, A4.0, and A5.0)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	August 29, 2019	Initial application submitted to the City Clerk’s Office	September 21, 2019	Modified plans submitted to OSPCD (S1.0-S1.1, A1.0-A1.3, A2.0-A2.3, A3.0, A4.0, and A5.0)
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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.										
<b>Pre-Construction</b>										
2	The Applicant must contact the Engineering Department to obtain a street address prior to a building permit being issued.	BP	Eng.							

3	The Applicant shall complete the Site Plan Review Checklist and supply the information to the Engineering Office. The plans must comply with the City's Stormwater Management Policy.	BP	Eng.	
4	The Applicant shall submit a proposed drainage report, stamped by a registered PE in Massachusetts that demonstrates compliance with the City's stormwater policy.	BP	Eng.	
5	The Applicant must contact the Engineering Department to coordinate the timeline for cutting or opening the street and/or sidewalk for utility connections or other construction. There is a moratorium on opening streets from November 1st to April 1st and there is a list of streets that have additional opening restrictions.	BP	Eng	
6	The applicant must comply with the Policy for new connections to and modifications to existing connections to the municipal sewer and drainage system stormwater management and infiltration/inflow mitigation. The Applicant shall work with Engineering to meet this condition and provide the required fees/mitigation.	BP	Eng.	
7	The Applicant shall develop a demolition plan in consultation with the City of Somerville Inspectional Services Division. Full compliance with proper demolition procedures shall be required, including timely advance notification to abutters of demolition date and timing, good rodent control measures (i.e. rodent baiting), minimization of dust, noise, odor, and debris outfall, and sensitivity to existing landscaping on adjacent sites.	Demolition Permitting	ISD	
<b>Construction Impacts</b>				
8	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.	
9	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	
10	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	
11	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	
<b>Design</b>				
12	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.	

13	The cantilever feature on the proposed addition must be removed. The rear addition must be no wider than 22'-6". Plans indicating such must be review and approved by Planning Staff prior to the issuance of a Building Permit.	BP	Plng.	
<b>Site</b>				
14	Landscaping shall be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD	
<b>Miscellaneous</b>				
15	Gas and electric meters shall not be on the front of the structure. Gas and electric meters may be located on the side of the structure but shall be screened from the street by a hardy, staff approved evergreen planting. Utilities shall not be located adjacent to windows and shall not impact any parking, landscaping, or egress. The provisions of this condition may be waived by staff if the applicant submits a letter from the utility, signed by a utility representative, on utility letterhead, indicating that there is no feasible alternative to placing meters in violation of this condition.	CO	ISD	
16	Electrical conduits on the exterior facades of buildings shall be painted to match the wall material to which they are attached. Conduits are not allowed on the front of any structure.	CO	Plng.	
17	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.	
18	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	
<b>Public Safety</b>				
19	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
20	Per Somerville fire safety regulations, grills, barbecues, chimineas and the like are NOT permitted on decks or porches.	Perpetual	FP/ISD	
21	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.	
<b>Final Sign-Off</b>				
22	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.	

