



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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ALEX MELLO, *PLANNER*

Case #: ZBA 2019-64
Date: August 7, 2019
Recommendation: Conditional approval

PLANNING STAFF REPORT

Site: 65-69 Adam Street

Applicant Name: Martin Cafasso
Applicant Address: 15 Francis Avenue, Cambridge, MA 02138
Owner Name: 65 Adams LLC
Owner Address: 60 Thoreau Street, #22, Concord, MA 01742
City Councilor: Jesse Clingan

Legal Notice: Applicant, Martin Cafasso, and Owner, 65 Adams LLC, seek a special permit under SZO §4.4.1 to alter a nonconforming six-unit structure by constructing an exterior rear stair within the rear yard setback and increasing the floor area ratio (FAR). RA Zone. Ward 4.

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

I. PROJECT DESCRIPTION

1. Subject Property: The subject site is made of two parcels that total 6,188 square feet and contain a six-unit three-story flat roofed dwelling. The dwelling has three-units on each side that are separated by a central fire wall.
2. Proposal: The proposal is to construct an exterior metal stair case in the rear of the structure. An existing interior stair case is being removed because it is not code compliant and on each level an existing bedroom will be enlarged and a new bathroom will be added.



3. Green Building Practices: The application states that the owner is going to replace bathroom fixtures with low flow toilets and sinks/showers. Also, kitchen appliances will be replaced with Energy Star rated units.

4. Comments:

City Councilor: Councilor Clingan 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: number of dwelling units, lot area, lot area per dwelling unit, ground coverage, landscaped area, pervious area, floor area ratio (FAR), front yard setback, rear yard setback, and both side yard setbacks.

The proposal will impact the following nonconforming dimensions: rear yard setback and floor area ratio (FAR). The current rear stair from the first story has two sets of stairs that are three feet from the property line. The proposal will demolish one set and maintain the other. The new metal stairs will be set back 4' - 9" from the property line. The requirement in the district is 20 feet. The current FAR dimension is 1.41, and the proposal to expand bedrooms and create a new bathroom into space that is currently occupied by an internal stair will increase it to 1.45. The requirement in the district is 0.75. 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 finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The proposal alterations will not be visible from the public way and the increase in FAR is very modest.

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 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 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." The six-unit building has existed on this site and has been a part of the neighborhood for quite some time.

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 Adams Street, which is between Broadway and Medford Street. Adams Street is strictly a residential street including single, two-, and three-family dwellings.

Impacts of Proposal (Design and Compatibility): The proposed rear egress stairs will not be visible from Adams Street and will not have an impact on the design and compatibility of the structure.

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

8. 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 rear egress stair case. 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>June 13, 2019</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>July 29, 2019</td> <td>Plans submitted to OSPCD (A.000, A.001, A.101-A.103, A200, A.300, A.301, and AD.100-AD.102)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	June 13, 2019	Initial application submitted to the City Clerk's Office	July 29, 2019	Plans submitted to OSPCD (A.000, A.001, A.101-A.103, A200, A.300, A.301, and AD.100-AD.102)
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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							
Site										
5	Landscaping shall be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD							
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							
Final Sign-Off										

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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