



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2018-134
Date: November 28, 2018
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 68 Pearson Avenue

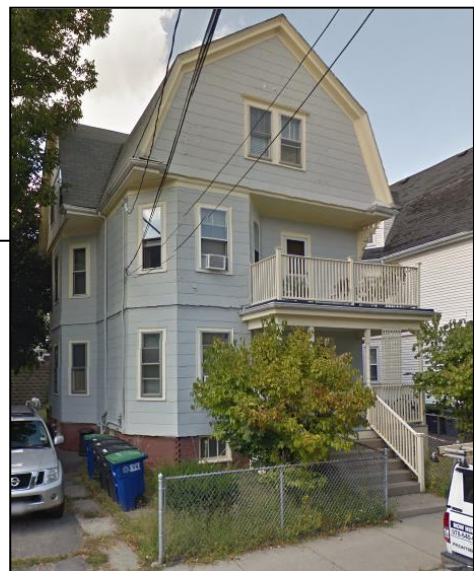
Applicant / Owner Name: 68 Pearson Somerville, LLC
Applicant / Owner Address: 200 Monsignor O'Brien Hwy, Cambridge, MA 02141
Agent Name: Richard G. DiGirolamo, Esq.
Agent Address: 424 Broadway, Somerville, MA 02145
Alderman: Mark Niedergang

Legal Notice: Applicant / Owner, 68 Pearson Somerville, LLC, seeks a special permit per SZO §4.4.1 to alter a nonconforming structure by finishing the basement, reconfiguring the interior floor plans, and removing/creating new window openings. RA Zone. Ward 5.

Dates of Public Hearing: Zoning Board of Appeals – November 28, 2018

I. PROJECT DESCRIPTION

1. Subject Property: The subject property contains one parcel of 3,250 square feet of land area that consists of a three-family dwelling that is a 2.5 story gambrel roofed structure.
2. Proposal: The proposal includes finishing the basement, reconfiguring the interior layout, and altering the façade by removing/creating new window openings.



3. Green Building Practices: The proposal will not exceed the stretch energy code.
4. Comments:

Ward Alderman: Aldermen Niedergang has been informed of the proposal and has yet to provide 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, lot area per dwelling unit, pervious area, floor area ratio (FAR), building height, front yard setback, right side yard setback, and street frontage.

The proposal includes finishing a portion of the basement that will impact the nonconforming FAR dimension. The current dimension is 0.95, the proposal is to increase it to 1.15, and 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 will allow for the expansion of living space without adding onto the exterior of the structure. The proposal has been designed with setbacks that minimally impact the neighbors and the requirements for ground coverage, landscaped area, rear yard, and left yard setbacks 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 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.”

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 Pearson Avenue on the block between Kidder Avenue and Pearson Avenue. The surrounding neighborhood is comprised of 2.5 story structures with two- and three-family dwellings.

Impacts of Proposal (Design and Compatibility): The proposal to finish the basement will not have an impact on the design and compatibility of the structure. However, there are as-of-right activities proposed such as replacing the siding and removing/adding new windows that will enhance the aesthetics of the structure that is in need of updating/repair. Staff recommends a condition that the 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 to ensure that quality materials are used.

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 to finish a portion of the basement. 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>October 10, 2018</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>September 10, 2018</td> <td>Plans submitted to OSPCD.</td> </tr> </tbody> </table> | | | | Date (Stamp Date) | Submission | October 10, 2018 | Initial application submitted to the City Clerk's Office | September 10, 2018 | Plans submitted to OSPCD. |
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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 | | | | | | | |
| Design | | | | | | | | | | |
| 4 | 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. | | | | | | | |
| Miscellaneous | | | | | | | | | | |
| 5 | 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 | | | | | | | |
| 6 | 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. | | | | | | | |
| 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 | | | | | | | | | | |

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|-----------------------|---|----------------|--------|--|
| 9 | The Applicant or Owner shall meet the Fire Prevention Bureau's requirements. | CO | FP | |
| 10 | Per Somerville fire safety regulations, grills, barbecues, chimineas and the like are NOT permitted on decks or porches. | Perpetual | FP/ISD | |
| Final Sign-Off | | | | |
| 11 | 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. | |

