



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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CHARLOTTE LEIS, *PLANNING INTERN*

Case #: ZBA 2018-169
Date: March 20, 2019
Recommendation: Conditional approval

PLANNING STAFF REPORT

Site: 7-9 Greenville Street

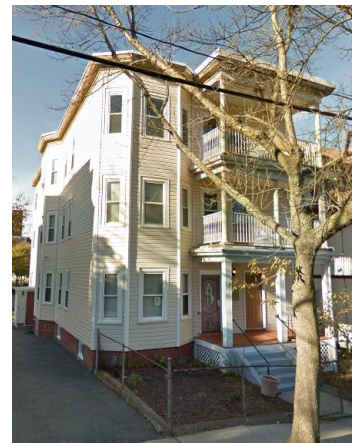
Applicant / Owner Name: Manuel and Julieta Barbosa
Applicant / Owner Address: 9 Greenville Street, Somerville, MA 02143
Agent Name: Richard G. DiGirolamo
Agent Address: 424 Broadway, Somerville, MA 02145
City Councilor: Ben Ewen-Campen

Legal Notice: Applicants and Owners, Manuel and Julieta Barbosa, seeks a special permit under SZO §4.4.1 to alter a nonconforming structure by finishing the basement. RA Zone. Ward 3.

Dates of Public Hearing: Zoning Board of Appeals – March 20, 2019

I. PROJECT DESCRIPTION

1. Subject Property: The subject property consists of two parcels totaling 5,170 square feet and contains a three-dwelling unit, flat-roofed triple-decker.
2. Proposal: The proposal is to finish a portion of the basement to add living space to the 1st floor dwelling unit.
3. Green Building Practices: The application states that the proposal will not exceed the stretch energy code.
4. Comments:



City Councilor: Councilor Ewen-Campen 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):

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, floor area ratio (FAR), and street frontage. The applicant has not provided information on the landscaped area, pervious area, front yard, rear yard, and left and right side yard setbacks. The proposal is to finish the basement and will not have any impact on the zoning data that was not submitted.

The proposal will impact the nonconforming dimension of the floor area ratio (FAR). The current dimension is 0.9, and the proposal will increase it to 1.2 where 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 “[I]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 allows for the expansion of a dwelling unit without expanding the structure. The proposal has been designed with setbacks that minimally impact the neighbors and the requirements for ground coverage and height 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 provide adequate light and air; to conserve the value of land and buildings; and, to encourage the most appropriate use of land throughout the City.

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 existing structure has been used a three-family for years and will continue as such. It is not believed to be incompatible with the neighborhood or inconvenient to the residents of the district.

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 north side of Greenville Street on the block between Greenville Court and McGrath Highway.

Impacts of Proposal (Design and Compatibility): Greenville Street is a residential street and the proposal to expand a unit into the basement will be compatible with the surrounding area.

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 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>November 15, 2018</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>March 14, 2019</td> <td>Plans submitted to OSPCD (A-000, A-020, A-021, A-100, A-300, and EX-01)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	November 15, 2018	Initial application submitted to the City Clerk's Office	March 14, 2019	Plans submitted to OSPCD (A-000, A-020, A-021, A-100, A-300, and EX-01)
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Any changes to the approved plans that are not <i>de minimis</i> must receive SPGA approval.										
Pre-Construction										
2	The proposed basement finished floor elevation shall not be less than is 1 foot above the Seasonal High Ground Water elevation. The seasonal high ground water elevation shall be determined by a Massachusetts certified soil evaluator and stated on a signed soil test pit log.	BP	Eng.							
Construction Impacts										
3	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.							
Miscellaneous										
4	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.							
5	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										
6	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP							
Final Sign-Off										
7	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.							

