



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2018-128
Date: ~~December 12, 2018~~ **January 23, 2019**
Recommendation: Conditional Approval

UPDATED PLANNING STAFF REPORT

Site: 74 Moreland Street

Applicant Name: 74 Moreland Street, LLC
Applicant Address: 1295 Beacon Street, #491, Brookline, MA 02446
Owner Name: Vittorio Gensale and Marco Gensale
Owner Address: 74 Moreland Street, Somerville, MA 02145
Agent Name: Richard G. DiGirolamo
Agent Address: 424 Broadway, Somerville, MA 02145
Alderman: Jesse Clingan

This staff report has been updated. Items which no longer apply have been ~~struck~~ and updated information has been highlighted in yellow.

Legal Notice: Applicant, 74 Moreland Street, LLC, and Owners, Vittorio Gensale and Marco Gensale, seek a Special Permit under SZO §4.4.1 to alter a nonconforming structure by constructing dormers on both sides of the roof and finishing a portion of the basement. RA Zone. Ward 4.

Dates of Public Hearing: Zoning Board of Appeals – ~~December 12, 2018~~
January 23, 2019

I. PROJECT DESCRIPTION

- Subject Property:** The subject property consists of two parcels that are merged into one lot for zoning purposes. The property totals 5,325 square feet and contains a three-family dwelling and a free-standing garage on the rear portion of the site.
- Proposal:** The proposal is to construct dormers on both sides of the roof, finish a portion of the basement, and construct a roof deck.



3. Green Building Practices: The application states that the proposal will meet and not exceed the stretch code.

4. Comments:

Ward Alderman: Alderman 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, landscaped area, pervious area, front yard setback, left and right side yard setbacks, and street frontage.

The proposal will impact the nonconforming dimensions of the left and right side yard setbacks. The current respective dimensions are 3.2 feet and 7 feet and the requirements are 8 feet for 2.5 story structures in the RA district. The proposal will also impact the nonconforming front yard setbacks. The current dimension is 3 feet and the proposal will not decrease that distance. The requirement is 15 feet in the RA district. The proposal to construct dormers and a roof deck above the rear second story are within the required setback distances but will not decrease any of the existing setbacks ~~change either distance~~. This alteration to a nonconforming structure requires a special permit per SZO §4.4.1

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 Applicant to increase the amount of living area within increasing the footprint of the building. The proposal has been designed with setbacks that minimally impact the neighbors and the requirements for lot area per dwelling unit, ground coverage, landscaped area, floor area ratio (FAR), building height, and rear yard setback 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; 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 Moreland Street on the block between East Albion Street and Meacham Street. The area contains bungalow, 2.5 story gable ends, and triple-decker structures that range from single, two-, and three-family dwellings.

Impacts of Proposal (Design and Compatibility): The proposed dormers have been designed to be consistent with those in the neighborhood and throughout the city. The dormers and the roof deck will be compatible to the neighborhood. The proposal has been updated to include landscaping, which will certainly increase the aesthetics of the site.

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 | | | | | | |
|---|---|--------------------------|--------------------|-------|-------------------|------------|--------------------|--|--|---|
| 1 | Approval is for the construction of dormers and a roof deck. 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>September 24, 2018</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>November 12, 2018 December 24, 2018</td> <td>Modified plans submitted to OSPCD (A-0, D-1.1, D-1.2, D-2.1, D-2.2, A-1.1, A-1.2, A-2.1, and A-2.2)</td> </tr> </tbody> </table> | | | | Date (Stamp Date) | Submission | September 24, 2018 | Initial application submitted to the City Clerk's Office | November 12, 2018 December 24, 2018 | Modified plans submitted to OSPCD (A-0, D-1.1, D-1.2, D-2.1, D-2.2, A-1.1, A-1.2, A-2.1, and A-2.2) |
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| Any changes to the approved elevations 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. | | | | | | | |
| 4 | 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 | | | | | | | |
| 5 | 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 | | | | | | | |
| 6 | 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 | | | | | | | | | | |
| 7 | Applicant shall provide final material samples for siding, trim, windows (vinyl will not be allowed), and doors to Planning Staff for review and approval prior to the issuance of a building permit. | BP | Plng. | | | | | | | |
| Site | | | | | | | | | | |
| 8 | Landscaping shall be installed and maintained in compliance with the American Nurserymen's Association Standards; | Perpetual | Plng. / ISD | | | | | | | |

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|-----------------------|--|---------------------------|------------------|--|
| 9 | There shall be a minimum of one tree for each 1,000 sf of required landscaped area under SZO §10.3. | | | |
| 10 | The electric, telephone, cable TV and other such lines and equipment shall be placed underground from the source or connection. The utilities plan shall be supplied to the Wiring Inspector before installation. | Installation of Utilities | Wiring Inspector | |
| Miscellaneous | | | | |
| 11 | 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. | |
| 12 | 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 | | | | |
| 13 | The Applicant or Owner shall meet the Fire Prevention Bureau's requirements. | CO | FP | |
| 14 | Per Somerville fire safety regulations, grills, barbecues, chimineas and the like are NOT permitted on decks or porches. | Perpetual | FP/ISD | |
| 15 | 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. | |
| Final Sign-Off | | | | |
| 16 | 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. | |

