



CITY OF SOMERVILLE, MASSACHUSETTS
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Case #: ZBA 2017-25-R1-9/2017

Date: October 18, 2017

Recommendation: Conditional Approval

REVISED PLANNING STAFF REPORT

Site: 81 Sacramento Street

Applicant Name: Sophia and Frank Maniaci
Applicant Address: 81 Sacramento Street, Somerville, MA 02143
Owner Name: Sophia and Frank Maniaci
Owner Address: 81 Sacramento Street, Somerville, MA 02143
Alderman: Maryann Heuston

Legal Notice: Applicants and Owners, Sophia and Frank Maniaci, seek a revision to a previously approved special permit (ZBA 2017-25 approved in May 2017) under §5.3.8 of the Somerville Zoning Ordinance to increase the height of a portion of the nonconforming structure to add another level of living area. RC zone. Ward 2.

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

Dates of Public Hearing: Zoning Board of Appeals – October 18, 2017

I. PROJECT DESCRIPTION

1. Subject Property: The locus is located on an approximately 2,084 square foot lot that consist of a single family dwelling. The building follows the shape of an “L” on the first level and there is a second story on the front part of the “L”.



2. Proposal: The **previous** proposal is to construct a second story addition in the rear of the structure above the existing first story. The building footprint of the existing structure will not change. **The new proposal is to add an additional level within the same building footprint to create a home office and a bathroom.**

3. Green Building Practices: ~~The Application does not list any green building practices.~~ **The Applicants/Owners are proposing to install solar panels through the Solarize Somerville initiative.**

4. Comments:

Ward Alderman: Alderman Heuston has been contacted but 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, front, rear, left and right yard setbacks, street frontage, and the number of off-street parking spaces.

The proposal will impact the nonconforming dimensions of the required rear yard and left side yard setbacks. The current dimensions for the rear yard and side yard are 19.1 feet and 2.8 feet respectively and the requirements in the RC zone are 20 feet and 8 feet respectively. The proposal to **increase the height to 35 feet** ~~construct a second story addition~~ is an extension within the required setback; however, the structure will not encroach any further into either required setback. The rear part of the house jogs in by approximately 0.625 feet, therefore, the location of the structure where the proposed addition will occur is approximately 3.125 feet from the left property line. 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.”

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 the applicants/owners to expand their living area without encroaching further into the required setback. 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, pervious area, floor area ratio, and building 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 lessen congestion in the streets; to protect health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to conserve the value of land and buildings; to preserve the historical and architectural resources of the City; 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 RC district, which is, "to establish and preserve a district for multi-family residential and other compatible uses which are of particular use and convenience 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: Sacramento Street is located off of Beacon Street. This particular neighborhood is comprised of multi-family dwelling structures, mixed-use structures, a supermarket, and numerous small commercial establishments along Beacon Street. The ~~house~~ building is one of the smallest buildings in the neighborhood and is between a seven unit apartment building to the east and an eleven unit apartment building to the west.

Impacts of Proposal (Design and Compatibility): ~~The proposed addition will be designed to match the size and scale of the existing structure as it will fill in space directly above the first story. The siding material is currently vinyl. The front and sides will remain as vinyl siding as it is covering asbestos. The entire back of the house including the previously approved addition will have the vinyl siding and asbestos shingles removed and replaced with clapboards which will be color matched to match the rest of the house. The proposed drawings are drawn without much detail. The proposal is to use grey clapboards to match the rest of the house and also trim work to tie in with existing trim. The proposed height increase does add bulk to the top of the structure. Given the surrounding area the proposed changes would not have much of an impact on the design and compatibility of the surrounding area.~~

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

The proposal 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, transform key opportunity areas, preserve and expand an integrated, balanced mix of safe, affordable and environmentally sound rental and homeownership units for households of all sizes and types from diverse social and economic groups; and, make Somerville a regional employment center with a mix of diverse and high-quality jobs.*

Staff finds that the proposal complies with the SomerVision Plan as the proposal respects the character and built form of the neighborhood.

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 a second story addition. 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 14, 2017</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>(April 24, 2017)</td> <td>Modified plans submitted to OSPCD</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	September 14, 2017	Initial application submitted to the City Clerk's Office	(April 24, 2017)	Modified plans submitted to OSPCD
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Any changes to the approved elevations/use that are not <i>de minimis</i> must receive SPGA approval.										
Pre-Construction										
2	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							
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	
Design				
6	Applicant shall provide final material samples for siding, trim, windows, and doors to Planning Staff for review and approval prior to construction.	BP	Plng.	
Site				
7	Landscaping shall be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD	
Miscellaneous				
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				
9	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
10	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				
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.	

