



City of Somerville

ZONING BOARD OF APPEALS

City Hall 3rd Floor, 93 Highland Avenue, Somerville MA 02143

TO: Zoning Board of Appeals
FROM: Planning & Zoning Staff
SUBJECT: 59 Albion Street, P&Z 20-010
POSTED: November 3, 2021

RECOMMENDATION: Approve with Conditions (SPA)

Staff memos are used to communicate background information, analysis, responses to public comments, review of statutory requirements and other information from the Planning & Zoning staff to the Review Board members.

This memo summarizes the development review application submitted for 59 Albion Street, identifies any additional discretionary or administrative development review that is required by the Somerville Zoning Ordinance, and provides related analysis or feedback as necessary. The application was deemed complete on October 21, 2021 and is scheduled for a public hearing on November 17, 2021. Any Staff recommended findings, conditions, and decisions in this memo are based on the information available to date prior to any public comment at the scheduled public hearing.

LEGAL NOTICE

Marilyn Moedinger proposes to establish a Backyard Cottage in the Neighborhood Residence district which requires Site Plan Approval.

SUMMARY OF PROPOSAL

Marilyn Moedinger is proposing to construct a Backyard Cottage accessory building. The proposed development will produce additional living space for the one (1) existing unit.

ADDITIONAL REVIEW NECESSARY

59 Albion Street is located in a 0.25mi Transit Area in the Neighborhood Residence (NR) zoning district in the Spring Hill neighborhood represented by Ward 5 Councilor Mark Niedergang. Backyard Cottage accessory buildings are permitted in the NR district by Site Plan Approval. Site Plan Approval is the administrative review and approval of conforming development to address any potential impacts as necessary. The Zoning Board of Appeals is the decision-making authority for all discretionary or administrative permits required for the NR zoning district.

DESIGN REVIEW

The proposal was reviewed by Somerville Urban Design Commission via the GoToWebinar meeting platform on June 22, 2021. The Commission provided its official recommendation on June 6, 2021.

NEIGHBORHOOD MEETINGS

The first neighborhood meeting was held virtually by Ward 5 Councilor Mark Niedergang and the development team on May 26, 2021. The second neighborhood meeting was held virtually by Ward 5 Councilor Mark Niedergang and the development team on August 10, 2021.

ANALYSIS

At the two neighborhood meetings held by the applicant the only question brought up was the potential for the Backyard Cottage to be used for residential and/or commercial use. The Applicant indicated that the Backyard Cottage would be used only as accessory space for the existing unit on the lot, and not as a separate unit or as commercial space. While the Applicant may not intend to place another residential unit in the Backyard Cottage, once the Backyard Cottage is established it can be used by a current or future owner as a residential unit without the need for additional review or approval by the Board.¹

The proposal satisfies the Ordinance's requirements for access to the Backyard Cottage by providing a three (3) foot wide path leading from the front of the property to the Backyard Cottage. Provided that this property is not modified to hold 3 units in the future, Staff does not anticipate that the inclusion of a small set of stairs in this pathway to cause any issues. If the Applicant or any future owner were to add two additional units to this property in the future, they should consult with someone familiar with the requirements of the American with Disabilities Act (ADA) and Massachusetts Architectural Access Board (MAAB) to identify what changes to the property, if any, may be required to comply with those requirements. However, that situation may or may not arise in the future and so is not a significant enough concern to require mitigation at this time.

Portions of the proposal have been reviewed by the Building Official to confirm compliance with the Ordinance, as they required interpreting portions of the Ordinance that had not yet been considered in-depth. Specifically, the Building Official reviewed the following items:

- The Backyard Cottage's floor plate appears to exceed the maximum permitted floor plate of 576sf, as the building is 24ft by 26.25ft which appears to result in a floor plate of 630sf. However, the Building Official has determined that this building's floor plate is less than 576sf and is conforming.

¹ The primary difference between a Backyard Cottage that is occupied by a Residential principal use and one that is not is the requirement to comply with SZO §3.1.12.g.iii. which requires an "automatic sprinkler system unless they are on a corner lot, a lot with a driveway leading to the Backyard Cottage, or a lot abutting an alley."

- The stairs leading from the “uncovered deck” of the Backyard Cottage to the ground appear to violate the minimum required building separation distance of 10ft. However, the Building Official has determined that the stairs as designed do not violate the 10ft building separation requirement and are conforming.

The Applicant has submitted existing and proposed Green Score calculations. The Applicant must prove that the proposal will not create or increase a nonconformity related to the Green Score, but is not required to prove compliance with the Green Score.² Based on the submitted information, the proposal will comply with the Ordinance’s requirement to not create or increase a nonconforming Green Score.

CONSIDERATIONS & FINDINGS

The Zoning Board of Appeals is required by the Somerville Zoning Ordinance to deliberate each of the following considerations at the public hearing. The Board must discuss and draw conclusions for each consideration, but may make additional findings beyond this minimum statutory requirement.

Site Plan Approval Considerations

1. The comprehensive plan and existing policy plans and standards established by the City.
2. The intent of the zoning district where the property is located.
3. Mitigation proposed to alleviate any impacts attributable to the proposed development.

Information relative to the required considerations is provided below:

Site Plan Approval

1. *The comprehensive plan and existing policy plans and standards established by the City.*

Staff believes that the proposal will help to achieve the following from SomerVision, the comprehensive Master Plan of the City of Somerville:

- Preserve and enhance the character of Somerville’s neighborhoods, [...] and respect neighborhood form and patterns while expanding Somerville’s architectural legacy.

2. *The intent of the zoning district where the property is located.*

² Compliance with the Green Score is required if a project triggers the Zoning Ordinance’s definition of “Substantial Renovation” but Staff do not believe that this proposal triggers that requirement. If it is later determined that compliance with Green Score is, in fact, required for this project the Inspectional Services Department will confirm that this project complies with that and all other relevant requirements.

Staff believes that the proposal is consistent with the intent of the NR zoning district which is, in part, “[t]o conserve already established areas of detached and semi-detached residential buildings.”

Staff also believes that proposal is consistent with the intent of the Zoning Ordinance more broadly, including the following:

- To preserve and enhance the existing character of Somerville’s traditional housing and respect existing built form and development patterns.
- To encourage contemporary architectural design for new construction that compliments the established character of existing buildings.

3. *Mitigation proposed to alleviate any impacts attributable to the proposed development.*

Staff believes that the proposal does not have any impacts that require mitigation.

PERMIT CONDITIONS

Should the Board approve the required Site Plan Approval for the Backyard Cottage accessory building, Planning & Zoning Staff recommends the following conditions:

Conditions

- A written narrative or descriptive checklist identifying the completion or compliance with permit conditions must be submitted to the Inspectional Services Department at least ten (10) working days in advance of a request for a final inspection.

Permit Validity

- This Decision must be recorded with the Middlesex County Registry of Deeds prior to applying for a Building Permit.
- Construction documents must be substantially equivalent to the approved plans and other materials submitted for development review.

Public Record

- Physical copies of all submittal materials as permitted by the Review Boards must be submitted for the public record in accordance with the document format standards of the ISD/PB/ZBA Submittal Requirements.
- A copy of the Recorded Decision stamped by the Middlesex South Registry of Deeds must be submitted for the public record.

Construction Documents

- Material specifications from suppliers must be submitted to confirm fenestration glazing is compliant with the VLT and VLR ratings required by the Somerville Zoning Ordinance.