



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2019-27

Date: ~~June 5, 2019~~ August 7, 2019

Recommendation: Conditional Approval

PLANNING STAFF REPORT - ZBA

Site: 65 Bailey Road

Applicant Name: Jose F. Couto & Ligia L. Couto
Applicant Address: 65 Bailey Road, Somerville, MA
02145

Owner Name: same as applicant
Owner Address: same as applicant

City Councilor: Jesse Clingan



Legal Notice: Applicants and Owners, Jose F. and Ligia L. Couto, seek Special Permits under §4.4.1 of the SZO to alter a non-conforming structure by constructing a dormer within the left side yard setback. Parking relief under Article 9*. RA zone. Ward 4.

Dates of Public Hearing(s): ~~June 5, 2019~~, August 7, 2019 – ZBA

STAFF NOTE: At the June 5, 2019 ZBA hearing, it became evident that the manner in which the plans were rendered for this proposal misrepresented the project. This was not an intentional misrepresentation; rather, this was likely due to the fact that a structural engineer prepared the project plans for zoning review instead of an architect familiar with (Somerville) zoning regulations an general zoning board review. In the intervening weeks, the plans have been updated to better reflect the goals of the property owner's project.

I. PROJECT DESCRIPTION

1. **Subject Property:** The locus presents a two-family residential structure in the RA zone. The building is sited on a 4,050 square foot lot. This structure looks directly onto the concrete decking of the elevated

portion of I-93.

2. Proposal: ~~The Applicant proposes constructing two length-compliant dormers, one each on the left and right elevation of the structure. The second story of the structure, which currently houses the second residential unit, will be significantly transformed: the kitchen, dining room, and one of the bedrooms will be removed and the access stairs from the first to second floor slightly altered. The Applicant will convert much of the space to HVAC and storage while a larger bath and family room will be created along with two re-configured bedrooms. The trigger for special permitting is as follows:~~

The Applicant proposes maintaining the two-family nature of the structure. There will be no changes to the first and second stories of the house. The existing finished attic space will be expanded through the construction of two dormers. The attic area will present a family room, two bedrooms, bathroom and substantial storage/HVAC equipment area. The total number of bedrooms for Unit Two will increase by two (2). However, as the existing conditions already present three bedrooms¹, this does not increase the parking requirement. Three or more bedrooms max out the parking requirement at 2.0. There is no parking relief required.

Left side yard setback

The RA zone requires a left side yard setback of eight (8) feet. The existing setback is 6.3 feet. The applicant proposes constructing a length-compliant dormer that is also 6.3 feet from the left property line. Even with the side setback reduction allowance for properties with narrow lots (those less than 50 feet wide), the proposal still triggers the need for a special permit.

3. Green Building Practices:

The application states the following: *“The entire attic project will be constructed with the latest construction material, including all LEDs, spray foam, energy efficient faucets, 3 energy efficient windows and siding that reduces glare while blending with the façade of the building and neighborhood.”*

II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1 & Article 9):

In order to grant a special permit, the SPGA must make certain findings and determinations as outlined in §4.4.1 of the SZO. This section of the report goes through §4.4.1 in detail.

1. Information Supplied:

Staff finds that the information provided by the Applicant conforms to the requirements of §4.4.1 of the SZO.

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."*

Section 4.4.1 of the 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

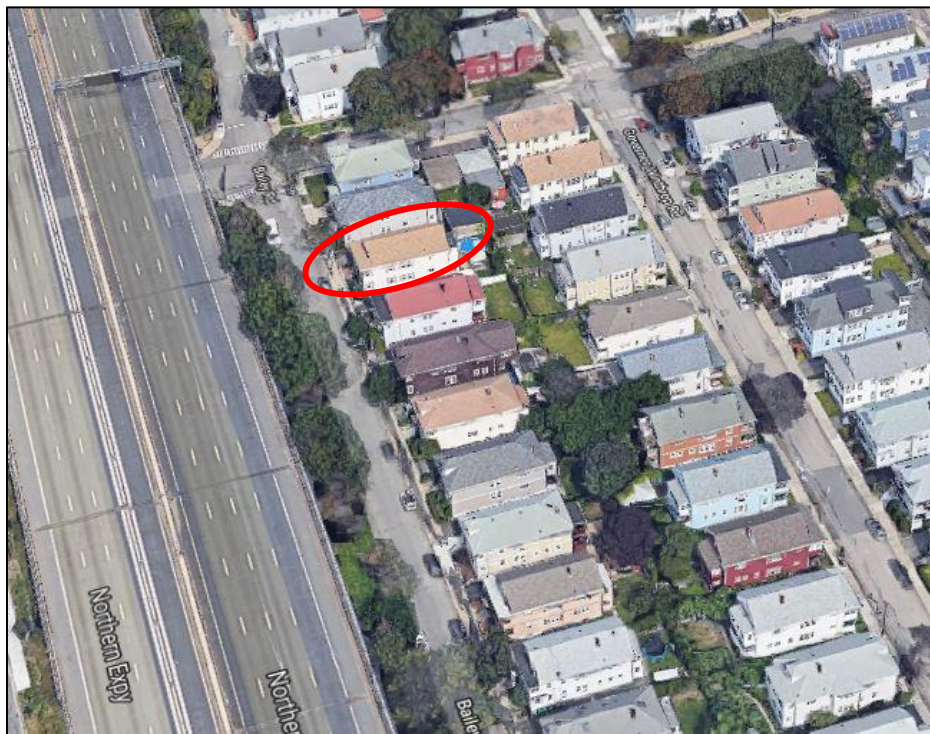
¹ Two labelled bedrooms and an office which is counted as a bedroom per the SZO.

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.”

Left side yard setback

The RA zone requires a left side yard setback of 8 feet. The existing setback in the proposed dormer location is 6.3 feet. The Applicant proposes retaining this setback to construct a dormer that will support a new family room and bath.

This property is located directly across from the elevated road bed of I-93. This is the view from the front of the house as well as from specific angles on the left and right elevations. 65 Bailey Road is indicated in red in the aerial image below.



The dormer will be visible from the left-abutting and rear-abutting properties. There are no other structures on this portion of Bailey Road that present matching dormers of any size.

Despite the increase in bedroom count, there is not expected to be an increase in –on-street parking. The attic-level bedrooms are for the use of persons already occupying the second-and-third-floor unit. Abutters can expect typical noises and odors associated with the construction phase of a project, but the existence of this rear basement entry will not in itself add to noises and odors in the neighborhood.

Typically, Planning Staff is not in favor of creating “wings” on either side of a residential structure such as this. It should be noted that the right elevation dormer can be built by-right. However, Staff also takes into account the particularly challenging street on which this property is found and the limited visibility these “wings” will have from the front elevation in particular, given the siting of the house across from the elevated highway deck.

The number of units in the house is not increasing, therefore staff does not anticipate any change in traffic volume or congestion as a result of this project.

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."*

Staff finds that the proposal is generally consistent with the purposes of the RA zone which are “[t]o 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."*

Staff has addressed the question of site and area compatibility in a previous section. As a point of note, staff has not conditioned this report to require a full re-landscaping of the property nor the removal of the asphalt driveway to be replaced with pavers. Though these are typical conditions that are added to other, larger projects, Staff does not find that they are merited here. Conditions placed on a project should meet the test of “rough proportionality.” Staff finds that other requirements that we have grown accustomed to adding on other, larger projects, would be out-of-proportion with the relief request put forward in the case of 65 Bailey Road.

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

The proposal will not add to the existing stock of affordable housing.

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 dormer within the left side yard setback.	BP/CO	ISD/PIng.							
	<table border="1"> <thead> <tr> <th>Date</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>March 13, 2019</td> <td>Application submitted to City Clerk's office.</td> </tr> <tr> <td>July 2, 2019</td> <td>Updated plans submitted to OSPCD</td> </tr> </tbody> </table>				Date	Submission	March 13, 2019	Application submitted to City Clerk's office.	July 2, 2019	Updated plans submitted to OSPCD
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July 2, 2019	Updated plans submitted to OSPCD									
<p>Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval. Whether or not a change is <i>de minimis</i> in nature must be determined by the Planning Office.</p>										
Engineering										
2	<p>The Applicant must comply with the "Policy for new connections to and modifications to existing connections to the municipal sewer and drainage system stormwater management and infiltration/inflow mitigation."</p> <p>The Applicant shall work with Engineering to meet this condition and provide the required fees/mitigation.</p>	BP	Engineering/ISD							
Design										
3	All materials, including, but not limited to windows, exterior finishes, siding, and similar shall be submitted to, reviewed and approved by Planning Staff prior to the issuance of a building permit.	BP	ISD/PIng							
Construction Impacts										
4	The Applicant shall, at his 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/ISD							
6	<u>The name(s) and contact information of all entities working on the site shall be posted in an area easily-visible from the public way for the passing public to read.</u>	During Construction	ISD							
7	<u>Construction shall be limited to M-F 7:30am – 5:00pm. No weekend construction or construction-related work shall occur.</u>	During Construction	ISD							
Public Safety										

8	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
9	All exterior lighting on the site shall be downcast and shall not cast light onto surrounding properties in any fashion.			
10	In accordance with City of Somerville ordinances, no grills, barbeques, chimineas or the like shall be allowed on decks and porches.	CO/Perpetua l	ISD/PlngF P	
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	ISD/Pln g.	