



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2015-107
Date: December 31, 2015
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 17 Banks Street

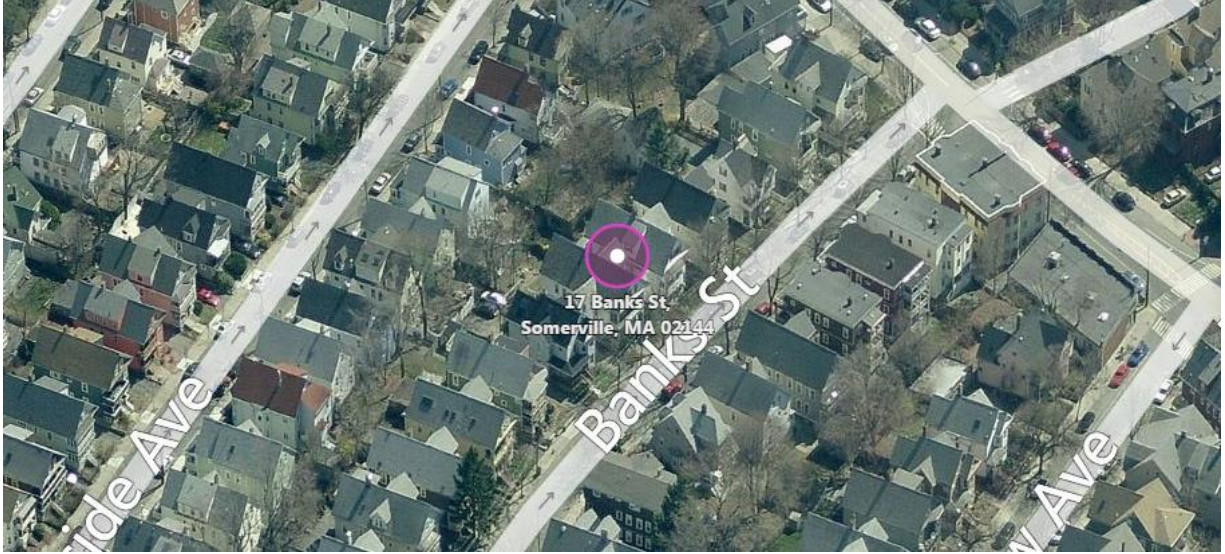
Applicant Name: Seaver Construction
Applicant Address: 215 Lexington Street, Woburn, MA, 01801
Owner Name: Carolina Philbrook
Owner Address: 100 Rivers Edge Drive #452, Medford, MA, 02155
Agent Name: NA
Agent Address: NA
Alderman: Lance Davis

Legal Notice: Applicant, Seaver Construction, and Owner Carolina Philbrook, seek a Special Permit to modify a nonconforming structure, by rebuilding a home damaged by fire. RA Zone, Ward 6.

Dates of Public Hearing: January 6, 2016

I. PROJECT DESCRIPTION

1. Subject Property: Currently, the 4,467 sf lot contains the foundation for a two family structure that burned in 2013.
2. Proposal: The applicant is proposing to rebuild the two family structure in the same footprint, in a similar fashion, with several minor changes. The proposed two family structure would have one unit with two bedrooms on the first floor, and another unit on the second and third floor with 4 bedrooms; this is the same configuration as the previous structure. The only noticeable exterior change is that the first level of the front porch will be open, rather than closed, which is more in keeping with the neighborhood.



Views of 17 Banks Street after the fire.

3. Green Building Practices: HERS compliance.
4. Comments: *Ward Alderman:* Has been contacted, but has no comments at this time.

II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4):

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: side yard setback and front yard setback.

The proposal will not impact the nonconforming dimensions (Side yard setback is 3', 8' is required, and front yard is 8.9', 10' is required). This reconstruction of 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 or 4.5 of the SZO, Staff find that the proposal would not be substantially more detrimental to the neighborhood than the previous or existing structure or use. The proposal simply reconstructs the previous home. The proposal has been designed with setbacks that minimally impact the neighbors and will continue to be conforming to the requirements of nonconforming structures in 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 encouraging the most appropriate use of land throughout the City; to protect and promote a housing stock that can accommodate the diverse household sizes and life stages of Somerville residents at all income levels, paying particular attention to providing housing affordable to individuals and families with low and moderate incomes; 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 proposal is consistent with the surrounding neighborhood of single and multifamily homes.

Impacts of Proposal (Design and Compatibility): The proposed design is compatible with the architecture of the surrounding neighborhood.

5. Adverse environmental impacts: *The proposed use, structure or activity will not constitute an adverse impact on the surrounding area resulting from: 1) excessive noise, level of illumination, glare, dust, smoke, or vibration which are higher than levels now experienced from uses permitted in the surrounding area; 2) emission of noxious or hazardous materials or substances; 3) pollution of water ways or ground water; or 4) transmission of signals that interfere with radio or television reception.*

Impacts of Proposal (Environmental): no adverse environmental impacts are anticipated from any of the items outlined above.

6. Vehicular and pedestrian circulation: *The circulation patterns for motor vehicles and pedestrians which would result from the use or structure will not result in conditions that create traffic congestion or the potential for traffic accidents on the site or in the surrounding area.*

Impacts of Proposal (Circulation): No adverse impacts on vehicular and pedestrian circulation are anticipated as a result of the proposal

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

8. 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. The areas in the SomerVision map that are designated as enhance and transform should most significantly contribute towards the SomerVision goals that are outlined in the table below. The areas marked as conserve are not expected to greatly increase the figures in the table since these areas are not intended for large scale change.*

III. RECOMMENDATION

Special Permit under §4.4

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 reconstruction of a nonconforming structure. 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>December 2, 2015</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>December 15, 2015</td> <td>Modified plans submitted to OSPCD (1-13)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	December 2, 2015	Initial application submitted to the City Clerk's Office	December 15, 2015	Modified plans submitted to OSPCD (1-13)
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December 2, 2015	Initial application submitted to the City Clerk's Office									
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Any changes to the approved site plan or elevations 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	Approval is subject to the Applicant's and/or successor's right, title and interest in the property.	Cont.	Plng.	Deed submitted, application formsigned						
5	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							
6	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										
7	An exterior light and electrical receptacle is required for the first (or all) level of the porch and an electrical receptacle is required for the second level (if there is no access to the ground).	Final sign off	Wiring Inspector							

Site				
8	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD	
Final Sign-Off				
9	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.	

