



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*

Case #: ZBA 2016-54
Date: August 3, 2016

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 79 Benton Road

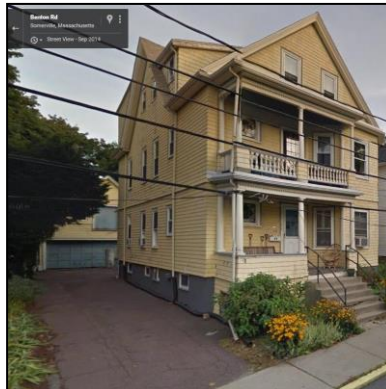
Applicant Name: KTA Construction, LLC
Applicant Address: 7 Gemma Drive, Peabody, MA 01960
Owner Name: KTA Construction, LLC
Owner Address: 7 Gemma Drive, Peabody, MA 01960
Alderman: Mark Niedergang

Legal Notice: Applicant and Owner, KTA Construction, LLC, seek a Special Permit to substantially alter a non-conforming but legally-existing 3-family structure under SZO §4.4.1. RA zone, Ward 5.

Dates of Public Hearing: Zoning Board of Appeals – August 3, 2016

I. PROJECT DESCRIPTION

1. **Subject Property:** The subject property is a legally-existing 3-family residential structure on a 5,524 square foot lot in an RA zone.
2. **Proposal:** The applicant proposes to extend the existing roof deck within the right side yard setback and completely renovate the entire structure, increasing the net living space. No parking relief is needed; the Applicant is adding two additional parking spaces to the site for



*Above, left: Left elevation of 79 Benton.
Right: Front elevation.*



a total of four. The property will be substantially re-landscaped including the addition of pervious pavers for the parking and upper driveway areas.

3. Green Building Practices: None to be used (as stated in application).
4. Comments:

Ward Alderman: Mark Niedergang has been notified of this project.

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 §4.4.1 of the SZO. This section of the report goes through §4.4. in detail.

1. Information Supplied:

Regarding SZO §4.4.1:

- Staff finds that the information provided by the Applicant conforms to the requirements of §4.4.1 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."*

Regarding SZO §4.4.1:

- As regards this project, the property is non-conforming in in terms of lot size (5,524 square feet of lot in a zone where a 10,000 square foot minimum lot size is required).
- This structure is located in the RA zone where one-and two-family residential structures are allowed. However, this property is a legally-existing three-family residential building.
- By converting a portion of the basement into living space, along with the reconfiguration of interior living space, the Applicant will be adding 778 square feet of living area. Other than the extension of the rear roof deck, the exterior massing remains largely unchanged.
- The maximum FAR allowed in this district is .75. The Applicant is increasing their FAR from .60 to .74, just under the allowable limit.

Section 4.4.1 states that Lawfully existing non-conforming 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.

Regarding SZO §4.4.1:

- In considering a Special Permit under §4.4.1 of the SZO, Staff finds that the alterations proposed to this legal three-family residence would not be substantially more detrimental to the neighborhood than those present on the existing structure.
- The existing roof deck is located at the rear of the property. Extension of this roof deck will be minimally-visible from the street, if at all.

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."*

Regarding SZO §4.4.1:

- The proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to promoting the health, safety, and welfare of the inhabitants of the City of Somerville; to secure safety from fire, panic and other dangers; to encourage the most appropriate use of land throughout the City; and to encourage housing for persons of all income levels.
- The proposal is consistent with the purpose of the RA residence 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."*

- Benton Road is a mix of gable and hip-roofed single- and two-family residential structures. None of the properties have roof decks visible from Benton Street itself and the proposal for 79 Benton Street is consistent with this aspect of the neighborhood.

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

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

7. 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.*

- The proposal will not add any new units to the city’s housing stock and will not add to the overall SomerVision metrics in this manner.

III. RECOMMENDATION

Special Permit under **SZO §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 extension of the existing rear roof deck and increasing the net living area in this structure.	BP/CO	ISD/ Plng.									
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>April 21, 2016</td> <td>Initial submission to City Clerk</td> </tr> <tr> <td>May 31, 2016</td> <td>Additional materials submitted to OSPCD</td> </tr> <tr> <td>July 27, 2016</td> <td>Final materials submitted to OSPCD.</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	April 21, 2016	Initial submission to City Clerk	May 31, 2016	Additional materials submitted to OSPCD	July 27, 2016	Final materials submitted to OSPCD.
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<p><u>Any changes to the approved plan that are not determined to be <i>de minimis</i> by Planning Staff must receive ZBA approval.</u></p>												
Construction Impacts												
2	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									
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	ISD/Plng.									
4	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												

5	The roof deck shall use wood and metal only. No plastic or synthetic materials shall be used in the construction/extension of the roof deck.	CO	ISD/PIng	
Site				
6	Vehicles on this property shall not be parked in tandem	Perpetual	PIng. / ISD	
7	Pervious pavers shall be used for the creation of two new parking spaces and for the area immediately in front of the existing 2-car garage.			
8	The space above the garage shall not be used for habitation in any way.			
9	The site shall be landscaped and maintained post-construction.	Perpetual	PIng. / ISD	
Miscellaneous				
10	The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the building and property.	Perpetual	ISD/PIng	
Public Safety				
11	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
12	The building shall be sprinkled.			
13	All smoke detectors shall be hard-wired.	CO	FP	
Final Sign-Off				
14	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/PIng.	