



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2019-06

Date: March 20, 2019

Recommendation: Conditional Approval

PLANNING STAFF REPORT - ZBA

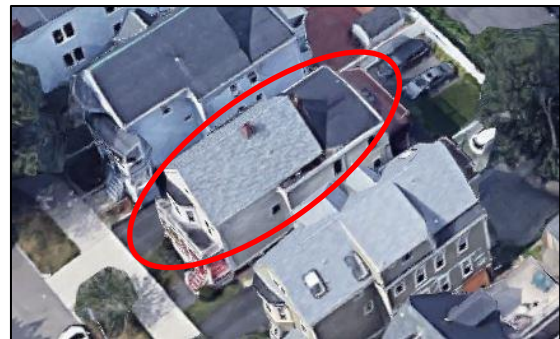
Site: 14B Fellsway West

Applicant Name: SHAKE Architecture Construction, LLC

Applicant Address: 11 Humphreys Street, Boston, MA 02125

Owner Name: David & Emily Bannister

Owner Address: 14B Fellsway West, Somerville, MA 02145



City Councilor: Jesse Clingan

Legal Notice: Applicant, SHAKE Architecture, and owners, David & Emily Bannister, seek Special Permits under §4.4.1 of the SZO to alter a non-conforming property as follows: construct a dormer within the non-conforming right side yard setback; the upward extension of the non-conforming right side yard setback by converting a flat-roofed rear addition to a gable-roof. RB zone. Ward 4.

Dates of Public Hearing(s): March 20, 2019 – ZBA



Location of proposed dormer

Location of proposed change in roofline

I. PROJECT DESCRIPTION

1. **Subject Property:** The locus presents a two-family, 2 ½-story residential structure sited on a 4,016 square-foot lot in the RB zoning district. The property is located directly across the street from Foss Park.

2. **Proposal:** 14B Fellsway West occupies the second- and third-story of the property. The Applicant proposes adding a dormer along the right roof plane of the main portion of the house and extending the existing gable roof back over what is currently a flat-roofed rear addition. This will result in an upward extension of the existing non-conforming right side yard setback. The number of bedrooms in the property will remain the same.

The trigger for special permitting is as follows:

- Right side yard setback (Required: 8.0 / Existing: 5.7)

3. **Green Building Practices:**

Councilor Jesse Clingan was informed of this project.

4. **Green Building Practices:**

The application states the following: *“this project proposes to completely insulate the new and existing roof of the building in order to greatly improve the thermal envelope and thus energy performance of the unit.”*

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 §4.4.1 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 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.”

Right side yard setback

The RB zone requires a right yard setback of 8 feet. The existing setback in the location of the proposed dormer and the proposed change in roofline is 5.7. The rear roofline change will result in an upward extension of the non-conforming right side yard setback.

The Applicant's proposal is modest in nature; the dormer is less than 50% of the roof plane to which it will be attached. The proposed dormer windows are small in size such that they will have less impact on the privacy of the right-abutting neighbor than would full-length windows. The proposed roof line change that will convert the rear flat roof to a gable is well-proportioned with respect to the rest of the house. This is one of the better-presented addition plans that Staff has seen in some time in terms of modesty of scope, attention to proportion, and simplicity of design. The proposed changes blend well with the surrounding neighborhood from a design perspective and are appropriately scaled for the parcel.

Other determinations

14B Fellsway West is the middle of three gable-fronted, two-family residential structures in this portion of Fellsway West. Other structures on this block include a large, multi-unit residential structure on the corner of Fellsway West and Broadway and two very large multi-unit residential structures on the corner of Fellsway West and Jacques Street. 14B Fellsway West is sited directly across the street from Foss Park.

Abutters can expect typical noises and odors associated with the construction phase of a project.

This project, as with all others, will need to be reviewed by the Engineering Division for their sign-off prior to the granting of a building permit. The Engineering Division will determine if any measures need to be taken by the Applicant to address any impacts on the municipal water and sewer system. Lastly, as the property is remaining a two-family, 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 consistent with the purposes of the RB zone which are "[t]o establish and preserve medium density neighborhoods of one-, two- and three-family homes, free from other uses except those which are both compatible with and convenient to the residents of such districts."

There is no part of this proposal, as conditioned, that Staff finds to be inconsistent with the purposes of the RB 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."*

Staff has addressed the question of site and area compatibility in a previous section of this report.

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.

6. SomerVision:

The proposal has limited impact on SomerVision goals. It does allow for a resident family to obtain a limited amount of additional interior living space.

III. RECOMMENDATION

Special Permit under §4.4.1 and Article 9

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 right side yard setback and for the upward extension of the right side yard setback due to the change in roofline from flat to gable.	BP/CO	ISD/Plng.	
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>January 31, 2019</td> <td>Application submitted to City Clerk's office.</td> </tr> </tbody> </table> <p><i>Any changes to the approved site plan or elevations that are not de minimis must receive SPGA approval. Whether or not a change is de minimis in nature must be determined by the Planning Office.</i></p>			
Date (Stamp Date)	Submission			
January 31, 2019	Application submitted to City Clerk's office.			
Engineering				
2	The Applicant shall comply with all Engineering Division requirements and submit their plans to the Engineering Division for their review and sign-off prior to the issuance of a building permit.	BP	Engineering/ISD	
Design				
3	The building shall be re-sided and trim replaced/repared along with the front porches. If original wood siding is extant on the building and is in good condition, it shall be retained.	CO	ISD/Plng	
4	<u>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. Vinyl-based products will not be considered.</u>	BP	ISD/Plng	
Construction Impacts				

6	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	
7	All construction materials and equipment shall 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	
8	<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	
9	<u>Construction shall be limited to M-F 7:30am – 5:00pm. No weekend construction or construction-related work shall occur. This includes deliveries.</u>	During Construction	ISD	
Public Safety				
10	The Applicant or Owner shall meet the Fire Prevention Bureau’s requirements.	CO	FP	
11	All exterior lighting on the site shall be downcast and shall not cast light onto surrounding properties in any fashion.	CO	ISD	
12	In accordance with City of Somerville ordinances, no grills, barbeques, chimineas or the like shall be allowed on decks and porches. This shall be written into any rental agreements or condo documents. Proof thereof shall be presented to Planning Staff/ISD prior to the issuance of a Certificate of Occupancy (CO)	CO/Perpetual	ISD/PlngFP	
Miscellaneous				
13	Venting and piping shall be painted the same color as the exterior of the house from which they protrude.	CO	ISD/Plng	
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/Plng.	