



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2019-91
Date: December 5, 2019
Recommendation: Conditional approval

PLANNING STAFF REPORT

Site: 21 Laurel Street

Applicant & Owner Name: Adam Panken
Applicant & Owner Address: 21 Laurel Street Apt. #2 Somerville, MA 02143
City Councilor: JT Scott

Legal Notice: Applicant and Owner, Adam Panken, seeks special permits under §4.4.1 of the SZO to alter a non-conforming property including constructing a left elevation dormer and altering the rear portion of the structure within the non-conforming rear yard setback. RB zone. Ward 2.

Dates of Public Hearing: December 11, 2019

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is an existing 2-family house on a 2,688 sf lot.
2. Proposal: The Applicant proposes a dormer on the narrow sideyard on the house in order to make interior layout changes. The roofline is also changing. The existing house looks like a house with a rear addition. The proposal is to extend the gable to the rear of the house which will make it look like a large house. Other by-right improvements are also planned including a dormer on the right conforming sideyard.
3. Green Building Practices: The project is proposing an increase in pervious area, improved insulation, and an updated and efficient HVAC system.

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 §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 sideyard and rear setbacks. The proposal will impact the left sideyard setback which is currently 1.8'. This alteration to 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 of the SZO, Staff find that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The changes are minor and to the house and have minimal impact to abutters.

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 promoting the health, safety, and welfare of the inhabitants of the City of Somerville and to conserve the value of land and buildings.

The proposal is consistent with the purpose of the district, which is, "To 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."

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."*

The surrounding neighborhood is a mix of residential building types including houses, triple deckers, and even apartment buildings. A house with dormers is typical of the neighborhood.

Staff finds that there are little to no impacts of the proposal.

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

The proposal will not have an impact on 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.*

The proposal is in spirit of the SomerVision plan by allowing a property owner to make modest alterations to their property.

9. Impact on Affordable Housing: *In conjunction with its decision to grant or deny a special permit for a structure of four or more units of housing, the SPGA shall make a finding and determination as to how implementation of the project would increase, decrease, or leave unchanged the number of units of rental and home ownership housing that are affordable to households with low or moderate incomes, as defined by HUD, for different sized households and units.*

This proposal does not have an impact on 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 alteration of a nonconforming structure including a dormer in the left sideyard setback and changes to the roofline. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/ PIng.							
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>August 15, 2019</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>(December 2, 2019)</td> <td>Modified plans submitted to OSPCD (Existing conditions, Existing floor plans, proposed floor plans, Existing and Proposed Elevations (2 sheets), Proposed Renderings)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	August 15, 2019	Initial application submitted to the City Clerk's Office	(December 2, 2019)	Modified plans submitted to OSPCD (Existing conditions, Existing floor plans, proposed floor plans, Existing and Proposed Elevations (2 sheets), Proposed Renderings)
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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 shall complete the Site Plan Review Checklist and supply the information to the Engineering Office. The plans must comply with the City's Stormwater Management Policy.	BP	Eng.							
Construction Impacts										
3	Approval is subject to the Applicant's and/or successor's right, title and interest in the property.	Cont.	PIng.	Deed submitted & application form signed						
4	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							
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							
Design										
6	Applicant shall provide final material samples for siding, trim, windows, and doors to Planning Staff for review and approval prior to the issuance of a building permit.	BP	PIng.							
Site										

7	Landscaping shall be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD	
Miscellaneous				
8	Granting of the applied for use or alteration does not include the provision for short term rental uses, such as AirBnB, VRBO, or the like. Separate approvals are needed for the aforementioned uses.	Ongoing	ISD / Plng.	
9	The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the building and all on-site amenities, including landscaping, fencing, lighting, parking areas and storm water systems, ensuring they are clean, well kept and in good and safe working order.	Cont.	ISD	
Public Safety				
10	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
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	Plng.	