



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
JOSEPH A. CURTATONE
MAYOR

GEORGE J. PROAKIS
EXECUTIVE DIRECTOR

PLANNING DIVISION STAFF

SARAH LEWIS, *DIRECTOR OF PLANNING*
SARAH WHITE, *PLANNER/PRESERVATION PLANNER*
ALEX MELLO, *PLANNER*
MONIQUE BALDWIN, *ADMINISTRATIVE ASSISTANT*

Case #: ZBA2015-98-R1(10/2018)

Date: December 12, 2018

Recommendation: Unable to recommend

PLANNING STAFF REPORT

Site: 7 Montgomery Avenue

Applicant Name: Charles Zammuto & James Langley
Applicant Address: 13 Algonquin Drive, Burlington, MA 01803
Owner Name: Charles Zammuto & James Langley
Owner Address: 13 Algonquin Drive, Burlington, MA 01803
Agent Name: Sean O'Donovan
Agent Address: 741 Broadway, Somerville, MA 02144
Alderman: Matt McLaughlin

Legal Notice: Applicant/Owner, Charles Zammuto & James Langley, seek a Revision to a Special Permit under SZO §5.3.8 to approve dimensional changes during construction that vary from the original approval of a new 2-story 3-bedroom single-family home. RB zone. Ward 1.

Dates of Public Hearing: December 12, 2018

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a small lot in an RB zone that measures only approximately 1,300 square feet. A compact 2-story 3-bedroom single-family house was designed to be in-keeping with the surrounding homes approved by the ZBA on April 17, 2017. However, the house was not constructed in accordance with drawing set that represented the original approval.

The house was also not constructed in accordance with drawing set that was filed with ISD for the building permit application (which was the same set of drawings as the ZBA approval). The constructed structure is no longer appropriate with the adjacent homes as the first floor was raised an additional 18" above the approved first floor elevation.



2. Proposal: The Applicant is requesting a revision to the Special Permit to account for changes that were made on-site during construction.

The Applicant explained that there were no grade lines (or spot elevations) on the survey they used for the design and the original application so it was not realized that the site they own is not flat. Instead of adjusting the depth of the basement and building to the approved design, the decision was made on-site during construction to use the existing rear ground elevation as the fixed measuring point rather than the front of the house considering how the house addressed the street and its neighbors. It is unclear if the discrepancy was noticed by the Building Inspector during site visits but it was not brought to the attention of Planning Staff until construction was complete and the house was put on the market. See image on right below.



As approved and per Building Permit



As constructed

The additional height above grade created a ripple effect throughout the design. As previously mentioned, the entry porch and first floor of the house are considerably higher than the houses on either side that the design was proposed to match. The increased height also meant that more steps were required between the street and the front door which also pushed the door from the center of the 3-bay design to the far right. The same 3-bay pattern should have been continued to the porch so the columns (3 bays/4 columns instead of 3 columns/2 bays) corresponded to the spacing of the windows. The windows installed in the basement are taller than approved in the original design – while not necessarily a negative for the livability of the house, this was also an on-site reaction to the increased height above street grade.

3. Green Building Practices: None listed
4. Comments: As this request is a revision, the case was not resubmitted to the other City departments.

II. FINDINGS FOR REVISION TO A SPECIAL PERMIT (SZO §5.3.8):

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."*

Nature of Application: RB – residential district.

An updated surveyed site plan was provided with the application. As the lot is so constrained, the minimum side yard dimension of 3 feet on each side are important for access issues, and the plan shows the footprint was constructed per the required setbacks.

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."*
No change from the original approval.

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: Winter Hill

Impacts of Proposal (Design and Compatibility):

As construction is complete, changing the first floor elevation is not possible without a complete demolition and reconstruction. Staff recommends that the Applicant be required to alter the porch to the 3-bay construction with hidden stairs – to create a consistent floor line - shown on the permit drawings. Additional fascia boards should be added at the ground and first floor lines to reduce the extent of the trellis that hides the under the porch and stair area. Evergreen plantings in front of the trellis are also recommended, if there is width available, and should be coordinated with the Landscape Architects in the Transportation & Infrastructure Department. Recommended condition language has been added at the end of this report if the Board finds this as acceptable compromise.

7. Housing Impact: *Will not create adverse impacts on the stock of existing affordable housing.*
No change from the original approval.

8. SomerVision Plan: *Complies with the applicable goals, policies and actions of the SomerVision plan, including the following, as appropriate: 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.*
No change from the original approval.

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.*
No change from the original approval.

III. RECOMMENDATION**Revision to a Special Permit under §5.3.8**

Based on the materials submitted by the Applicant, the above findings and subject to the following conditions, the Planning Staff is **UNABLE TO RECOMMEND** the requested **REVISION** to the **SPECIAL PERMIT**.

The recommended condition language as mentioned in #2 Proposal is listed below.

#	Condition	Timeframe for Compliance	Verified (initial)	Notes
1	Approval is for a revision to the new three-bedroom single-family detached house to correct the column spacing of the porch, internalize the stair, and redesign the panels of the porch/stair at the streetwall in accordance with Planning Staff recommendations in this report. Any additional changes to the approved plans that are not <i>de minimis</i> must receive SPGA approval.	BP/CO	ISD/ Planning	
Construction Impacts				
2	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	Planning	
3	Approval is subject to the Applicant's and/or successor's right, title and interest in the property.	Continuous	Planning	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 revised elevation drawings addressing the porch and stair at the front façade to Planning Staff for review and approval prior to any demolition, removal, or rebuilding be started.	CO	Planning	
Site				
7	A landscape plan and plant list shall be provided to the Director of Transportation & Infrastructure for review and approval by a Landscape Architect. All landscaping planted at the trellis below the porch on the street front façade shall be perpetually maintained by the Applicant and subsequent owners.	Perpetual	Planning/ T&I/ISD	
Miscellaneous				

8	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.	Continuous	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	Planning	