



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2019-45
Date: December 5, 2019
Recommendation: See Staff Report

PLANNING STAFF REPORT - ZBA

Site: 85 Munroe Street

Applicant Name: John Murray
Applicant Address: 14 Thompson Pond Road, Stoneham, MA 02180
Owner Name: Raymond & Mary Snow
Owner Address: 42 Richdale Avenue, Somerville, MA
City Councilor: JT Scott

Legal Notice: Applicant, John Murray, and Owners, Raymond & Mary Snow, seek a special permit under SZO §4.4.1 to alter a nonconforming structure including constructing an addition and deck in the left side yard setback and an increase the nonconforming FAR. Parking relief under Article 9. RA zone. Ward 3.



Dates of Public Hearing(s): December 11, 2019

I. PROJECT DESCRIPTION

1. **Subject Property:** The subject property is a 3-family mansard roofed detached house located near Prospect Hill Park. In plan view, the main body of house is a long skinny house with a cross gable. There's existing side additions on both the left and right side of the house near the front of the main body. The home is designed with a side entrance on the left side of the building. There's a short concrete paver driveway leading to a 1-car garage at the basement level. The structure is sited on a ~4,472 square foot lot in the RA zoning district.

2. Proposal: The proposal is to increase the living area of the structure both in the basement and with expansions to the existing left- and right-side addition. The left side addition that's currently the garage and a first floor addition will be rebuilt. It will be set back 1' from the front of the building and extend up to the second floor. The roof will be relatively flat. The existing left side addition will extend up to the third floor and have the same roofline as the mansard. Other improvements include a deck on the back left side-yard. The building will remain a 3-family but one new bedroom will be created.
3. Green Building Practices: None listed on the application
4. Comments:

City Councilor: Councilor Ewen-Campen hosted 3 neighborhood meetings related to this project. He will be there to speak to those meetings directly or will submit written testimony.

II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1 and §9):

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."*

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."

The expansion of a nonconforming FAR from .99 to 1.1 requires a Special Permit. The additions in the left and right sideyard setbacks and the expanded deck also require Special Permits.

Staff attended the third neighborhood meeting related to this project. Four community members were present along with Councilor Ewen-Campen and the Applicant's project team. The plans have changed since the initial proposal. The left addition was decreased from 3 to 2 stories and window locations were changes/removed to be respectful to sightlines. The abutters present did not want to see any additional square footage outside of the existing envelope of the structure. Other concerns include views, shadow, and wind. The Applicant is trying to address neighborhood concerns but feels like the additions are necessary for floor layouts. As staff, we felt that it was time for the project to be presented for feedback.

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 proposal is respectful the existing architecture including the setbacks from the front façade and respecting the mansard roofline. The Prospect Hill Neighborhood is a mix of building types and unit counts. The proposal improves the exterior of the property and make it more in character with the historic context on the hill.

SZO §9.13 allows for sites with nonconforming parking to apply for a Special Permit to modify parking requirements if the total number of spaces is less than six. Due to the change in bedroom count, an increase of .5 spaces is necessary, so 1 space of parking relief is necessary. In considering a special permit under §9.13 of the SZO “the SPGA may grant such a special permit only when consistent with the purposes set forth in Section 9.1, and upon reaching the findings and determinations set forth in Section 5.1.4”. The Applicant must be able to demonstrate that granting the requested special permit would not cause detriment to the surrounding neighborhood through any of the criteria as set forth under SZO §9.13, which are as follows:

- 1) increase in traffic volumes;
- 2) increased traffic congestion or queuing of vehicles;
- 3) change in the type(s) of traffic;
- 4) change in traffic patterns and access to the site;
- 5) reduction in on-street parking;
- 6) unsafe conflict of motor vehicle and pedestrian traffic.

Staff find that the proposal for 1 space of parking relief would not increase traffic volumes, congestion, changes to the type of traffic nor patterns. Parking is more closely associated with unit count rather than bedroom count and the building will remain a 3-family.

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; to conserve the value of land and buildings; and to preserve the historical and architectural resources of the City.

The proposal is consistent with the purpose of the 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.” Although this is an existing 3-unit building, there is no change in unit count.

Staff finds the proposal for one space of parking relief under §9.13 of the SZO the SPGA consistent with the purposes set forth in Section 9.1.

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 one-, two-, and three-family homes with additional apartment buildings sprinkled in. This is a unique characteristic of Prospect Hill, likely because of the larger than average lot size. Prospect Hill has many Local Historic Districts but most of the homes contribute the historic character of the neighborhood.

The neighborhood expressed concerns over shadow and wind impacts. Planning Staff finds neither of these to be impactful. Besides construction impacts, the impacts seem minimal. The north side of Munroe Street gets southern sun exposure and will continue to do so. Proposals of this scale do not create wind impacts.

5. 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.*

The relief necessary of one parking space will not create vehicular circulation detrimental to the neighborhood.

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

The project will not create adverse impacts on the existing 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 project proposal does not contribute to the 'numbers' of SomerVision. It is in spirit with the plan that prioritizes the zoning overhaul as an implementation priority and to allow property owners to make modest alterations to their property. Abutters expressed that this project was not compliant with the plan because it is in the conserve area of the SomerVision map. An additional goal of SomerVision is that we "preserve and enhance the character of Somerville's neighborhood, enable sensitive, economically feasible maintenance and adaptive reuse of historic buildings, and respect neighborhood form and patterns while expanding Somerville's architectural legacy" which Staff believes this does.

8. 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.*

The proposal has no impact on existing affordable housing and has no proposal to create affordable housing.

III. RECOMMENDATION

Special Permit under §4.4.1 and §9

Based on the materials submitted by the Applicant, the above findings and subject to the following conditions, the Zoning Board of Appeals can approve the requested **SPECIAL PERMIT** if so moved.

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 expansion of FAR, side additions, and deck. 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>May 1, 2019</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>November 18, 2019</td> <td>Modified plans submitted to OSPCD (A.0, A-1, A-2, A-3, A-4, A-5, A-5 (without color), A-6, A-7A-8, Site Plan)</td> </tr> <tr> <td>December 13, 2018</td> <td>Modified plans submitted to OSPCD (Plot Plan)</td> </tr> <tr> <td>August 2, 2019</td> <td>Modified plans submitted to OSPCD (Landscape Plan)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	May 1, 2019	Initial application submitted to the City Clerk's Office	November 18, 2019	Modified plans submitted to OSPCD (A.0, A-1, A-2, A-3, A-4, A-5, A-5 (without color), A-6, A-7A-8, Site Plan)	December 13, 2018	Modified plans submitted to OSPCD (Plot Plan)	August 2, 2019	Modified plans submitted to OSPCD (Landscape Plan)
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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 proposed basement finished floor elevation shall not be less than is 1 foot above the Seasonal High Ground Water elevation. The seasonal high ground water elevation shall be determined by a Massachusetts certified soil evaluator and stated on a signed soil test pit log.	BP	Eng.											
3	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														

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	
6	The Applicant will create a temporary solution for the retaining wall between 85 Munroe and 87 Munroe by May 1, 2019.	See date listed	Plng	
7	The Applicant will fix the retaining wall between 85 Munroe and 87 Munroe.	CO	Plng	
Design				
8	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. No vinyl siding shall be used.	BP	Plng.	
9	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				
10	Landscaping shall be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD	
11	The Allegheny Serviceberry proposed for the left sideyard shall be replaced with low perennial plantings.	CO	Plng	
12	The Crabapple tree proposed for the front yard should be replaced with a fast growing tree to help provide privacy to the abutter across the street. Applicant will review species with City Arborist.	Co	Plng	
Miscellaneous				
13	Gas and electric meters shall not be on the front of the structure. Gas and electric meters may be located on the side of the structure but shall be screened from the street by a hardy, staff approved evergreen planting. Utilities shall not be located adjacent to windows and shall not impact any parking, landscaping, or egress. The provisions of this condition may be waived by staff if the applicant submits a letter from the utility, signed by a utility representative, on utility letterhead, indicating that there is no feasible alternative to placing meters in violation of this condition.	CO	ISD	
14	Electrical conduits on the exterior facades of buildings shall be painted to match the wall material to which they are attached. Conduits are not allowed on the front of any structure.	CO	Plng.	

15	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.	
16	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				
17	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
Final Sign-Off				
18	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.	
19	All windows on the property shall be clear and transparent. No film or frosting shall be placed.	CO	Plng	