



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2016-111
Date: November 16, 2016

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 113 Prospect Street

Applicant Name: Lieba Savitt
Applicant Address: 113 Prospect Street,
Somerville, MA 02143
Owner Name: Lieba Savitt
Owner Address: 113 Prospect Street, Somerville,
MA 02143
Alderman:



Legal Notice: Applicant and Owner, Lieba Savitt, seeks a Special Permit under SZO §4.4.1 to construct a rear addition and to construct a dormer within the side yard setback. RC zone. Ward 2.

Dates of Public Hearings: November 16, 2016

I. PROJECT DESCRIPTION

1. **Subject Property:** The subject property is a 2 ½- story two-family residential structure on a 5,663 square foot lot in the RC zone.
2. **Proposal:** The Applicant proposes to add a 10' 4" shed dormer within the right side yard setback (which is less than 50% of the length of the roof plane to which it is attached), and a rear, third floor, flat-roofed addition.
3. **Green Building Practices:** None listed.

4. Comments:

Ward Alderman: Maryann Heuston has been sent a copy of this report

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 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. 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."

In considering a special permit under §4.4.1 of the SZO, Staff finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The proposed shed dormer is within the right side yard setback but is only slightly more than 10 feet in width, far less than the 50% length of the window plane to which it will be attached.

Because the dormer will be situated less than three feet from the lot line, per building code, any new windows or enlarged windows must be inoperable, minute fire-rated windows or made of glass block. Proof of fire rating must be provided to the Fire Prevention team and Inspectional Services Division (ISD). Should the applicant decide not to install a window on the dormer façade, then a blind window shall be installed.

As seen in the photographs provided, the existing two-story rear portion of the house already presents a flat roof. The smaller, third floor, flat-roofed addition that is proposed is not dissimilar to type of roof already present on the property. Staff finds that the flat-roofed addition will be minimally-visible from the street and would not be substantially more detrimental to the property or neighborhood than the conditions currently extant.

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 purpose of the RC district is “to establish and preserve a district for multi-family residential and other compatible uses which are of particular use and convenience to the residents of the district.” Staff finds that the retention and expansion of the two-family use is consistent with the purposes of this RC 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.”*

In considering a special permit under §4.4.1 of the SZO, Staff finds that the alterations proposed would not be substantially more detrimental to the neighborhood than those current on the existing structure. The addition of the dormer and the rear addition is a reasonable accommodation to provide the owners in order for them to achieve some additional living space in their home.

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 project will not add any new units to Somerville’s housing inventory.

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
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1	Approval is for the construction of one shed dormer and a third-story flat-roofed addition in the rear.	BP/CO	ISD/Plng.	
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>September 14, 2016</td> <td>Application and supporting documents submitted to City Clerk's office.</td> </tr> </tbody> </table> <p>Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval. Whether or not a change is <i>de minimis</i> in nature must be determined by the Planning Office.</p>			
Date (Stamp Date)	Submission			
September 14, 2016	Application and supporting documents submitted to City Clerk's office.			
Design				
2	The dormer and the addition shall each be clapboarded in the same material as currently extant on the rest of the structure.	CO	Planning Staff / ISD	
3	All windows shall be one-over-one as rendered.	CO	Planning Staff / ISD	
4	Any changes to the design, style, massing, form, elements, and materials of the shed dormers shall be submitted to and approved by Planning Staff (or, as necessary, the ZBA) prior to their execution on the building.	CO	Planning Staff / ISD	
5	In-the-field changes are not permitted without the prior approval of Planning Staff or the ZBA, as-required.			
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 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	
Public Safety				
8	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
9	All smoke detectors shall be hard-wired.	CO	Fire Prevention / ISD	
10	All new windows or enlarged window openings three feet or less from the property line shall be inoperable, fire-rated windows. If such windows are not to be installed, blind windows shall be used, a design for which will first be submitted to Planning Staff for review and approval.	CO	Fire Prevention / ISD/Planning	
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.	

