



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2017-13
Date: March 9, 2017
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 91-93 Rogers Avenue

Applicant/Owner Name: Arthur and Maria O'Callaghan
Applicant/Owner Address: 302 Woburn Street, Reading, MA 01867
Alderman: Mark Niedergang

Legal Notice: Applicants and Owners, Arthur and Maria O'Callaghan, seek a Special Permit under SZO §4.4.1 to increase the FAR of a nonconforming structure by finishing the basement. RA Zone. Ward 6.*

**The legal advertisement erroneously indicated that this property was located in Ward 6. It is in fact located in Ward 5.*

Dates of Public Hearing: Zoning Board of Appeals –
March 15, 2017

I. PROJECT DESCRIPTION

1. Subject Property: The locus is located on the eastern side of Rogers Avenue on the block between Boston Avenue and Kidder Avenue. The locus consists of a 2.5 story two-family dwelling of approximately 3,046 square feet of net floor area on a parcel of approximately 3,440 square feet.



2. Proposal: The proposal is to finish a portion of the basement to create a bathroom and an entertainment/play area for the first floor unit.

3. Green Building Practices: There are none listed on the application form.

4. Comments:

Ward Alderman: Alderman Niedergang has been informed of this proposal and has yet to provide comment as of the publication of this report.

II. FINDINGS FOR SPECIAL PERMIT (SZO §4.1.1):

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 proposal will impact the nonconforming dimension of the floor area ratio (FAR). The current FAR is 0.88, the proposal will increase the FAR to 1.07, and the requirement in the district is 0.75. 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 finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure.

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 promote the health, safety, and welfare of the inhabitants of the City of Somerville; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to encourage the most appropriate use of land throughout the City.

The proposal is consistent with the purpose of the RA 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.”

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: The surrounding neighborhood is comprised of mostly single and two-family dwellings with a few three-family dwellings in the neighborhood. The proposal will not result in additional dwelling units; therefore the structure will remain a two-family dwelling and will be compatible with the surrounding neighborhood.

Impacts of Proposal (Design and Compatibility): the proposal will not have an impact on the design of the structure or the compatibility of the structure with the surrounding neighborhood.

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

There will no adverse impact on the stock of 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 will preserve the character of the neighborhood and will add living space to an existing housing unit.

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 to finish the basement. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/Png.							
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>January 26, 2016</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>(March 2, 2017)</td> <td>Plans submitted to OSPCD</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	January 26, 2016	Initial application submitted to the City Clerk's Office	(March 2, 2017)	Plans submitted to OSPCD
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Any changes to the approved site plan or elevations/use 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.										
Construction Impacts										
2	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							
3	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							
4	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	ISD/Png.							
Public Safety										
5	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP							
6	All smoke detectors shall be hard-wired.	CO	Fire Prevention / ISD							
Final Sign-Off										
7	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	Png.							

