



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2018-132
Date: November 7, 2018
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 2 Village Terrace, Unit #5

Applicant & Owner Name: Michael Bell
Applicant & Owner Address: 2 Village Terrace, Unit #5, Somerville, MA 02143
Alderman: J.T. Scott

Legal Notice: Applicant and Owner, Michael Bell, seeks a Special Permit under SZO §4.4.1 to alter a nonconforming building by adding a rear balcony and staircase to the second floor. RC zone. Ward 2.

Dates of Public Hearing: November 7, 2018

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is made of two adjacent parcels totaling 6,081 square feet. The structure on the property is 3 stories with a flat roof and contains 5 units. On the east side of the structure there are two Juliet balconies on the second floor and two bays on the third floor. The existing structure and site plan for 2 Village Terrace was approved by the ZBA in 2012 (Case #2011-77).
2. Proposal: The proposal is to add a balcony to the second floor at the rear of the structure, as well as stairs connecting the proposed balcony to the ground. The materials for the balcony and staircase will match the existing Juliet balconies on the right side of the house, as well as the front deck for Unit #1.
3. Green Building Practices: The proposed balcony material is 95% recycled wood and plastic.
4. Comments:

Ward Alderman: Alderman was notified but had no comments at the time of writing.

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 following dimensional requirements: minimum lot size and street frontage.

The district requires a 20' rear yard setback. The existing structure is setback 20.2' from the rear lot line, and the proposed deck would be setback 16.3' from the rear lot line. SZO §8.6.14 allows balconies to project into the rear yard up to one-fourth of the required setback. The proposed balcony is more than 15' from the rear lot line, and so complies with this requirement.

The site plan and elevations for the property were originally approved in 2012. Because this application constitutes a change to the previously approved plans, the Applicant is required to obtain a special permit under §4.4.1 of the Somerville Zoning Ordinance (SZO).

Section 4.4.1 states that "[I]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 of the SZO, Staff finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The deck will provide an outdoor area for the private use of Unit #5. The rear of the property abuts a railroad track, and the proposal is not expected to negatively impact that use. The proposal has been designed with setbacks that minimally impact the neighbors and the front and side yard setbacks, landscaped area, and pervious area will continue to be conforming to the requirements of the SZO.

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 protect health; 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; to conserve the value of land and buildings; to adequately protect the natural environment; to encourage the most appropriate use of land throughout the City; and to preserve and increase the amenities of the municipality.

The proposal is consistent with the purpose of the RC district, which 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. “

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: Village Terrace lies between Village St and MBTA commuter line railroad tracks, parallel to Dane Street. The rear of the subject property directly abuts the railroad tracks. The surrounding neighborhood is primarily one-, two-, and multi-family residential structures. The residential structures are a mixture of two and three stories. Commercial buildings lie on the other side of the railroad tracks.

Impacts of Proposal (Design and Compatibility): The addition of a balcony and staircase at the rear of the structure is not expected to have adverse impacts on the neighborhood. The proposed deck will not be visible from Village Street, and will not be visible from most of Dane St. The commercial buildings across the railroad tracks do not have windows facing the subject property, and so the deck will also not be visible to them.

7. Housing Impact: Will not create adverse impacts 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..

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 rear balcony and staircase. 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>October 3, 2018</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>October 23, 2018</td> <td>Modified plans submitted to OSPCD (A-1.01)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	October 3, 2018	Initial application submitted to the City Clerk's Office	October 23, 2018	Modified plans submitted to OSPCD (A-1.01)
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Any changes to the approved elevations that are not <i>de minimis</i> must receive SPGA approval.										
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	Plng.							
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							
Design										
4	Applicant must use decking and stair materials that match the existing appearance of decking and stair materials on site.	BP	Plng.							
Site										
5	Landscaping shall be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD							
Miscellaneous										
6	The balcony shall never become enclosed nor shall a roof ever be added.	Perpetual	ISD/Plng.							
7	Granting of the applied for 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.							
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.	Cont.	ISD							
Public Safety										
9	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP							
10	Per Somerville fire safety regulations, grills, barbecues, chimineas and the like are NOT permitted on decks or porches.	Perpetual	FP/ISD							

11	To the extent possible, all exterior lighting must be confined to the subject property, cast light downward and must not intrude, interfere or spill onto neighboring properties.	CO	Plng.	
Final Sign-Off				
12	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.	