



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*
DAN BARTMAN, *SENIOR PLANNER*
SARAH WHITE, *PLANNER/PRESERVATION PLANNER*
ALEX MELLO, *PLANNER*

Case #: ZBA 2018-173

Date: ~~April 3, 2019~~ **September 18, 2019**

Recommendation: Conditional approval if the ZBA deems that sufficient information has been provided for evaluation

***Updated* PLANNING STAFF REPORT**

Site: 16 Whipple Street

Applicant Name: David Feeney
Applicant Address: 16 Whipple St., Apt 2,
Somerville MA 02144
Owner Name: same as above
Owner Address: same as above
City Councilor: Lance Davis

Legal Notice: Applicant and Owner, David Feeney, seeks a Special Permit under §4.4.1 to construct a dormer within the left side yard setback. RC zone. Ward 6.



Dates of Public Hearing: Zoning Board of Appeals – ~~April 3, 2019~~ **September 18, 2019**

This staff report has been updated. Items that no longer apply have been ~~struck through~~ and new items are **highlighted in yellow**.

I. PROJECT DESCRIPTION

1. **Subject Property:** The locus presents a two-family, 2 ½-story residential structure located in the RC zone. The structure is sited on a 1,585 square-foot lot. The property is non-conforming in terms of front yard setback, lot size, lot area per dwelling unit, left side yard setback, right side yard setback, street frontage, and rear yard setback.

2. **Proposal:** The non-conformity impacted by the proposal is the left side yard setback which is 2.1 feet. The Applicant proposes constructing a single, gable-roofed dormer on the left elevation this same distance from the property line.

3. **Green Building Practices:** None listed on application.

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 is challenging to decipher, however, Planning Staff cannot compel an Applicant to hire an architect to provide drawings.

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 is to construct a single, gabled dormer within the left side yard setback. This dormer will reside 2.1 feet from the left property line. The required left side yard setback is eight (8.0) feet. This alteration to a non-conforming 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 §4.4.1 of the SZO, Staff finds that, in general, the construction of a single dormer is a reasonable request for an Applicant to make in order to gain additional head height. In general, this alteration would not be substantially more detrimental to the neighborhood than the existing structure. This property is severely non-conforming in nearly all respects as noted at the outset of this report. Staff finds that granting this small measure of relief to be reasonable. However, the ZBA must determine if enough information has been provided by the Applicant in order to determine if conditional approval is warranted or if the plans need to be updated to better show the dimensionals of the project prior to the Board making a determination.

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 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, “[t]o 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:** Whipple Street is a one-way street with residential structures on one side. The abutting property to the left is a multi-unit that underwent recent renovations. The remaining residential structures on the street are gable-fronted two- and three-family buildings. Directly across the street from 16 Whipple is a large property with a substation/warehouse owned by Boston Edison/NSTAR Electric & Gas Company.
- **Impacts of Proposal (Design and Compatibility):** The impacts of the proposal on the streetscape will be minimal providing that the dormer is well-executed.

5. **Housing Impact:**

Will have no impact on the existing housing stock (market rate) or affordable housing stock.

6. **SomerVision Plan:** ~~The proposal has no impact on SomerVision positively or negatively; this is a short set of steps being constructed to exit from an existing deck.~~

This proposal is for a single dormer and has minimal impact, if any, on SomerVision.

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 construct a single, gabled dormer within the left side yard setback. | BP/CO | ISD/Plng. | | | | | | | | | | | | | |
|---|--|---------------------|-----------|--|--|------------|-------------------|--|-------------------|-------------------------|-------------------|------------------------------|-----------------------------------|-----------------------------|--------------------------|-------------------------------------|
| | <table border="1"> <thead> <tr> <th>Date</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>November 30, 2018</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>December 10, 2018</td> <td>Deed submitted to OSPCD</td> </tr> <tr> <td>February 22, 2019</td> <td>Plot plan submitted to OSPCD</td> </tr> <tr> <td>February 25, 2018 2019</td> <td>Drawings submitted to OSPCD</td> </tr> <tr> <td>September 5, 2019</td> <td>Updated drawings submitted to OSPCD</td> </tr> </tbody> </table> | | | | Date | Submission | November 30, 2018 | Initial application submitted to the City Clerk's Office | December 10, 2018 | Deed submitted to OSPCD | February 22, 2019 | Plot plan submitted to OSPCD | February 25, 2018 2019 | Drawings submitted to OSPCD | September 5, 2019 | Updated drawings submitted to OSPCD |
| | Date | | | | Submission | | | | | | | | | | | |
| | November 30, 2018 | | | | Initial application submitted to the City Clerk's Office | | | | | | | | | | | |
| | December 10, 2018 | | | | Deed submitted to OSPCD | | | | | | | | | | | |
| | February 22, 2019 | | | | Plot plan submitted to OSPCD | | | | | | | | | | | |
| February 25, 2018 2019 | Drawings submitted to OSPCD | | | | | | | | | | | | | | | |
| September 5, 2019 | Updated drawings submitted to OSPCD | | | | | | | | | | | | | | | |
| 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 shall 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 | For the convenience of and respect for the neighborhood, during the construction phase, construction work shall not begin prior to 7:30am and shall finish no later than 5pm Monday through Friday. There shall be no construction or construction-related work performed on weekends or holidays. This includes deliveries. | During Construction | ISD | | | | | | | | | | | | | |
| Design | | | | | | | | | | | | | | | | |
| 5 | Applicant shall provide material samples trim, windows, skylight and siding to Planning Staff for review and approval prior to the issuance of a building permit. | BP | Plng. | | | | | | | | | | | | | |
| Miscellaneous | | | | | | | | | | | | | | | | |
| 6 | 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 | | | | | | | | | | | | | | | | |
| 7 | The Applicant or Owner shall meet the Fire Prevention Bureau's requirements. | CO | FP | | | | | | | | | | | | | |
| Final Sign-Off | | | | | | | | | | | | | | | | |

| | | | | |
|---|---|----------------|-------|--|
| 8 | 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 | PIng. | |
|---|---|----------------|-------|--|