



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2011-65

Date: September 15, 2011

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 1100 Broadway

Applicant Name: Laurie Bourgeois

Applicant Address: 45 Loretta Road, Waltham, MA 02154

Property Owner Name: Guido Musch

Property Owner Address: 1100 Broadway, Somerville, MA 02144

Alderman: Robert Trane

Legal Notice: Applicant Laurie Bourgeois and Owner Guido Musch, seek a special permit to alter a nonconforming structure under SZO §4.4.1 to construct a one story addition in the rear of an existing single-family residence. RA zone. Ward 7.

Zoning District/Ward: RA Zone / Ward 7

Zoning Approval Sought: Special Permit under SZO §4.4.1

Date of Application: August 2, 2011

Dates of Public Meeting • Hearing: Zoning Board of Appeals – **September 21, 2011**

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a 5,000 square foot lot with a single-family residence situated on it near the intersection of Broadway and Holland Street, right in Teele Square. The structure has 1,585 square feet of habitable space. The residence is 1½ stories with a gable roof, not including the basement level, and has three bedrooms and one bathroom.

2. Proposal: The Applicant is proposing to remove an existing single story volume and concrete landing at the rear of the dwelling and to replace it with a new one story addition and landing. The proposed 336 gross square foot addition will have a flat roof with a slight pitch towards the rear of the subject property. The addition will contain a bedroom and a full bathroom with space for a washer/dryer unit. The addition will open out onto a 5.5' by 4.25' landing that will have five steps



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leading down into the rear yard area. The addition will have two windows on the rear façade and one on the left side that will look onto the interior of the property. As part of the project, the Applicant will also be removing a 27 by 24 foot section of asphalt paving at the rear of the property and will be installing a patio. This will increase the percentage of landscaping on the property from 17% to 30%.

3. Nature of Application: This is a residential property within a RA district. The structure is currently nonconforming with respect to the minimum right side yard setback, which is only 2.7 feet, and the minimum percentage of landscaping which is only 17% (25% is required in the RA district). The existing side yard setback nonconformity requires the Applicant to obtain a special permit under Somerville Zoning Ordinance (SZO) §4.4.1 to construct the proposed addition. The Applicant is seeking a special permit to alter a nonconforming structure to construct a one story addition and landing at the rear of an existing single-family residence.

4. Surrounding Neighborhood: This property is located in a RA district. The structures in the surrounding neighborhood consist predominantly of a mixture of two-, three-, and multi-family dwellings, with some single-family homes. All structures are between 1½ and 3 stories. There are also numerous eating and drinking establishments and commercial storefronts less than 500 feet away in Teele Square.

5. Impacts of Proposal: There shall be minimal impacts to the surrounding neighborhood as the proposed addition would not appear to be detrimental to the immediate abutters or the surrounding area. All of the construction activities will be occurring at the rear of the existing structure with the building and rear setback acting as buffers to the residences nearby. Minimal disruption to the neighborhood or the streetscape due to construction activities is anticipated. The only excavation that will be occurring is that to pour the eight, four foot deep concrete footings that will support the addition. The privacy of the residences on either side of the subject property will also be maintained as windows for the addition are only being proposed for the left and rear façades. No additional windows are being proposed for the right side. Furthermore, the Applicant is only extending the existing nonconforming right side yard setback deeper into the lot by 19 feet and there are no anticipated negative impacts from this proposal. In fact, the Applicant is actually pulling the addition away from the property line to the west by 0.3 feet to avoid having to construct the addition of noncombustible material. Even with the new addition there will still be a 23.5 foot rear yard setback which exceeds the minimum requirement for the RA district which is 20 feet. Upon completion of the addition, the dwelling will be a four bedroom, two bathroom residence.

6. Green Building Practices: The Applicant has indicated that the windows and doors are Energy Star rated.

7. Comments:

Fire Prevention: Has been contacted and their comments are reflected in the conditions below.

Ward Alderman: Alderman Trane has been contacted but has not yet provided comments.

Historic Preservation: Has been contacted but has not provided comments.



Existing Conditions



II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1, 5.1):

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."

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. All of the construction activities will be occurring at the rear of the existing structure with the building and rear setback acting as buffers to the residences nearby. The privacy of the residences on either side of the subject property will be maintained as windows for the addition are only being proposed for the left and rear façades. No additional windows are being proposed for the right side. Furthermore, the Applicant is only extending the existing nonconforming right side yard setback deeper into the lot by 19 feet and there are no anticipated negative impacts from this proposal. In fact, the Applicant is actually pulling the addition away from the property line to the west by 0.3 feet to avoid having to construct the addition of noncombustible material. Even with the new addition there will still be a 23.5 foot rear yard setback which exceeds the minimum requirement for the RA district which is 20 feet. As part of the project, the Applicant will also be removing a 27 by 24 foot section of asphalt paving at the rear of the property and will be installing a patio. This will increase the percentage of landscaping on the property from 17% to 30%, bringing the landscaping percentage on the property into compliance.

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 providing for and maintaining "the uniquely integrated structure of uses in the City; to prevent the overcrowding of land; to avoid undue concentration of population; to conserve the value of land and buildings; to encourage the most appropriate use of land throughout the City; and to encourage housing for persons of all income levels."

The proposal is consistent with the purpose of the district (6.1.1. RA - Residence Districts), 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."

The project is compatible with the characteristics of the surrounding area. The Applicant is proposing to remove an existing single story volume and concrete landing at the rear of the dwelling and to replace it with a new one story addition and landing. The proposed 336 gross square foot addition will have a flat roof with a slight pitch towards the rear of the subject property. The addition will open out onto a 5.5' by

4.25' landing that will have five steps leading down into the rear yard area. There will be two windows on the rear façade of the addition and one on the left side that will look onto the interior of the property. The location of these windows will help to maintain the privacy of the residences on either side of the subject property. No additional windows are being proposed for the right side. Furthermore, the Applicant is only extending the existing nonconforming right side yard setback deeper into the lot by 19 feet and there are no anticipated negative impacts from this proposal. In fact, the Applicant is actually pulling the addition away from the property line to the west by 0.3 feet to avoid having to construct the addition of noncombustible material. Even with the new addition there will still be a 23.5 foot rear yard setback which exceeds the minimum requirement for the RA district which is 20 feet. The property will remain a 1½ story, single-family residential use which is consistent with the surrounding neighborhood.

5. Adverse environmental impacts: The proposed use, structure or activity will not constitute an adverse impact on the surrounding area resulting from: 1) excessive noise, level of illumination, glare, dust, smoke, or vibration which are higher than levels now experienced from uses permitted in the surrounding area; 2) emission of noxious or hazardous materials or substances; 3) pollution of water ways or ground water; or 4) transmission of signals that interfere with radio or television reception.

No adverse environmental impacts are anticipated from this project. No new noise, glare, smoke, vibration, nor emissions of noxious materials nor pollution of water ways or ground water are anticipated as part of the proposal. The Applicant is only extending the existing nonconforming right side yard setback deeper into the lot by 19 feet and there are no anticipated negative impacts from this proposal. The structure will remain a 1½ story, single-family dwelling and will continue to be used for residential purposes.

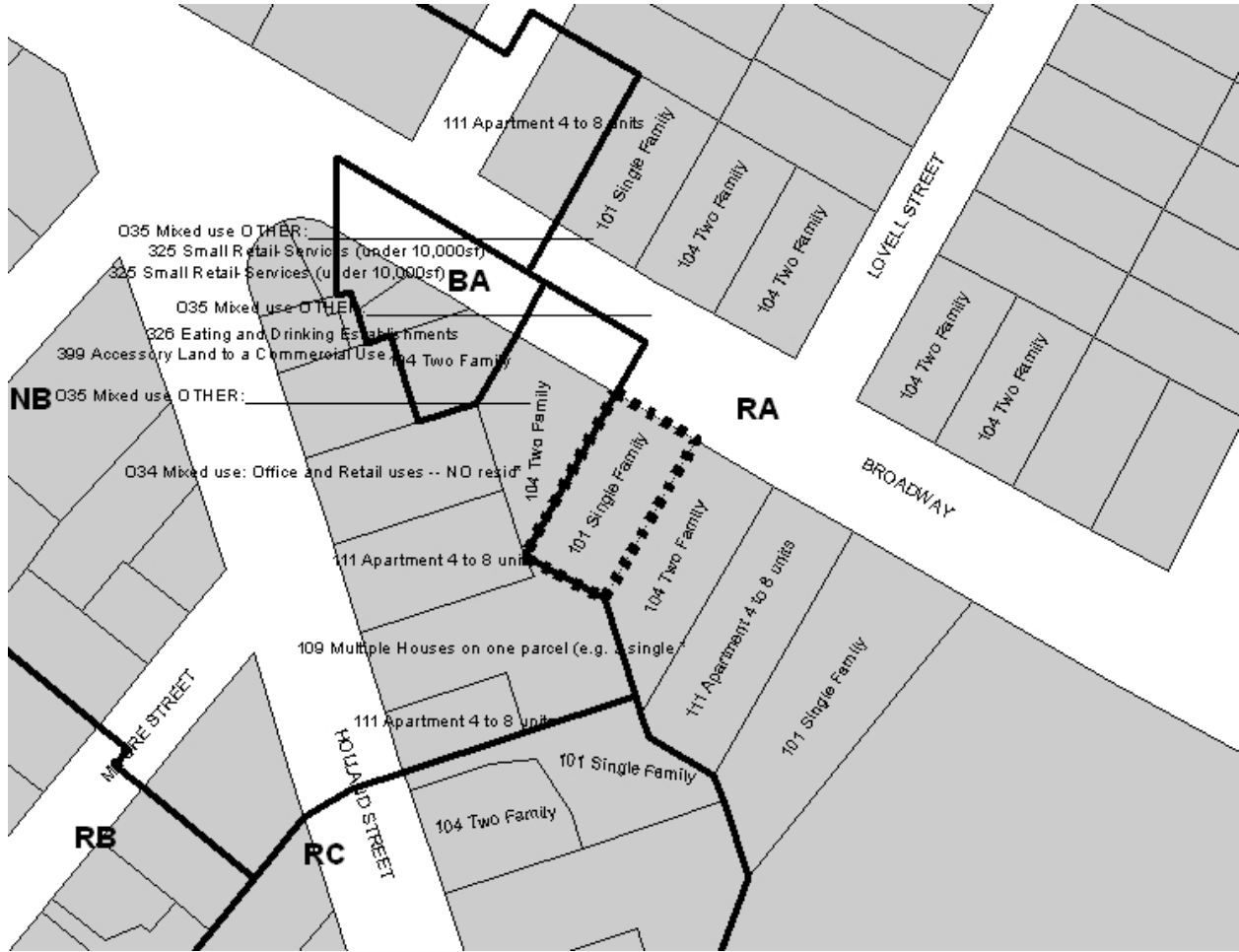
III. RECOMMENDATION

Special Permit under §4.4.1, 5.1

Based on 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 alter a nonconforming structure under SZO §4.4.1 to construct a one story addition in the rear of an existing single-family residence. 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>(August 2, 2011)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>September 8, 2011 (September 15, 2011)</td> <td>Plot Plan</td> </tr> <tr> <td>July 26, 2011 (September 15, 2011)</td> <td>Floor Plans and Construction Drawings (A1)</td> </tr> <tr> <td>September 1, 2011 (September 15, 2011)</td> <td>Proposed Elevations (A2)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	(August 2, 2011)	Initial application submitted to the City Clerk's Office	September 8, 2011 (September 15, 2011)	Plot Plan	July 26, 2011 (September 15, 2011)	Floor Plans and Construction Drawings (A1)	September 1, 2011 (September 15, 2011)	Proposed Elevations (A2)
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Any changes to the approved site plans, elevations, or use that are not <i>de minimis</i> must receive SPGA approval.														
2	The Applicant shall update the fire alarm system to be code compliant.	CO	FP											
3	New siding type and color, roofing, and materials of the addition shall match those on the existing structure.	CO	Plng.											
4	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											
5	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.											



1100 Broadway