



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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AMIE HAYES, *PLANNER*  
DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*

**Case #:** ZBA 2013-15  
**Date:** March 28, 2013  
**Recommendation:** Conditional Approval

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**PLANNING STAFF REPORT**

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**Site:** 9-11 Irvington Road

**Applicant Name:** Lourenco Carminati  
**Applicant Address:** 441 Medford St. Malden, MA 02148  
**Property Owner Name:** Pei Chi Li & Andrew Kennedy  
**Property Owner Address:** 9 Irvington Road Somerville, MA 02144  
**Alderman:** Robert Trane

Legal Notice: Owners, Pei Chi Li and Andrew Kennedy and Applicant, Lourenco Carminati, seek a Special Permit under SZO §4.4.1 to construct new dormer to a non-conforming 2 family dwelling and SZO §9.13 parking relief because of the addition of 1 bedroom. RA zone. Ward 7.

Zoning District/Ward: RA/Ward 7

Zoning Approval Sought: Special Permit SZO §4.4.1 & §9.13

Date of Application: March 5, 2013

Dates of Public Hearing • Zoning Board of Appeals - April 3, 2013

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**I. PROJECT DESCRIPTION**

1. Subject Property: The subject property is a 3,867 square foot parcel located in a residential neighborhood in West Somerville. The building located on this property is a two-family, 2 ½ story residential structure. The net floor area is 2,084 square feet and the FAR is 0.54.
2. Proposal: The proposal is to alter a nonconforming structure by adding a dormer on the right side of the roof. With the addition of a by-right dormer on the left side of the roof, the applicant proposes to finish the 3<sup>rd</sup> level with a bedroom, bathroom, and office. The construction will add 508 net square feet to the third story. Because of the additional bedroom, they have applied for parking relief for one vehicle.



3. Nature of Application: The structure is currently nonconforming with respect to several dimensional requirements including front yard setback and side yard setback. According to SZO §4.4.1 lawfully existing one- and two-family residences which are nonconforming with respect to dimensional requirements, may be enlarged by Special Permit. The front yard setback is 7.6', a 10' minimum is required. The right side set back is <3', an 8' setback is required.

Included in this application is relief for one parking space. The unit will go from 2 to 3 bedrooms, no new units will be created as part of this construction. In SZO §9.13 a special permit can be granted if the relief does not cause detriment to the surrounding neighborhood.

4. Surrounding Neighborhood: The structure is located in an RA zone, surrounded by similar two-family dwellings and the West Somerville neighborhood has similar 2 family homes. Irvington Street is a one-way street accessible off of Boston Ave and exiting onto Alewife Brook Parkway.

5. Impacts of Proposal: The proposal to expand square footage by building out the third floor will not be detrimental to the structure. The dormer will incorporate one additional window toward the right side of the property which will overlook the neighbor's driveway. Not providing an additional parking space is not anticipated to negatively impact the neighborhood as no new residential units will be created as a result of the proposal and the users of the two versus three bedroom unit are not anticipated to change greatly.

6. Green Building Practices: None indicated

7. Comments:

*Fire Prevention:* The property is required to have a code compliant fire alarm system (drawings submitted with ZBA plans).

*Traffic and Parking:* The Department of Traffic and Parking has concerns about the on-street parking situation on Irvington Street should relief be provided to the Applicant for the proposed project. The Department of Traffic and Parking is requesting a Traffic Memorandum that discusses the impacts of this proposal on the neighborhood parking situation. At this time, a Traffic Memorandum has not been issued. Until the Department of Traffic and Parking receives this document, their office will not comment on this proposal; however, they remain concerned about the possible on-street parking situation in the neighborhood that would result from the Applicant receiving this relief.

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

## **II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1 & 9.13):**

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. The proposal to create the dormer and finish the third floor will fit in the neighborhood. The dormer is less than 50% of the length of the sloping roof to which it is attached and is pulled back from the main wall of the house.

In considering a special permit under §9.13 of the SZO the Applicant must be able to demonstrate that granting the requested special permit would not cause detriment to the surrounding neighborhood through any of the criteria as set forth under SZO §9.13, which are as follows:

- 1) increase in traffic volumes;
- 2) increased traffic congestion or queuing of vehicles;
- 3) change in the type(s) of traffic;
- 4) change in traffic patterns and access to the site;
- 5) reduction in on-street parking;
- 6) unsafe conflict of motor vehicle and pedestrian traffic.

The parking relief is typical for the addition of one bedroom but not additional dwelling units will be added. Not providing an additional parking space is not anticipated to negatively impact the neighborhood as the users of the two versus three bedroom unit are not anticipated to change greatly.

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 promoting "the health, safety, and welfare of the inhabitants of the City of Somerville; to conserve the value of land and buildings; and to encourage the most appropriate use of land throughout the City.

The proposal is consistent with the purpose of the Residential A district §6.1.1, 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."

In considering a special permit under §9.13 of the SZO the SPGA may grant such a special permit only when consistent with the purposes set forth in Section 9.1. By providing relief of one parking space, adjoining lots will be protected from the nuisances of glare and heat from parking lots and the lack of visual relief from expanses of paving.

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 proposal to expand square footage by building out the third floor will not be detrimental to the structure. The dormer is compatible with the design of the existing structure. The dormer will incorporate one additional window toward the right side of the property which will overlook the neighbor's driveway.

### **III. RECOMMENDATION**

**Special Permit under §4.4.1 and 9.13**

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 construction of a new dormer to a non-conforming 2 family dwelling and parking relief because of the addition of 1 bedroom. 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>March 3, 2013</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>November 12, 2012 (March 20, 2013)</td> <td>Modified plans submitted to OSPCD (Cover, D1-Demolition Floor and Roof Plans, A Specifications, A1 Attic and Roof Plans, A2 Attic and Roof Framing Plans, A3 Attic Building Sections, A4 Partial Exterior Elevations and Part Plans )</td> </tr> <tr> <td>March 20, 2013</td> <td>Modified plans submitted to OSPCD (Fire Protection Plan – Level 2, Fire Protection Plan – Level 3)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	March 3, 2013	Initial application submitted to the City Clerk's Office	November 12, 2012 (March 20, 2013)	Modified plans submitted to OSPCD (Cover, D1-Demolition Floor and Roof Plans, A Specifications, A1 Attic and Roof Plans, A2 Attic and Roof Framing Plans, A3 Attic Building Sections, A4 Partial Exterior Elevations and Part Plans )	March 20, 2013	Modified plans submitted to OSPCD (Fire Protection Plan – Level 2, Fire Protection Plan – Level 3)
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Any changes to the approved plans that are not <i>de minimis</i> must receive SPGA approval.												
2	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP									
3	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.									



