



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
**JOSEPH A. CURTATONE**  
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**MICHAEL F. GLAVIN**  
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**PLANNING DIVISION STAFF**

GEORGE PROAKIS, *DIRECTOR OF PLANNING*  
LORI MASSA, *SENIOR PLANNER*  
AMIE HAYES, *PLANNER*  
MELISSA WOODS, *PLANNER*  
DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*

**Case #:** ZBA 2014-124

**Date:** April 9, 2015

**Recommendation:** Conditional Approval

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***Updated* PLANNING STAFF REPORT\***

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**Site:** 200 Highland Ave

**Applicant Name:** SBN, LLC

**Applicant Address:** 205 Walden St, Cambridge, MA 02140

**Owner Name:** SBN, LLC

**Owner Address:** 205 Walden St, Cambridge, MA 02140

**Agent:** Sarah Like Rhatigan, Esq.

**Agent Address:** 12 Marshall St, Boston, MA 02108

**Alderman:** Robert McWatters

Legal Notice: Applicant and Owner, SBN, LLC, seek a Special Permit to make alterations to a nonconforming 4-family structure including changing fenestration, adding balconies and decks, and adding a garage door to interior parking on Spring Hill Terrace.\*\* RC zone. Ward 3.

Dates of Public Hearing: January 21, 2015

\*The proposal has been altered and no longer includes parking on-site.

\*In the revised proposal parking onsite has been removed.

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**I. PROJECT DESCRIPTION**

1. Subject Property: The subject property is a four-unit apartment building with no on-site parking on a 3,146 square foot lot. The original building has had additions constructed on the right side and rear. The Applicant obtained the Certified Sanborn Maps to document the use of the structure and right of way in the past. In all of the maps the rear one-story portion was marked as a bake room and the building was divided into three sections for occupants along Spring Hill Terrace. The front portion of the building was listed as a restaurant in 1950, a store in 1934, and commercial in 1989 and 1991.



Spring Hill Terrace is the only street in the City that is a public way with a parking restriction for Spring Hill Terrace residents only. This parking situation was approved by the Board of Alderman in November of 1978.



*200 Highland Ave – aerial view (top),  
view from Spring Hill Terrace  
(bottom)*

2. Proposal: The proposal is to renovate the four-family dwelling including alterations to the fenestration and addition of balconies and decks. The front entry for all of the units will be moved off of the façade that is directly on the sidewalk to the front façade that is setback from the sidewalk. There will be a canopy to mark the entry. Two balconies and three decks will be added to the structure. One of the balconies will be created by installing a gable dormer on the left side of the property. The other decks and balconies will be on existing flat roofs. The rear deck is ten feet deep and has an evergreen plant screen at its rear edge. Most of the rear one-story of the building would be used for storage.

Currently there is a one-, two-, three- and four-unit bedroom in the house. The proposal will convert the units to 2 two-bedrooms and 2 three-bedrooms.

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

4. Comments:

*Fire Prevention:* The renovations shall meet the Fire Prevention Bureau's requirements.

*Highway Superintendent:* The curb cut approval process will be determined with help of the City Solicitor's office.

*Ward Alderman:* Alderman McWatters voiced his opposition to on-site parking that was part of the original proposal.

## **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 addition will alter the house along the nonconforming side and rear yards. The structure has only slight side yard setbacks at 0.3 and 1.1 feet and the requirement in the district is 10 feet for a three-story structure. The rear yard is 0.8 and the proposed deck railing will be setback from the rear property line, projecting 10 feet from the main body of the house. The required setback is 14 feet due to the shallow lot reduction.

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 find that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The addition has been designed with setbacks that minimally impact the neighbor and the lot area, lot area per dwelling unit, ground coverage, landscaped area, pervious coverage will not become more nonconforming as a result of this application. The floor area ratio and height 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 maintaining the uniquely integrated structure of uses in the City.

The proposal is consistent with the purpose of the Residence C 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." The proposal alters the four-family structure to improve the interior and exterior use of the multi-family house.

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 will improve appearance of the house that currently has asphalt shingles and red brick on the front and vinyl siding and beige brick on the sides. The siding will be clapboards on the first three floors and cedar shingles on the half-story. The relocation of the main entry will be in a more appropriate location for all of the units. The existing front door and side doors that are located directly on the sidewalk will be removed. The entry will be marked with appropriately sized columns so that it is noticeable and attractive. The decks and balconies will add outdoor space for the units. The property is located next to the large open space in front of the Little Sisters of the Poor and a street on the opposite side. There are no buildings that are within close proximity to the proposed balconies and decks except for the single-family to the rear. There is a driveway located between the properties, which is a common setback distance between rear decks and structures in the City; however, the property owner was send notice of the hearing and can participate if the deck is a concern.

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

The number of units is not changing and these units are currently not restricted as affordable units through the City. The improvements to the four-family dwelling will likely increase the cost of living in the units. Although, the alterations proposed are unreasonable requests and will improve the usability of the space and appearance of the building.

6. 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.*

This property is marked as an area to enhance and the proposal meets this goal.

<i><u>SomerVision Summary</u></i>	<i>Existing</i>	<i>Proposed</i>
<i>Dwelling Units:</i>	4	4
<i>Parking Spaces:</i>	0	0

### 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 alteration of a four-family house. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/ Plng.											
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>Dec 18, 2014</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>Dec 18, 2014</td><td>Plans submitted to OSPCD (Sheet A-1-A-2 Existing Floor Plans, A-3-A-4 Existing Elevations,)</td></tr><tr><td>Apr 8, 2015</td><td>Plans submitted to OSPCD (Sheet A-5-A-6 Proposed Floor Plans, A-7-A-8 Proposed Elevations)</td></tr><tr><td>Aug 6, 2014</td><td>Plans submitted to OSPCD (Certified Plot Plan)</td></tr></table>				Date (Stamp Date)	Submission	Dec 18, 2014	Initial application submitted to the City Clerk's Office	Dec 18, 2014	Plans submitted to OSPCD (Sheet A-1-A-2 Existing Floor Plans, A-3-A-4 Existing Elevations,)	Apr 8, 2015	Plans submitted to OSPCD (Sheet A-5-A-6 Proposed Floor Plans, A-7-A-8 Proposed Elevations)	Aug 6, 2014	Plans submitted to OSPCD (Certified Plot Plan)
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Any changes to the approved elevations that are not <i>de minimis</i> must receive SPGA approval.														
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	Siding type and color, roofing, trim, and materials of the structure shall match or be complimentary on the entire structure.	CO	Plng.											
4	Approval is contingent upon approval of the Highway Superintend for the curb cut.	BP	Highway											
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.											



