



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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**Case #:** ZBA 2012-23  
**Date:** April 12, 2012  
**Recommendation:** Conditional Approval

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**PLANNING STAFF REPORT**

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**Site: 106 Orchard Street**

**Applicant and Owner Name:** Sapna Mehtani  
**Applicant and Owner Address:** 106 Orchard Street, Somerville, MA 02144  
**Architect Name:** Faith Baum  
**Architect Address:** 33 Hancock Street, Lexington, MA 02420  
**Alderman:** Rebekah Gewirtz

Legal Notice: Applicant and Owner Sapna Mehtani, seeks a Special Permit to alter a nonconforming structure under SZO §4.4.1 to construct a two story addition in the rear of an existing single-family residence and a Special Permit under SZO §9.13.a for relief from one parking space to add an additional dwelling unit to the property. RB zone. Ward 6.

Zoning District/Ward: RB Zone / Ward 6

Zoning Approval Sought: Special Permits under SZO §4.4.1 and SZO §9.13.a

Date of Application: March 20, 2012

Dates of Public Hearing: Zoning Board of Appeals – **April 18, 2012**

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**I. PROJECT DESCRIPTION**

1. Subject Property: The subject property consists of a single-family dwelling situated on a 3,998 square foot lot located near the intersection of Chester Street and Orchard Street, just a five minute walk south of Davis Square. The 2½ story wood frame structure has 2,247 square feet of habitable space and a gable roof. There is a 1½ story portion of the structure in the rear which currently shelters an above grade pool. The property contains one off-street parking space but is still covered with almost 50% landscaping.

2. Proposal: At the rear of the building currently sits an above grade pool structure that is made of a ten inch cinder block foundation and support posts that carry arched roof trusses. The roofing over the pool structure is a translucent plastic. The Applicant is proposing to remove this entire



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above grade pool structure and porch at the rear of the building and to construct a two story addition that follows the old existing footprint of the pool structure. The first floor of the new addition would be turned into a one-bedroom rental unit with a kitchen, bathroom, and living/dining area. There would be entrances to this unit on both the right and left sides of the structure. The second floor of the addition would be a master bedroom suite that would connect to the existing main house. The master bedroom suite would contain a large bedroom area with two closets, a full bathroom with a tub, shower, and two sinks, and two second floor outdoor deck spaces on either side of the structure. Sliding doors would provide access out onto the smaller west side deck space and a door off of the hallway would provide access to the larger deck space on the east side of the structure. The roof of the addition will mimic the same gable roof style that is found on the existing structure and the addition will actually be slightly lower than the front portion of the structure that will be retained.

3. Nature of Application: This is a residential property within an RB district. The property is currently nonconforming with respect to the minimum lot size, the minimum frontage, and the left side, right side, and rear yard setbacks. The existing left side, right side, and rear yard setback nonconformities require the Applicant to obtain a Special Permit under Somerville Zoning Ordinance (SZO) §4.4.1 to alter the nonconforming structure to construct the two story addition in the rear of the existing single-family residence.

Additionally, the Applicant is also requesting relief from the parking requirements of SZO §9.5 via a Special Permit under SZO §9.13.a. The existing single-family dwelling contains three bedrooms which requires two (2) off-street parking spaces under the SZO. There is only one (1) off-street parking space at the property currently and therefore the property is nonconforming with regard to parking. As part of the proposed project, the Applicant will be adding a second dwelling unit to the property which will have one bedroom. The creation of this additional one-bedroom dwelling unit at the property requires there to be a total of four (4) off-street parking spaces at the property. However, since the property is already nonconforming with regard to parking, only one half of the additional required amount of parking needs to be provided on-site. In this case that means one (1) additional off-street parking space needs to be provided. Since there is no room on the property to provide an additional off-street parking space, the Applicant is requesting relief under SZO §9.13.a from this one (1) additional required parking space. A Parking Memorandum that discusses the impacts of this requested relief on the on-street parking situation in the surrounding neighborhood has been requested by the Traffic and Parking Department. However, the Applicant has been informed by a private Traffic and Parking Firm that a Parking Memorandum cannot be prepared at this time as there is currently ongoing street construction occurring on Orchard Street. This construction is causing certain portions of the street to be blocked off, including existing on-street parking spaces, and the private firm has indicated that their parking survey for the area will not be accurate. In light of these circumstances, the Applicant has chosen to move forward with this application without the providing the requested Parking Memorandum.

4. Surrounding Neighborhood: The subject property is located in an RB district within the greater Davis Square neighborhood. The surrounding neighborhood consists of a mixture of single-, two-, three-, and multi-family dwellings between 2½ to 3 stories. The property is a five minute walk from the heart of Davis Square which offers numerous amenities such as restaurants, banks, the Somerville Theater, a post office, and access to multiple modes of public transportation, including the MBTA's Davis Square Red Line Station.

5. Impacts of Proposal: The proposed two story rear addition to the existing structure would not appear to be detrimental to the abutters or the surrounding neighborhood. The alterations to the structure are occurring well back from the street edge and therefore the changes will not greatly impact the view along the Orchard Street streetscape. There are no character-defining features located at the rear of the

building that will be affected by this proposal. In fact, the proposed addition would be taking a somewhat out of place enclosed pool structure and replacing it with an addition which has a design that is compatible with the architecture of the rest of building. On this particular stretch of Orchard Street the structures are in fairly close proximity and the addition will be difficult to see by someone passing by on the Orchard Street sidewalk. The proposed gable roof style and siding will also be similar to the other structures in the surrounding neighborhood. Additionally, the proposed addition and second floor porches will stay within the current footprint of the existing building. While the addition will add a full extra story to this portion of the existing building, the proposed addition will actually be slightly lower than the existing front portion of the building. Therefore, only minimal impacts to abutters and the surrounding neighborhood are anticipated once construction is complete.

The requested relief from one required off-street parking space for this proposal should only have a minimal impact to abutters and the surrounding neighborhood as well. The property currently has one off-street parking space and many of the existing residences in the area have only one (or none) off-street parking space, as specified in the SZO. It should be noted here that the SZO counts tandem parking spaces as only being one parking space. Orchard Street is not heavily traversed by vehicles and the subject property is located within a five minute walk to the heart of Davis Square which offers numerous amenities including access to public transportation such as the MBTA's Davis Square Red Line Station and extensive bus service. With such services and amenities in close proximity to the subject property, it is quite likely that occupants of the new dwelling unit would only have a one car household or perhaps even no vehicle at all. Therefore, the traffic and parking impacts on the surrounding neighborhood would be minimal. Planning Staff finds that the rear addition to the structure, the relief from the one required off-street parking space, and the building's change from a single-family dwelling to a two-family dwelling will not be detrimental to the abutters or the context of the surrounding residential neighborhood.

6. Green Building Practices: None indicated.

7. Comments:

*Fire Prevention:* Has been contacted but has not yet provided comments.

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

*Historic Preservation:* Preservation Planner Kristi Chase indicated the following in a memorandum to Planning Staff on April 3, 2012:

**HPC 12.031 – 106 Orchard Street**

Applicant: Sapna Mehtani

Historic and Architectural Significance

This house was constructed between 1874 and 1884 and is shown to be owned by Mary M Prescott along with several other properties in 1884. Mary Matilda Prescott was born a Russell and was heir to the Russell Farm which was being subdivided throughout the 1870s and 1880s. 106 Orchard, originally numbered 68 may have been rental property although Edward T Russell is listed in the 1881 City Directory as living on Orchard near Chester

### Recommendations

The proposed alteration to the house will not disrupt the existing streetscape. The proposed addition will be minimally visible from the street since it will be located on the rear of the building. While large, it does appear to meet the HPC Guidelines for additions, in that they *do not disrupt the essential form and integrity of the property, are compatible in size, scale, material and character of the property and its environment and confined to the rear of the house.*

**Traffic & Parking:** Has been contacted and has requested a Parking Memorandum that discusses what the impact would be from the Applicant's request for relief from one space of off-street parking to the on-street parking situation in the surrounding neighborhood.

**Wiring Inspector:** Indicated in an email to Planning Staff on April 9, 2012 that "Likely with the size of addition the service may be required to be upgraded. Everything else will be reviewed when we receive the plans."



Existing Conditions

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

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 finds that the proposed alterations would not be substantially more detrimental to the neighborhood than the existing structure. There are no character-defining features located at the rear of the building that will be affected by this proposal. In fact, the proposed addition would be taking a somewhat out of place enclosed pool structure and replacing it with an addition which has a design that is compatible with the architecture of the rest of building. The proposed gable roof style and siding will also be similar to the other structures in the surrounding neighborhood. Additionally, the proposed addition and second floor porches will stay within the current footprint of the existing building. While the addition will add a full extra story to this portion of the existing building, the proposed addition will actually be slightly lower than the existing front portion of the building. Therefore, only minimal impacts to abutters and the surrounding neighborhood are anticipated once construction is complete.

The requested relief from one required off-street parking space for this proposal should only have a minimal impact on the abutters and the surrounding neighborhood. Many of the other residences in the area also have only one (or none) off-street parking space, as specified in the SZO. Orchard Street is not heavily traversed by vehicles and the subject property is located within a five minute walk to the heart of Davis Square which offers numerous amenities including access to public transportation such as the MBTA's Davis Square Red Line Station and extensive bus service. With such services and amenities in close proximity to the subject property, it is quite likely that occupants of the new dwelling unit would only have a one car household or perhaps even no vehicle at all. Therefore, the traffic and parking impacts on the surrounding neighborhood would be minimal.

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 provide for and maintain the uniquely integrated structure of uses in the City; 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 facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; 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 (6.1.2. RB – Residence Districts), which is, "To establish and preserve medium density neighborhoods of one-, two- and three-family homes, free from other uses except those which are compatible with and convenient to the residents of such districts."

In considering a Special Permit under §9.13.a of the SZO the SPGA may grant such a Special Permit only when it is consistent with the purposes set forth in Section 9.1 which establishes standards ensuring the availability and safe use of parking areas within the City. This proposed project is consistent with the purposes of Section 9.1 and would not cause detriment to the surrounding neighborhood by increasing

traffic volumes, traffic congestion or queuing of vehicles, a change in the type of traffic, a change in traffic patterns, or through unsafe motor vehicle and pedestrian traffic. Presumably however, the one off-street parking space of relief would cause a slight reduction in the availability of on-street parking as the one additional unit at the property would most likely generate one additional vehicle being parked in the neighborhood on a regular basis.

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 proposed rear addition has been designed to be compatible with the characteristics of the built and unbuilt surrounding area. The alterations to the structure are occurring well back from the street edge and therefore the changes will not greatly impact the view along the Orchard Street streetscape. There are no character-defining features located at the rear of the building that will be affected by this proposal. In fact, the proposed addition would be taking a somewhat out of place enclosed pool structure and replacing it with an addition which has a design that is compatible with the architecture of the rest of building. On this particular stretch of Orchard Street the structures are in fairly close proximity and the addition will be difficult to see by someone passing by on the Orchard Street sidewalk. The proposed gable roof style and siding will also be similar to the other structures in the surrounding neighborhood. Additionally, the proposed addition and second floor porches will stay within the current footprint of the existing building. While the addition will add a full extra story to this portion of the existing building, the proposed addition will actually be slightly lower than the existing front portion of the building. Therefore, only minimal impacts to abutters and the surrounding neighborhood are anticipated once construction is complete. The rear addition to the structure, the relief from the one required off-street parking space, and the building's change from a single-family dwelling to a two-family dwelling will still be consistent with the context of the surrounding residential 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 as part of this proposal. No new noise, glare, smoke, vibration, nor emissions of noxious materials nor pollution of water ways or ground water nor transmission of signals that interfere with radio or television reception are anticipated as part of the project. The rear addition to the structure, the relief from the one required off-street parking space, and the building's change from a single-family dwelling to a two-family dwelling will still be consistent with the context of the surrounding residential neighborhood.

6. Vehicular and Pedestrian Circulation: The circulation patterns for motor vehicles and pedestrians which would result from the use or structure will not result in conditions that create traffic congestion or the potential for traffic accidents on the site or in the surrounding area.

The requested relief from one off-street parking space would not cause detriment to the surrounding neighborhood by increasing traffic volumes, traffic congestion or queuing of vehicles, a change in the type of traffic, a change in traffic patterns, or through unsafe motor vehicle and pedestrian traffic. Presumably however, the one off-street parking space of relief would cause a slight reduction in the availability of on-street parking as the one additional unit at the property would most likely generate one additional vehicle being parked in the neighborhood on a regular basis. However, Orchard Street is not heavily traversed by vehicles and the subject property is located within a five minute walk to the heart of

Davis Square which offers numerous amenities including access to public transportation such as the MBTA's Davis Square Red Line Station and extensive bus service. With such services and amenities in close proximity to the subject property, it is quite likely that occupants of the new dwelling unit would only have a one car household or perhaps even no vehicle at all. Therefore, the traffic and parking impacts on the abutters and the surrounding neighborhood should be minimal.

A Parking Memorandum that discusses the impacts of this requested relief on the on-street parking situation in the surrounding neighborhood has been requested by the Traffic and Parking Department. However, the Applicant has been informed by a private Traffic and Parking Firm that a Parking Memorandum cannot be prepared at this time as there is currently ongoing street construction occurring on Orchard Street. This construction is causing certain portions of the street to be blocked off, including existing on-street parking spaces, and the private firm has indicated that their parking survey for the area will not be accurate. In light of these circumstances, the Applicant has chosen to move forward with this application without the providing the requested Parking Memorandum

### **III. RECOMMENDATION**

#### **Special Permits under §4.4.1 and §9.13.a**

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 PERMITS**.

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 two story addition in the rear of an existing single-family residence and for relief from one parking space under SZO §9.13.a to add an additional dwelling unit to the property. 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>(March 20, 2012)</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>May 31, 2011<br/>(March 30, 2012)</td><td>Plot Plan</td></tr><tr><td>March 20, 2012<br/>(March 30, 2012)</td><td>Floor Plans, Elevations, and Photos of Existing Conditions (E.C.1, E.C.2, and E.C.3)</td></tr><tr><td>March 20, 2012<br/>(March 30, 2012)</td><td>Proposed Floor Plans and Sections (A1a, A2a, A2b, A3a, and A3c)</td></tr><tr><td>March 27, 2012<br/>(March 30, 2012)</td><td>Elevations of Entire Building (A1b)</td></tr><tr><td>(March 30, 2012)</td><td>Section at Master Bath (A3b)</td></tr></table> |                          |                    |       | Date (Stamp Date)  | Submission | (March 20, 2012) | Initial application submitted to the City Clerk’s Office | May 31, 2011<br>(March 30, 2012) | Plot Plan | March 20, 2012<br>(March 30, 2012) | Floor Plans, Elevations, and Photos of Existing Conditions (E.C.1, E.C.2, and E.C.3) | March 20, 2012<br>(March 30, 2012) | Proposed Floor Plans and Sections (A1a, A2a, A2b, A3a, and A3c) | March 27, 2012<br>(March 30, 2012) | Elevations of Entire Building (A1b) | (March 30, 2012) | Section at Master Bath (A3b) |
|  | Date (Stamp Date)  |                          |                    |       | Submission   |            |                  |  |                                  |           |                                    |  |                                    |   |                                    |                                     |                  |                              |
|  | (March 20, 2012)   |                          |                    |       | Initial application submitted to the City Clerk’s Office                             |            |                  |  |                                  |           |                                    |  |                                    |   |                                    |                                     |                  |                              |
|  | May 31, 2011<br>(March 30, 2012)   |                          |                    |       | Plot Plan  |            |                  |  |                                  |           |                                    |  |                                    |   |                                    |                                     |                  |                              |
|  | March 20, 2012<br>(March 30, 2012)   |                          |                    |       | Floor Plans, Elevations, and Photos of Existing Conditions (E.C.1, E.C.2, and E.C.3) |            |                  |  |                                  |           |                                    |  |                                    |   |                                    |                                     |                  |                              |
|  | March 20, 2012<br>(March 30, 2012)   |                          |                    |       | Proposed Floor Plans and Sections (A1a, A2a, A2b, A3a, and A3c)                      |            |                  |  |                                  |           |                                    |  |                                    |   |                                    |                                     |                  |                              |
|  | March 27, 2012<br>(March 30, 2012)   |                          |                    |       | Elevations of Entire Building (A1b)  |            |                  |  |                                  |           |                                    |  |                                    |   |                                    |                                     |                  |                              |
| (March 30, 2012)   | Section at Master Bath (A3b)   |                          |                    |       |  |            |                  |  |                                  |           |                                    |  |                                    |   |                                    |                                     |                  |                              |
| Any changes to the approved site plan or elevations 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 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                |       |  |            |                  |  |                                  |           |                                    |  |                                    |   |                                    |                                     |                  |                              |
| 4  | All construction materials and equipment, including dumpsters, 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 | New siding type and color, roofing, trim, and materials of the addition shall match or be complimentary to the rest of the existing structure   | CO             | Plng. |  |
| 6 | 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. |  |



106 Orchard Street