



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2014-31

Date: July 31, 2014

Recommendation: Conditional Approval

Updated* PLANNING STAFF REPORT

Site: 206 Summer Street

Applicant Name: Mark Silva

Applicant Address: 206 Holland Street, Somerville, MA 02144

Property Owner Name: Silva Realty, LLC

Property Owner Address: 206 Holland Street, Somerville, MA 02144

Alderman: Robert McWatters

Legal Notice: Applicant, Mark Silva, and Owner, Silva Realty, LLC, seek a Special Permit under SZO §4.4.1 to alter a nonconforming three-family structure by expanding and adding a dormer, adding a rear deck and altering window and door locations. RB zone. Ward 3.

Dates of Public Hearing: May 7, August 6, 2014

* The plans have changed to meet building code. The May 15 staff report has been updated to reflect the changes. Additions are underlined and deletions are ~~struck~~.

I. PROJECT DESCRIPTION

1. Subject Property: The existing property is a three-family structure on a 2,531 square foot lot. The site received variances from the Zoning Board of Appeals in 1981 to subdivide the lot with 204 Summer Street. The existing structure required variances for lot area requirements, left, right and rear side yard setbacks. There is a clarification opinion of the Board of Appeals in the file that states that the variance granted was not a use variance for the residential structure but a dimensional variance. There was some question at the time as to whether or not the property was zoned as a two-family or a three-family dwelling. The ZBA documents do not specify the exact use; however, the site did receive a Certificate of Compliance from the Bureau and Certificate of Occupancy as a three-family in 2012.





206 Summer Street: (left) front, (below) rear



2. Proposal: The proposal includes several renovations to the three-family structure. Included in the proposal is adding a dormer on the right side of the property to allow for sufficient headroom for the stair to the third floor. The rear deck that sits on the two-story portion of the structure is proposed to be expanded to the edge of the structure and a door ~~will be added~~ and dormer in ~~to~~ the rear of the property to access the deck was replaced with a larger dormer and door. The dormer ~~and the projection for the rear door will~~ matches the form and materials of the existing dormers on the left side and front of the building. Other changes include the two-story portion of the house below the deck increased in height, a door at the rear property line became a window, the doors and windows on the second floor that are is along the side three-story porch were was altered but will be relocated back to its original position and the windows in the basement were made bigger a basement sash window became a double hung window. Finally, the basement will be finished to supply space for a family room, bathroom, and study. There will be two units with 2-bedrooms and a study and one 1-bedroom unit in the house. The existing conditions plans show that the house used to have two 2-bedroom units and one 1-bedroom unit. The exact number of bedrooms for prior occupants is not known as the building has been vacant for quite some time and there are no closets shown on the plans. It is unclear if closets existed.

The Applicants received a building permit to renovate the three kitchens and bathrooms in the dwelling and continued to do work outside of the scope of the project. There was also some confusion as to if the dormers required Special Permits and they have already been constructed. In addition ~~to~~ the rear deck, window and door alterations and basement work is complete. ~~The proposed alterations will require a building code review by Inspectional Services and some of the items that have already been started may need to be altered. In particular the extension of rear deck and any change to the fenestration that is within three feet of the property line may be required to be made of a noncombustible material and/or be sprinklered as required by code.~~

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

4. Comments:

Inspectional Services: The building inspectors have reviewed the plans and alterations to the building thus far. They provided the following feedback that will be incorporated into conditions of approval. The basement windows along the rear property line will be required to be a 1-hour rated exterior assembly with fixed windows. The door that was moved on the second floor to access the rear deck must be relocated to its original location because it is too close to the property line. The new basement window on the right side of the building close to the rear property line must be removed. The percentage of wall area on the left side of the house devoted to glazing can only be 10 percent or the enlargement of the basement window on the left side of the house is not possible. The Applicant's designer calculated that the amount of fenestration is 9% along this side of the house.

Fire Prevention: A sprinkler system has been installed. The final inspection has not yet occurred.

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

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 alteration to the nonconforming structure requires a Special Permit under SZO §4.4.1. 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 structure is nonconforming in terms of lot size, lot area per dwelling unit, landscaped area, pervious surface, floor area ratio, side and rear yard setback and street frontage.

The proposal impacts the nonconforming side and rear yard setbacks and the floor area ratio. The side yard setbacks are 3.5 on the left and 6 feet on the right and the required setbacks are 8 feet. The side dormer, window and door alterations and rear deck are within the side yard setbacks. The rear deck is closer to the rear property line than it was previously and is being constructed at the edge of the building which has a 0.8 foot setback and the requirement is 20 feet. Finishing the basement will increase the floor area ratio from 1.09 (as is listed in the Assessor's database) to 1.34 and the maximum allowed is 1.0.



~~A condition of approval will be that~~ The Applicants provided a landscape plan to improve the landscaped area and increase the amount of pervious surface of the lot.

There is no parking onsite and the parking requirements do not change with the proposed number of bedrooms.

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 and conserving the value of land and buildings.

The proposal is also consistent with the purpose of the Residence B district in making improvements to a three-family dwelling.

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 building has been vacant and in disrepair for quite some time and overall the renovation and occupancy of the building will be an improvement for the neighborhood. The dormers and rear door projection on the third floor have been designed to match the existing dormers on the house and are appropriate in size. The window and door alterations do not seem to be intrusive to the abutters in their location. The increase in floor area with the basement refinishing will add activity to the building that is already large for its small lot. The additional floor area in the basement should not be used as bedroom space, which would exacerbate the impacts of increasing the floor area in the building. Inspectional Services will have to determine if any new fenestration has been added or enlarged that does not meet the building code because of the close proximity of the building to the side and rear yards. The rear deck will be conditioned to be pulled back at least three feet from the rear and sides property lines so that the deck can be made of a wood. Conditions of approval will address changes that are needed to recent alterations to the structure to ensure that it meets the building code.

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 nonconforming structure to change window and door locations, add a side and rear dormer, rear deck and finish the basement as living area. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/Pln g.											
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>April 16, 2014</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>March 25, 2014</td><td>Modified plans submitted to OSPCD (Plot Plan)</td></tr><tr><td>February 24 July 10, 2014</td><td>Modified plans submitted to OSPCD (<u>A.01-A.02 Proposed Floor Plan and Details, A.03-A.04 Proposed Elevations A.05 Existing Floor Plans, A.06-A.07 Existing Elevations</u>)</td></tr><tr><td><u>July 10, 2014</u></td><td><u>Modified plans submitted to OSPCD (Landscape Plan)</u></td></tr></table>				Date (Stamp Date)	Submission	April 16, 2014	Initial application submitted to the City Clerk’s Office	March 25, 2014	Modified plans submitted to OSPCD (Plot Plan)	February 24 July 10 , 2014	Modified plans submitted to OSPCD (<u>A.01-A.02 Proposed Floor Plan and Details, A.03-A.04 Proposed Elevations A.05 Existing Floor Plans, A.06-A.07 Existing Elevations</u>)	<u>July 10, 2014</u>	<u>Modified plans submitted to OSPCD (Landscape Plan)</u>
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Any changes to the approved elevations that are not <i>de minimis</i> must receive SPGA approval.														
Pre-Construction														
2	Revised plans shall be submitted to Planning Staff that sets the rear deck back at least three feet from the rear and side property lines. The revised plans shall be submitted to Inspectional Services as part of a building permit application for the full extent of the work.	BP	Planning / ISD											

2	The Applicant shall supply a landscape plan to Planning Staff for review and approval that includes at least 2 forms of vegetation, and a install the landscaping on the site as shown on the landscape plan and additionally a minimum of one tree in accordance with SZO §10.2.2 and §10.6.2. The amount of pervious surface shall be maximized.	BP	Planning	
Construction Impacts				
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 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	
Design / Use				
5	An exterior light and electrical receptacle is required for the first (or all) level of the porch and an electrical receptacle is required for the second level (if there is no access to the ground).	Final sign off	Wiring Inspector	
6	<u>The basement shall not be used as sleeping quarters.</u>	<u>Perpetual</u>	<u>ISD</u>	
Site				
7	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards.	Perpetual	Plng. / ISD	
Public Safety				
8	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
9	To the extent possible, all exterior lighting must be confined to the subject property, cast light downward and must not intrude, interfere or spill onto neighboring properties.	CO	Plng.	
10	<u>The basement windows along the rear property line shall be 1-hour rated exterior assembly with fixed windows.</u>	Final sign off	Plng. / ISD	
11	<u>The door that was moved on the second floor to the rear deck must be relocated to its original location away from the rear property line.</u>	Final sign off	Plng. / ISD	
12	<u>The new basement window on the right side of the building close to the rear property line shall be removed.</u>	Final sign off	Plng. / ISD	
Final Sign-Off				
13	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.	

