



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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**Case #:** ZBA 2013-53-R1(11/2015)

**Date:** December 31, 2015

**Recommendation:** Conditional Approval

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**PLANNING STAFF REPORT**

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**Site:** 19-21 Village Street

**Applicant Name:** Village People Realty Trust  
**Applicant Address:** 21 Village Street, Somerville MA 02143  
**Owner Name:** Village People Realty Trust  
**Owner Address:** 21 Village Street, Somerville MA 02143  
**Agent Name:** Richard G. Di Girolamo  
**Agent Address:** 424 Broadway, Somerville, MA 02145  
**Alderman:** Maryann Heuston

**Legal Notice:** Applicant and Owner, Village People Realty Trust, seek a Revision to Special Permit with Site Plan Review, case ZBA 2013-53 to alter rear patios and fenestration under SZO 5.3.8. The original approval was under SZO §7.11.1.c to establish 7 residential units. RC Zone. Ward 2.

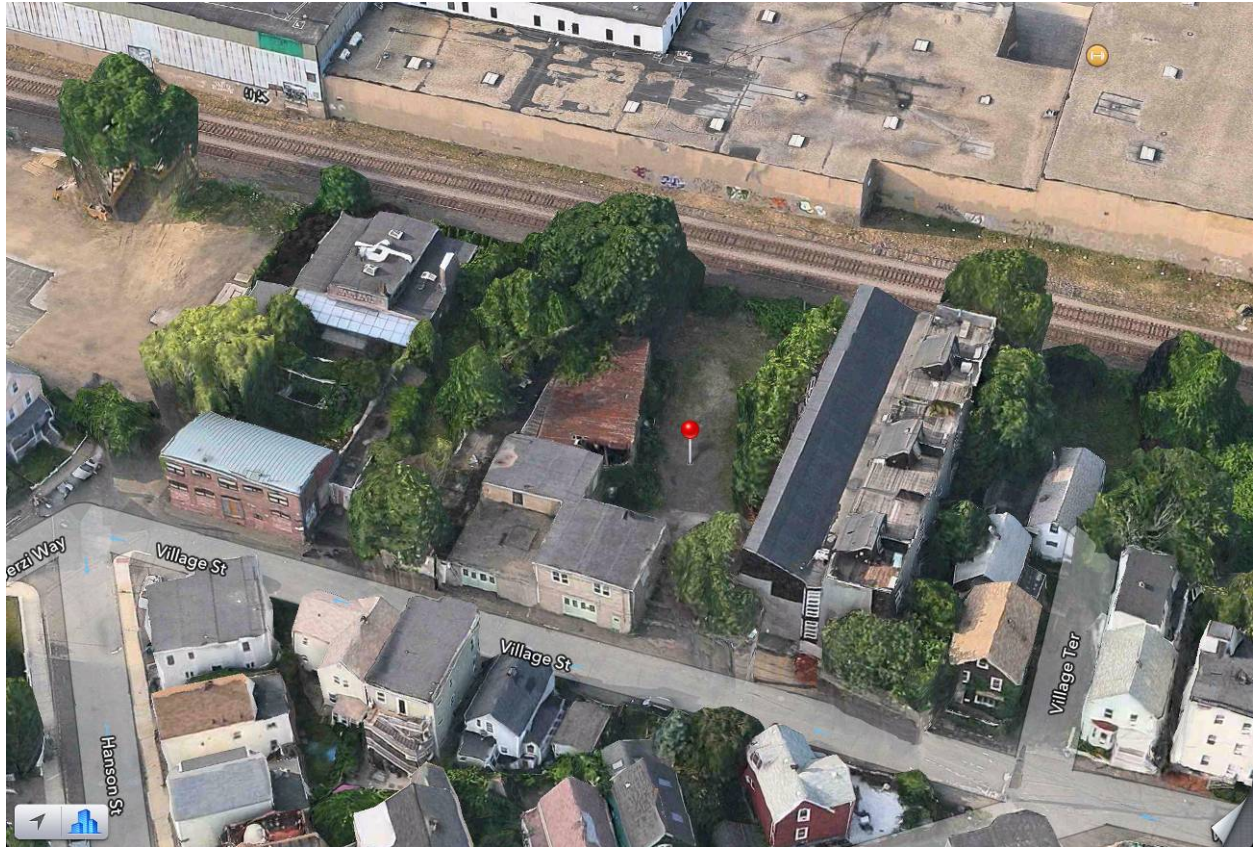
**Dates of Public Hearing:** January 6, 2015

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**I. PROJECT DESCRIPTION**

1. **Subject Property:** The subject property is a 12,759 square foot lot in the Duck Village neighborhood of Somerville. The MBTA Fitchburg/South Acton commuter rail line runs along the rear of the property. There is a 2-story warehouse that was being converted into a single family, on the front left corner of the lot, at the time of the special permit application.





2. Proposal: The site has an approved project under Case # ZBA 2013-91 that is nearing completion. The approval was to build a 3-story, 6 unit residential building behind the single family home. The project had 11 parking spaces in the basement and 2 at grade. The approved building was 8,174 net square feet. The 6 units have 2 bedrooms, a study, and 2 bathrooms and are on average approximately 1,800 square feet. Each unit will have access to private outdoor space which includes patios, rear decks, and 2 roof decks for the units on the top floor. The new building complies with all dimensional and parking requirements.

The current application is to revise the nature of the rear yard, fence height, window location and size of the roof deck.

#### *Rear Yard*

The approved plan had a masonry retaining wall in the rear that is labeled “for garden”. The approved plan showed one set of steps down from the area raised by the retaining wall to access the ground. The landscape plan showed a lush green with specific plants that would fill this raised area. The plan also showed two 6’ by 14’ foot patios off of the residential units.

The full raised area was built as concrete block patios with two sets of stairs projecting farther into the rear yard than the original proposal. There is also an opening between the patios that creates a passageway into the garage.

#### *Fence*

The fence along the property lines in the rear and portions of the side yard is eight feet in height.



### *Windows*

There are a few small changes to window locations that have been deemed by staff to be de minimis and could be approved at the staff level.

### *Roof Deck*

Two 120 square foot roof decks were shown on the approved plans. The roof decks were constructed to be 274 square feet.



3. Green Building Practices: There are no green practices being utilized on the project.

4. Comments related to the original application:

*Wiring Inspection:* NStar is relocating a utility pole on the property line shared between 19-21 and 17 Village Street that requires coordination. No transformer is shown on the plans. A condition of this report is that any transformers should be located as not to impact the landscaped area, and shall be fully screened.

*Engineering:* The Applicant will be required to demonstrate that the updated project plans meet the current City of Somerville stormwater policy. Utility, grading, and drainage plans stamped by a registered PE in Massachusetts must be submitted to the Engineering Department for review and approval.

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

*Design Review Committee:* The applicant met with the Design Review Committee on two occasions. The following are their comments from each meeting.

July 25, 2013

The Applicant presented the design of an 'adapted mill building' for a 6 unit residential building on Village Street. There is an old warehouse, being converted to a single family, on the front of the lot. Materials include Nichiha simulated stone panels, Hardi plank siding, and metal siding. The DRC addressed the following:

- The stair tower does not match the aesthetic of the remainder of the building. The tower is multipurpose as the staircase and the entrance to the building and needs to reflect that focus.
- The building, with the exception of an expressed tower, could be 'quiet.'
- The fenestration pattern is acceptable.
- The simulated stone panel proposed does not tie into the design aesthetic of the building.
- Color renderings will be helpful to convey the design.

August 15, 2013

The Applicant presented the updated design of an 'adapted mill building' for a 6 unit residential building on Village Street. There is an old warehouse, being converted to a single family, on the front of the lot. Materials include 18" x 6' cementitious panel in a smooth surface, a patinate green metal for the roof, and red metallic accent on the tower. The DRC addressed the following:

- The DRC appreciated the changes in the design and felt that the design worked well as an individual piece and in relation to the surrounding buildings.
- It was suggested that the Applicant increase the extent of the driveway pavers, and refine the design of the pavers to suggest a more welcoming environment for pedestrians approaching the building.

## **II. FINDINGS FOR SPECIAL PERMIT with SITE PLAN REVIEW (SZO §7.11.1.c):**

The following are the findings that relate to the proposed revisions.

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."*

A revision to a special permit is allowed if the final signoff and certificates of occupancy have not yet been issued which is the case for this project. Changes that are not de minimis must go back to the permit granting authority for approval. Staff deemed this revision to be greater than the de minimis requirements under §5.3.8 and the request is before the ZBA for a public hearing.

### *Rear Yard*

The revision changes the landscape requirement, which was proposed to be 31%. Patios are not considered landscaped area. The definition of landscaping from the SZO is below. The hard patio area is approximately 550 square feet, decreasing the landscaping on the site by 4.3%. The landscaping would still be conforming at 26.7%. Subsequently the applicant agreed to add two planting zones on each of the raised patios, each 4'x11' or an additional 44sf each (88sf total). This minimally impacts permeability, but is at least closer to the original intent illustrated by the approved plans.

*Landscaping: The improvement of land, generally for use as passive outdoor space, through the planting and maintenance of live plants including trees, shrubs, ground cover, flowers, or other, low-growing plants that are native or adaptable to the urban climatic conditions of Somerville. In addition, the term landscaping may include some natural or manufactured materials including, but not limited to, reflecting pools, works of art, walkways, screens, walls, fences, benches and other types of landscape or street furniture. Landscaping may also include other non-living materials used as components of a plan for improving outdoor space, such as rocks, pebbles,*

*sand, bark mulch, landscape pavers, earthen mounds and the like, but excluding curbing and pavement for vehicular use.*

#### *Fence*

An eight foot fence was installed along the rear and portions of the side yard. Per SZO section 10.7.1, fences cannot be greater than 6 feet in height unless specifically required by the SPGA under the review processes of Article 5. The Zoning Board of Appeals would have to require the fence of this height in order for it to remain.

#### *Windows & Roof Deck*

There are a few small changes to window locations that have been deemed by staff to be de minimis and could be approved at the staff level.

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."*

#### *Rear Yard*

Staff recommends conditional approval of the revised site plan over the approved plan. The landscaped back yard that was on the approved plan is preferable to a hardscaped back yard with planters. The remaining rear yard leaves approximately three feet from the patio to the fence. The approved plan had approximately 10 feet from the patio to the fence. The October 19, 2015 landscape plan shows that trees will be planted along this rear yard. If the trees are planted they will improve the condition of this area, however, it leaves little space for passage between the trees and patios. That said, the addition of 11'x4' planters on top of the patios is an improvement given the circumstances.

#### *Fence*

Staff recommend that the ZBA require the fence along the rear property line to be eight feet in height because of the conditions behind the property. The site is location along the rail road tracks with an industrial building located on the other side of the tracks. An eight foot fence in this location will provide screening for the residence and will not be visible from the public right of way. This is not an unusual condition in this neighborhood where neighboring properties have an eight foot fence along the rear property lines.

#### *Windows*

The change to window locations would not be noticeable to someone generally familiar with the plans and do not change the character of the original proposal.

#### *Roof Deck*

Staff find that the increase in the size of the roof decks will not be impactful to the neighborhood however, it is a substantial enough of a change that it is not deemed de minimis and should be reviewed within a public hearing.

### III. RECOMMENDATION

#### Revision to Special Permit with Site Plan Review

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 **Revision** to increase fence height, and window and roof deck alterations and the change to the rear patios.

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 eight foot fence height, window alterations and 2, roof deck alterations and 11'x4' planters on the patios. 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>Nov 5, 2015</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>December 18, 2015</td><td>Revised landscape plan showing planters on patios.</td></tr></table>				Date (Stamp Date)	Submission	Nov 5, 2015	Initial application submitted to the City Clerk's Office	December 18, 2015	Revised landscape plan showing planters on patios.
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	December 18, 2015				Revised landscape plan showing planters on patios.					
Any changes to the approved plans that are not <i>de minimis</i> must receive SPGA approval.										
<b>Final Sign-Off</b>										
2	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.							

