



CITY OF SOMERVILLE, MASSACHUSETTS
STRATEGIC PLANNING AND COMMUNITY DEVELOPMENT
JOSEPH A. CURTATONE, MAYOR

STAFF

MADELEINE MASTERS, *PLANNING DIRECTOR*
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FREDERICK J. LUND, *SENIOR DRAFTSMAN*

Case #: ZBA 2009-20
Site: 2 Benton Road
Date: June 19, 2008
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Applicant Name: Vin Gately
Applicant Address: 790 B Boston Post Road #202, Sudbury, MA 01776
Property Owner Name: Benton Road Realty Trust
Property Owner Address: 790 B Boston Post Road #202, Sudbury, MA 01776
Alderman: Taylor

Legal Notice: The applicant seeks Special Permit approval under SZO §4.4.1 for the alteration of a non-conforming structure in order to reconstruct the front porch and install a first floor deck and new doorways.

Zoning District/Ward: RB / 3

Zoning Approval Sought: Special Permit under SZO§4.4.1

Date of Application: April 18, 2008

Date(s) of Public Hearing: [Planning Board: June 19, 2008 / ZBA: July 9, 2008]

Date of Decision: N/A

Vote: N/A

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is an approximately 11,150 square foot lot on which sits a 2.5 story wood frame structure. The structure is listed on the National Register of Historic Places. Alterations to the structure have included vinyl siding in the 1970's and an extensive access ramp which was added in the 1990's when the structure was being used as a funeral home.

2. Proposal: The Applicant is converting the structure into a three-family home which is a by-right change in use. The Applicant will be removing the vinyl siding and replacing with cedar clapboard, replacing the old windows, replacing an existing porch on the east side of the building, and landscaping the property.

A Special Permit is sought under SZO §4.4.1 in order to:

1. Add an additional deck (10 feet by 10 feet) with a new doorway to the east side yard;
2. Remove the access ramp;
3. Replace the existing front porch and add a front access stairway;
4. Replace an existing window with a second entry doorway on the façade;
5. Remove a door from the rear of the structure and add a door to the west side of the structure;
6. Add dentil blocks to the soffit.

3. Nature of Application: The existing structure is nonconforming with respect to rear yard setback requirements. The requirement for this property under the SZO for rear yards is 13.75 feet and the existing set back is 2.9 feet, a violation under SZO §8.5.I.

The existing nonconformity requires the applicant to apply for a special permits under §4.4.1 of the Somerville Zoning Ordinance (SZO). Section 4.4.1 states: "Lawfully existing nonconforming structures other than one- and two- family dwellings may be enlarged, extended, renovated or altered only by special permit authorized by the SPGA in accordance with the procedures of Article 5. The SPGA must find that such extension, enlargement, renovation or alteration is not substantially more detrimental to the neighborhood than the existing nonconforming building."

4. Surrounding Neighborhood: The property is located in a Residence B (RB) zone. The immediate neighborhood is predominantly residential, with a mix of one-, two-, and three-family homes.

5. Impacts on Abutting Properties: There should be minimal impact on the abutting properties. No proposed alterations would affect the non-conforming rear yard set back. The proposed deck on the east side of the structure is adjacent to the six-space parking lot, which separates this lot from the abutting properties to the east. The side deck will not create any new non-conformity. The removal of the large ramp and reconstruction of the front porch will decrease the bulk of the structure and increase the amount of landscaping in the front yard setback.

5. Green Building Practices: Energy efficient windows and doors will replace the old windows and doors that had been neglected and become rotten.

6. Comments:

Fire Prevention Bureau: Deputy Chief Steve Keenan has reviewed the proposal and has stated that the proposed deck for this location would require sprinkler protection.

Alderman Taylor: Alderman Taylor has been contacted and has not provided comments.

Historic Preservation: "While 2 Benton Road is currently not designated as part of a Local Historic District, it has been proposed for such designation. It is listed on the National Register of Historic Places as part of the Westwood Road Historic District and therefore the Secretary of the Interior's Standards for Rehabilitation are relevant to how the property is rehabilitated and converted to a new use as part of Department of the Interior regulations.

The Owners, for example, should take care to retain as much of the historic fabric of the building as possible and not make alterations incongruous with the District, taking into consideration economic and technical feasibility.

For the most part these revised and undated plans appear to reflect the guidelines of the Secretary of the Interior. The repair and replacement of corner boards, trim, dentils and clapboard all add to the overall understanding of the historic and architectural character of the building. The return of the Palladian window and the oval windows to the main façade are significant improvements to the building as they restore its original historic character. The specified door styles for main and secondary doors are appropriate for Colonial Revival style homes. The new deck meets the Secretary of the Interior's Standards and is acceptable because it is removable without any loss to the original fabric of the building and it has a minimal presence.

Staff, however, is concerned that the drawings are still sketches and do not reflect the actual placement for the columns. The notes say 3 column corners and show 3 columns placed across the front. Balusters and rails are specified, but then it is noted that an equivalent baluster or rail may be used. If so, the Staff would like to review any substitutions to ensure such equivalency. Hand rails, balusters and newel posts for the stairs are not indicated. These items should be complementary to the proposed columns, rails and balusters. Also, how will the stair rails be attached to the round columns?"

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 Applicant requires a special permit under §4.4.1 of the SZO. Under §4.4.1, "the SPGA, as a condition of granting a special permit under this Section must find that such extension, enlargement, renovation or alteration is not substantially more detrimental to the neighborhood than the existing nonconforming structure."

The Applicant, in error, had begun to alter the exterior of the building by removing the front ramp, reconstructing the front porch and altering window and door openings without Special Permit approval. A stop work order has been issued by ISD while proper applications and approvals are sought by the Applicant.

Staff finds the exterior alterations completed by the applicant without proper permits to be a misunderstanding and not an attempt to evade proper permitting procedures. The Applicant has since met with Planning Staff and Historic Preservation to redesign their earlier proposal in order to maintain and reestablish important historical elements to the structure.

Staff finds that the Applicant's redesigned proposal **would not be substantially more detrimental** to the surrounding neighborhood than the existing structure, as required under §4.4.1 of the SZO. The proposal

is not more detrimental in visual effects or privacy concerns. Staff finds the revised plans will substantially improve the structure's appearance relative to both the prior exterior and the initial proposed plans.

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."

Staff finds that the proposal, which would restore the property to residential use, **is consistent** with the purposes set forth in Article 1 of the Zoning Ordinance, and with those purposes established for the Residence B (RB) zoning district in which the property is located, namely "(t)o establish and preserve medium density neighborhoods of one-, two- and three family homes, free from other uses except those which are both compatible with and convenient to the residents of such districts."

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."

Staff finds that the proposal **is compatible** with the site and area. The deck, porch and door modifications would not be visually intrusive within the neighborhood and would, in fact, substantially improve the appearance of the structure and it's compatibility with the surrounding area. The redesigned front porch will be more historically accurate than what previously existed when the structure was operated as a funeral home.

III. RECOMMENDATION

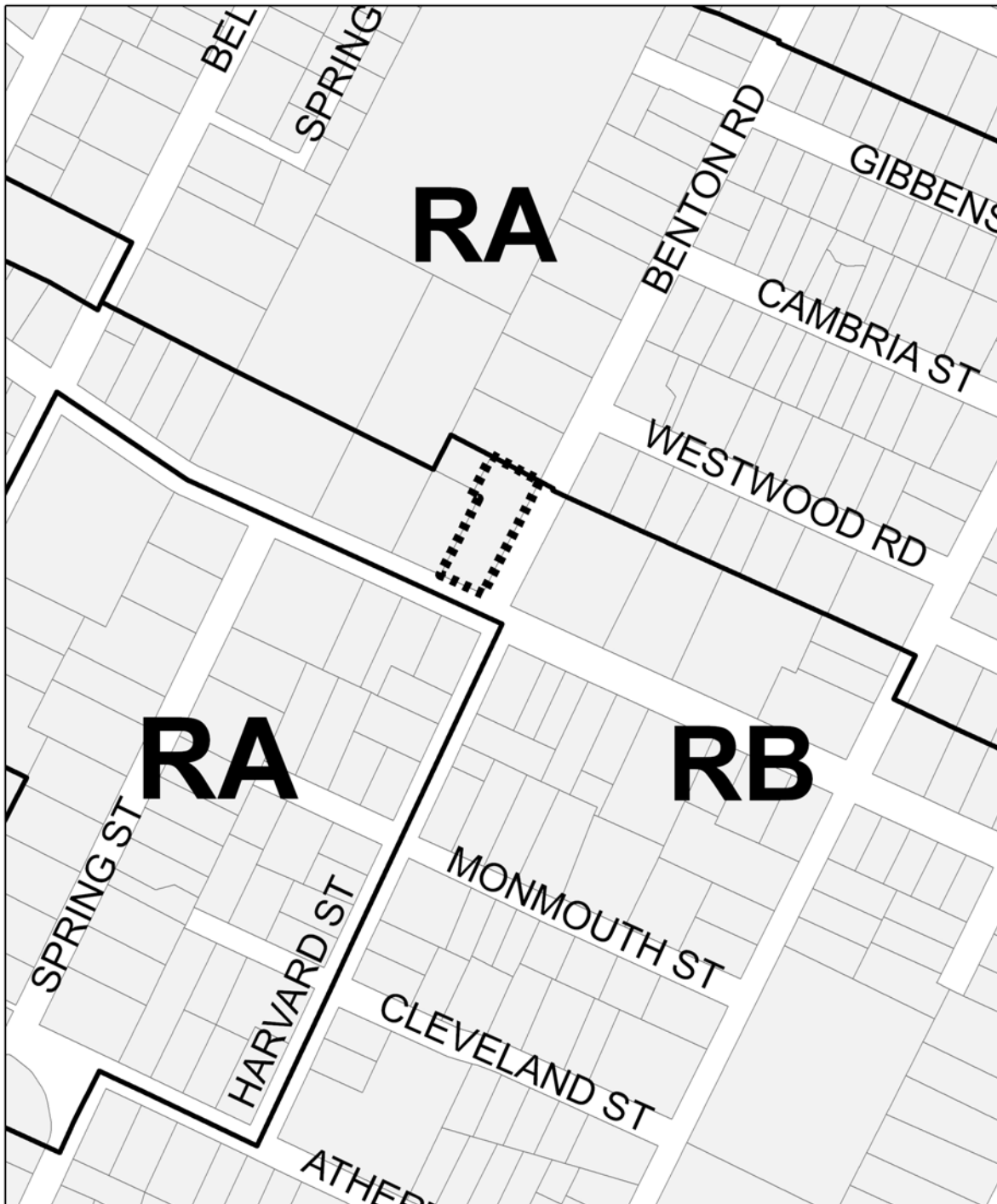
Special Permit under §4.4.1

Based on the above findings, the Planning Staff recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT**.

Staff finds that this application complies with the requirements for granting a special permit as set forth under §5.1.4 and that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure.

Although the Planning Staff is recommending approval of the requested Special Permit, the following conditions should be added to the permits:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes								
1	Approval is for the construction of a 10 foot wide by 10 foot deep open deck, the reconstruction of the covered front porch, the incorporation and modification of door locations and the reintroduction of dentil blocks along the soffit. This approval is based upon the following application materials and the plans submitted by the Applicant and/or the Agent:	Building Permit	Plng.									
	<table><tr><th>Date</th><th>Submission</th></tr><tr><td>April 18, 2008</td><td>Application materials submitted to the City Clerk’s Office</td></tr><tr><td>May 5, 2008</td><td>Plot Plan submitted to OSPCD</td></tr><tr><td>June 12, 2008</td><td>Revised site plan, elevations and first floor plan submitted to OSPCD</td></tr></table>				Date	Submission	April 18, 2008	Application materials submitted to the City Clerk’s Office	May 5, 2008	Plot Plan submitted to OSPCD	June 12, 2008	Revised site plan, elevations and first floor plan submitted to OSPCD
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Any changes to the approved elevations and plans must receive ZBA approval.												
2	The applicant shall submit front porch drawings with details to be requested and approved by the Historic Preservation Division.	Building Permit	Hist.									
3	Any substitutions made to the materials beyond that which is currently specified in the plans must receive Historic Preservation Division approval.	CO	Hist.									
4	The stairway location and railings of the new deck shall be built according to the layout and design in submitted plan L-1.	CO	Plng.									
5	Dentil Blocks shall be positioned in historically accurate locations visible from the absence of paint in those locations.	Cont.	Plng.									
6	The Applicant shall contact Planning Staff at least five working days in advance of a request for a final sign-off on the building permit to ensure the proposal was constructed in accordance with the plans and information submitted and the conditions attached to this approval.	CO	Plng. / ISD									



2 BENTON ROAD