



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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**MAYOR**

*PLANNING DIVISION*

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**Case #:** ZBA 2010-79  
**Date:** February 3, 2011  
**Recommendation:** Conditional Approval

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**PLANNING BOARD RECOMMENDATION**

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**Site: 14 James Street**

**Applicant and Property Owner Name:** Ekaterina Smirnova and Aleksandar Lekic

**Applicant and Property Owner Address:** 14 James Street, Somerville, MA 02145

**Agent Name:** Rasko Oydrovic

**Agent Address:** 17 Clelland Road, Lexington, MA 02421

**Alderman:** Walter Pero

Legal Notice: Applicants and Owners, Ekaterina Smirnova and Aleksandar Lekic, seek a special permit to alter a non-conforming structure under SZO §4.4.1 to add a half story to the front facade of the existing structure and to construct a two-story addition on top of the first floor in the rear of an existing single-family residence to create a two-family residence. RB zone.<sup>1</sup>

Zoning District/Ward: RB Zone / Ward 4

Zoning Approval Sought: Special Permit under SZO §4.4.1

Date of Application: December 13, 2010

Dates of Public Meeting • Hearing: Planning Board **1/6/11 & 1/20/11** • Zoning Board of Appeals **1/19/11**

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Dear ZBA members:

At its regular meeting on February 3, 2011 the Planning Board heard the above-referenced application. Based on materials submitted by the Applicant and the Staff recommendation, the Board voted 5-0, to recommend **conditional approval** of the requested **Special Permit**.

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<sup>1</sup> This is the original legal advertisement for the originally proposed project. Since that time, the Applicant has scaled back and revised their plans for the project. The Applicant is now seeking a special permit to alter a non-conforming structure under SZO §4.4.1 to construct a one-story addition on top of the first floor with adjoining decks in the rear of an existing single-family residence. RB zone.



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In conducting its analysis, the Planning Board found:

## **I. PROJECT DESCRIPTION**

1. Subject Property: The subject property is a 3,155 square foot lot with an uninhabited single-family residence situated on it near the intersection of James Street and Radcliffe Road. The structure currently has 1,367 square feet of habitable space. The residence is two and a half stories not including the basement level.

2. Proposal: The Applicant is proposing a one-story, 229 square foot addition on top of the first floor at the rear of an existing 1,367 square foot single-family residence (a 17% increase in net square footage). The addition will be used to expand the first and second floors of the home. The house has an existing one-story, three-season porch at the rear of the home that is not insulated. The Applicant is planning to tear down the porch and build a two-story fully insulated addition in its place. The proposed addition would be three feet deeper in the lot than the current dimensions of the three-season porch. It would also be located further to the south, and align with the south wall of the existing house, along the driveway. New decks would be constructed on the first and second stories on the north side of the proposed addition in the area currently occupied by a portion of the three-season porch.

As a result of the exterior changes above, on the first floor, the kitchen would be relocated and expanded to create a large kitchen/dining area that would connect to the living room. The existing bathroom would be upgraded to a full bath and relocated next to the stairwell. Additionally, a bedroom would be created on the first floor. On the second floor, one of the rear bedrooms would be expanded and the bathroom would be relocated to connect to the newly expanded bedroom. The newly constructed deck on the second story would be accessible from this expanded rear bedroom. The existing bedroom on the north side of the home would also be expanded and the third existing bedroom on the second floor would be converted to be used as office space. The third floor would remain as it currently exists.

The proposal described above is a substantially revised and scaled back proposal from the originally planned project. The Applicant was originally proposing a two-story, 694 square foot addition at the rear of the existing single-family residence (a 49% increase in net square footage). This addition would have been used to facilitate the conversion of the existing five-bedroom home into two units, each of which would have had 2 bedrooms. The first floor would have been one unit and the second and third floors would have been the second unit. The Applicant was proposing to raise the entire existing roof by three feet to provide greater head room at the ingress/egress point to the third floor. The roof pitch facing James Street would have remained the same, but three vertical feet would have been added to the front façade to accommodate for the raising of the roof. The rear roof pitch would have also become much shallower to provide additional head room on the third floor.

On the first floor, the kitchen would have been reorganized and expanded to create a large living room/kitchen area. The existing bathroom would have been expanded and relocated between two new bedrooms that would have been created. The second floor unit would have replaced one of the existing bedrooms with a living room by removing a closet and an eight foot section of wall from the room. The new living room would have opened out to a newly installed kitchen, pantry, and reconfigured bathroom. The third floor would have also been expanded and reconfigured to create a new larger bedroom, an office/television room, and an entirely new full bathroom would have been installed. The existing storage space on the third floor at the front of the home would have been retained. At the rear of the home, a stairwell would have been installed to provide egress points for the first and second floors and a 10 by 14 foot deck would have been installed on the third floor with access occurring from the new bedroom.

Planning Staff was not supportive of this original application for three reasons. First, the original proposal would have removed a five-bedroom, single-family home from the Somerville housing stock. This would have decreased the housing options for large families in the city. Second, the proposed design of the original project would have caused the loss of a uniquely designed structure in the James Street streetscape. The original unique design of the home's front façade causes a visual break in the streetscape and adds interest to the street. Lastly, the proposed change from a single-family to a two-family dwelling would have put the structure out of context with the other homes on James Street. All of the homes on the subject property's side of James Street are 2.5 story, gable-ended, single-family homes and the originally proposed changes would have disrupted the traditional neighborhood character of the street.

After materials for the original application were distributed to Planning Board members, the Applicant decided to substantially revise their original proposal and submitted plans that were similar to the currently proposed design. But, unlike the current proposal, the addition was located on the north side of the residence with the decks situated on the south side (opposite of the currently proposed design). At the first Planning Board meeting on January 20<sup>th</sup>, the abutter to the north (16 James Street) and to the south (12 James Street) were both present. The neighbor to the north, Janet Steins, expressed concerns about the proposed addition in that it would block sunlight and her views to the south from her first and second story rear porches. She submitted visuals (which are attached) to the Planning Board at that meeting to illustrate this point. Per the Board's request, a neighborhood meeting involving Planning Staff, the Ward Alderman, the Applicant, and the north and south abutting neighbors was arranged for Thursday, January 27<sup>th</sup> at the project site. Before this meeting, Ms. Steins submitted a letter to the Planning Board dated January 24, 2011 (attached) signed by her, the abutters to the south (the O'Brien's of 12 James Street), and two other neighbors on James Street opposing the project. Ms. Steins later confirmed via email (attached) that the neighbors at 10 James Street were also opposed to the project. The letter proposed a one story addition in the rear of 14 James Street as a compromise to the Applicant's proposal.

Present at the meeting on January 27<sup>th</sup> were Planning Director George Proakis, Planner Adam Duchesneau, Ward Alderman Walter Pero, the Applicant Alex Lekic and his contractor, Ms. Steins of 16 James Street, and Conor O'Brien of 12 James Street. The discussion centered on possibly flipping the location of the addition and the decks to place the addition on the south side of the residence, closer to 12 James Street. Mr. O'Brien stated that he was ok with this proposal, as the driveway would still buffer the addition from their house, but Ms. Steins stated that she was opposed to any addition that would go above one story, even though the new proposal would provide additional visibility of open space from her property. There was also some question as to the actual percentage increase in square footage of the home if the addition were constructed. Staff was asked to look into this further and found the percentage increase of the addition to be accurate (17%). Furthermore, upon performing additional research, Staff determined that if the Applicant did put the addition on the south side of the residence and removed the decks entirely from the design, the project could be done as-of-right with no Special Permit required.

In response to the discussion at the meeting on January 27<sup>th</sup>, the Applicant redesigned their project for a third time and submitted a letter to the Planning Board dated February 1, 2011 (attached) in response to the letter written by Ms. Steins. In this third proposed design, the addition would be a total of two stories located on the south side of the residence and the decks would be located on the north side of the property, set back one foot from the edge of the north side of the residence. This third design of the project was the design that the Planning Board acted upon at their meeting on Thursday, February 3<sup>rd</sup> where only Ms. Steins was present along with the Applicant. This is the current proposal that is before the Zoning Board of Appeals at this time. The Planning Staff considers this request to be reasonable and compliant with the required findings, and the Planning Board, at the February 3, 2011 meeting recommended conditional approval of this plan.

3. Nature of Application: This is a residential property within a Residence B (RB) district. The structure is currently non-conforming with respect to the minimum side yard setback. The Applicant is seeking a Special Permit to alter a non-conforming structure under Somerville Zoning Ordinance (SZO) §4.4.1 to construct the project that will place the two-story deck in the non-conforming side yard setback.

4. Surrounding Neighborhood: The structures on the same side of James Street as the subject property are predominantly single-family homes of 2.5 stories with wood construction. On the opposite side of James Street are one single-family home, two two-family homes, and one three-family structure. In the surrounding neighborhood, the structures are primarily two-family homes of 2.5 stories but there are five, three-family dwellings in the neighborhood as well. A number of the surrounding two- and three-family homes in the neighborhood are larger than the subject property and its immediate abutters have been subject to additions that have changed the rear profile of the homes.

5. Impacts of Proposal: The Applicant's proposed alterations to the existing structure will have minimal impacts to the surrounding neighborhood as the addition would not appear to be detrimental to the immediate abutters or the surrounding area. The proposed addition is in the rear of the home and would not particularly alter the streetscape along James Street. The addition would extend the non-conforming northern side of the existing dwelling deeper into the lot approximately three feet but the structure would still be well within the minimum rear yard setback of 20 feet, with over 35 feet of setback from the rear lot line. As the Applicant is only extending the existing non-conforming setback on the north side of the property, they would not worsen the existing nonconformities of the structure. Including the proposed addition, the floor area ratio of the structure would still be 0.49 under the 1.0 FAR maximum for an RB district. To help ensure that the character of the original house will remain intact, the Board has included a condition that the Applicant shall install siding and shingles on the addition that match those on the existing structure. All construction activities for this project will occur at the rear of the existing building with the building and the remaining rear setback area acting as buffers to the residences nearby. An on-site dumpster will be placed in the driveway during the demolition and construction processes to handle the disposal of solid waste from the project. With construction impacts limited to the rear of the building, no significant disruption to the neighborhood is anticipated. The Board has included conditions in this Special Permit to help alleviate the potential dust, noise, and air quality issues that may arise from the demolition and construction processes.

6. Green Building Practices: The Applicant is proposing to fully insulate the house, install double pane windows, add a highly efficient heating system, and install low-flow dual flush toilets.

7. Comments:

*Fire Prevention:* Deputy Chief William Lee stated that "14 James Street will require updated code compliant fire alarm system."

*Ward Alderman:* Alderman Pero has been contacted. He attended the Planning Board hearing and the neighborhood meeting, but has not provided formal comments.

*Historic Preservation:* Please see the attached memorandum from Historic Preservation Planner Kristi Chase regarding the project.



14 James Street



Looking North on the West Side of James Street





Looking North on the East Side of James Street

## **II. FINDINGS FOR SPECIAL PERMIT (SZO §5.1.4 and §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 Board 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 §4.4.1 of the SZO, the Board find that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. This street is characterized by 2.5 story homes with a very regular pattern of placement on the street, and similar height. The proposed addition is consistent with this pattern and will not alter the distinctive architectural character of the home itself which would be detrimental to other properties on the street.

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 "promote 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 prevent the overcrowding of land; 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 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.”

The project is compatible with the characteristics of the surrounding area. The Applicant is proposing to extend the non-conforming setback side of the existing structure deeper into the lot by three feet and add an additional story in the rear of the home. The property will remain a 2.5 story, single-family residential use which is consistent with the surrounding 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.

None of these adverse effects are anticipated.

### **III. RECOMMENDATION**

#### **Special Permit under §4.4.1**

Based on the above findings and subject to the following conditions, the Planning Board recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT**. Furthermore, the Planning Board recommends the following conditions.

#	Condition	Timeframe for Compliance	Verified (initial)	Notes												
1	Approval is to alter a non-conforming structure under SZO §4.4.1 to construct a one-story addition on top of the first floor in the rear of an existing single-family residence. This approval is based upon the following application materials and the plans submitted by the Applicant: <table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>(December 13, 2010)</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>December 29, 2010</td><td>Plot Plan</td></tr><tr><td>(December 13, 2010)</td><td>Plans submitted with application (Proposed Perspectives, Floor Plans, and Elevations)</td></tr><tr><td>January 11, 2011</td><td>Revised Plot Plan</td></tr><tr><td>January 11, 2011</td><td>Revised Plans submitted with application (Proposed Perspectives, Floor Plans, and Elevations)</td></tr></table>	Date (Stamp Date)	Submission	(December 13, 2010)	Initial application submitted to the City Clerk’s Office	December 29, 2010	Plot Plan	(December 13, 2010)	Plans submitted with application (Proposed Perspectives, Floor Plans, and Elevations)	January 11, 2011	Revised Plot Plan	January 11, 2011	Revised Plans submitted with application (Proposed Perspectives, Floor Plans, and Elevations)	BP/CO	Plng.	
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Any changes to the approved site plans, elevations, or use that are not <i>de minimis</i> must receive SPGA approval.																
2	The Applicant will install an updated code compliant fire alarm system.	CO	FP													
3	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													
4	To the maximum extent feasible the Applicant will utilize strategies during construction to mitigate dust and control air quality, to minimize noise and to implement a waste recycling program for the removed debris.	During Construction	OSE/ISD													
5	The Applicant shall provide notice of intent to strictly comply with applicable State and Federal regulations regarding air quality including without limitation continuous dust control during demolition and construction.	CO	Plng/OSE													



6	The Applicant shall develop a demolition plan in consultation with the City of Somerville Inspectional Services Division. Full compliance with proper demolition procedures shall be required, including timely advance notification to abutters of demolition date and timing, good rodent control measures (i.e. rodent baiting), minimization of dust, noise, odor, and debris outfall, and sensitivity to existing landscaping on adjacent sites.	Demolition Permitting	ISD	
7	The Applicant shall install siding and roofing on the proposed addition that compliments the color and texture of the siding and roofing on the existing structure.	BP	Plng.	
8	The Applicant shall clearly show on the proposed elevations and perspectives all proposed window and door openings on the north, west, and south sides of the structure, including the proposed framing for each window and door opening. Framing and window size details shall match the character of the existing structure and shall be subject to review and approval by Planning Staff.	BP	Plng.	
9	The structure shall remain a single-family home.	Perpetuity	Plng.	
10	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.	

Sincerely,


Elizabeth Moroney  
Acting Chair

Cc: Applicants and Owners: Ekaterina Smirnova and Aleksandar Lekic



14 James Street

To: Planning Division  
From: Kristi Chase, Preservation Planner, and  
Brandon Wilson, Executive Director  
RE: Staff Recommendations 9/29/10

### **HPC 11.09 – 14 James Street Revisions**

Applicants: Ekaterina Smirnova & Aleksandar Lekic, Owners

#### Historic and Architectural Significance

This building has never been officially surveyed. A quick review of the historic maps reveals that 14 James Street was constructed between 1890 and 1893 on land belonging to J.S. Bradley. The block was platted by Charles A Pearson in 1888. In the 1895 Stadley Atlas, the property owners on the west side of James Street were Clarence Baxter, clerk; Edward H. Edwards, chiroprapist; George E Leach, machinist; A F Jacobsen; Francis A Ellis, widow; Thomas Long, carpenter; and Elizabeth H Brown, widow. City Directories place the earliest owners in residence in 1893. The first resident of 14 James Street was Bernard Jacobsen, insurance agent.

Architecturally, the buildings on the street are primarily Queen Anne style with decorative shingles in the gable ends and small front porches. They appear to be constructed in the popular side-hall entry plan. Based on date and style, there is a strong possibility that the west side of the street may have been developed by Wilber P. Rice in conjunction with Pearson. Rice was known to have constructed over 1000 houses in Somerville, Cambridge, Arlington and Medford. Pearson Avenue in West Somerville was developed by Rice.

14 James Street differs from the other houses on the block as the gable ends of the main block do not face the street and the massing is more vertical. This break in the streetscape with the punctuation of a smaller bay with a similarly sloped gable adds interest to the street. It is also the only building on the street with this plan on the street which may indicate that the home was pre-sold to the Jacobsen family rather than built on spec.

#### Proposed Work and Recommendations

See attached for complete proposal.

HPC Staff **recommends** approval of a **Special Permit** because the proposed alterations are in keeping with the spirit of HPC Guidelines noted below. The building is not a listed structure and is not required to match exactly a known and documented appearance. The proposed alteration is exclusively on the rear of the building and will not be particularly affect the rhythm of the streetscape or the façade of the building.

HPC Guidelines state:

## **I. GENERAL APPROACH**

The primary purpose of Somerville's Preservation Ordinance is to encourage preservation and high design standards in Somerville's Historic Districts, in order to safeguard the City's architectural heritage. The following guidelines have been developed to ensure that rehabilitation efforts, alterations, and new construction all respect the design fabric of the districts and do not adversely effect their present architectural integrity.

- A. The design approach to each property should begin with the premise that the features of historic and architectural significance described in the Study Committee report must be preserved. In general, this tends to minimize the exterior alterations that will be allowed.
- B. Changes and additions to the property and its environment that have taken place over the course of time are evidence of the history of the property and the neighborhood. These changes to the property may have developed significance in their own right, and this significance should be recognized and respected (LATER IMPORTANT FEATURES will be the term used hereafter to convey this concept).
- C. Whenever possible, deteriorated material or architectural features should be repaired rather than replaced or removed.
- D. When replacement of architectural features is necessary, it should be based on physical or documentary evidence of the original or later important features.
- E. Whenever possible, new materials should match the material being replaced with respect to their physical properties, design, color, texture and other visual qualities. The use of imitation replacement materials is discouraged.
- F. The Commission will give design review priority to those portions of the property which are visible from public ways or those portions which it can be reasonably inferred may be visible in the future.

And more specifically

### **D. Porches, steps, trim and other exterior architectural elements**

- 1. Retain and repair porches and steps that are original or later important features, including such items as railings, balusters, columns, posts, brackets, roofs, ornamental ironwork and other important decorative items. If new pieces are needed, they should match as closely as possible the style, shape, scale and materials of the old. Avoid replacing wood posts and railings with metal ones, or wood porch decks with concrete.
- 2. Fire escapes are very conspicuous features and, as a rule, should only be placed on the rear of the building, or where they are least visible from a public way. If installation on the street or side façade cannot be avoided, fire escapes should be designed and constructed with the same attention demanded by other major alterations and repairs, and are subject to the review and approval of the Commission.

### **E. New additions**

- 1. New additions should not disrupt the essential form and integrity of the property and should be compatible in size, scale, material and character of the property and its environment. Where possible, new additions should be confined to the rear of the house.

2. It is not the intent of these guidelines to limit new additions to faithful copies of earlier buildings. New designs may also evoke, without copying, the architecture of the property to which they are being added, through careful attention to height, bulk, materials, window size, and type and location, and detail. A building should not, however, be altered to an appearance that predates its construction.
3. New additions or alterations should be done in a way that, if they were to be removed in the future, the basic form and integrity of the historic property would remain intact.