



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

**STAFF**

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CHRISTOPHER DI IORIO, *PLANNER/ZONING ADMINISTRATOR*  
LORI MASSA, *PLANNER/ZONING ADMINISTRATOR*  
DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*  
FREDERICK J. LUND, *SENIOR DRAFTSMAN*

**Case #:** ZBA 2008-30  
**Site:** 9 Pitman Street / 18 Beech Street  
**Date:** July 1, 2008  
**Recommendation:** Conditional Approval

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**PLANNING STAFF REPORT**

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**Applicant Name:** Howard Shen  
**Applicant Address:** 27 James Street #2, Brookline MA 02446  
**Property Owner Name:** Thomas Shen  
**Property Owner Address:** 71 Hancock Street, Lexington MA 02141  
**Agent Name:** Adam Dash, Esq.  
**Agent Address:** 48 Grove Street, Somerville MA 02144  
**Alderman:** Taylor

Legal Notice: The Applicant seeks a special permit under SZO §4.4.1 for the alteration of a non-conforming structure in order to reconstruct a non-conforming 5-family dwelling.

Zoning District/Ward: Residence B / 3

Zoning Approval Sought: Special Permit under SZO §4.4.1

Date of Application: June 23, 2008

Date(s) of Public Hearing: ZBA: July 23, 2008

Date of Decision: N/A

Vote: N/A

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**I. PROJECT DESCRIPTION**

1. Subject Property: The property is a five-family wood-frame dwelling with vinyl siding. The structure is three stories along Pitman Street and two stories along Beech Street due to the slope of the site. The Inspectional Services Division ordered the Owner to demolish concrete garages facing Pitman Street in 2006. A continuous curb cut remains along Pitman Street. The parcel is 9185 sf and is 26 percent landscaped.

2. Proposal: The proposal is to construct a five-family dwelling in a townhouse-like configuration with shared enclosed parking for ten cars and five bicycles. There would be one 15-foot curb cut along Pitman Street and one measuring 16-feet along Beech Street. The structure would be 26' 6" tall and

approximately 9,000 net square feet. The landscaped area would be 34% including the rear deck. The current plans include the following positive revisions from the original submission received in the Office of Strategic Planning and Community Development on June 30, 2008: there are entrances to the units on the Pitman Street side as opposed to only being in the back of the building so that the Pitman Street side acts as the front of the dwelling – these entrances also activate the street and make it more pedestrian friendly; also, the style has changed from a modern building with roof decks and a loft level to a more traditional gambrel design with two stories.



*View of Pitman Street Façade (left)*



*View of Beech Street Façade (right)*

3. Nature of Application: The site is currently nonconforming with respect to use, front yard setback, rear yard setback, side yard setback, parking spaces and bicycle parking. The use of the property is not changing. The number of parking spaces would become conforming with an increase from 8 to 10 spaces. The bicycle parking would increase to 5 and only 1 is required. The dimensional requirements would change in the following way:

Dimensional Requirement that are currently nonconforming	Existing	Proposed	SZO	Remaining Nonconformity
Front Yard Setback	1' 7" on Pitman	6'	15'	yes
Rear Yard Setback	2' 9"	13' 1"	16' 10"	yes
Side Yard Setback (Left)	8' 8 1/8"	15'	15'	no
Side Yard Setback (Right)	6'	6'	15'	yes

The proposal impacts the nonconforming front, rear and side yards by virtue of increased but the setbacks are becoming more conforming in terms of distance from the property line. The existing nonconformities require the Applicant to obtain special permits under §4.4.1 of the Somerville Zoning Ordinance (SZO). Section 4.4.1 states that "[l]awfully existing one- and two-family dwellings which are only used as residences, which are nonconforming with respect to dimensional requirements, may be enlarged, extended, renovated or altered by special permit granted by the SPGA in accordance with the procedures of Article 5."

A revised maximum ground coverage figure for the revised proposal is needed that follows the definition for the ground coverage ratio, which does not include bay windows. If the ground coverage is over 50% additional relief will be needed.

4. Surrounding Neighborhood: The surrounding neighborhood is comprised of many two- and three-family dwellings that are two or two and one-half stories. There are several historic properties in the neighborhood which are described in the Historic Preservation Staff comments below.

5. Impacts on Abutting Properties: Closing the continuous curb cut along Pitman Street to restore the sidewalk and create a pedestrian friendly façade will be an improvement for abutters. The retaining wall to the rear of the property will be more secure for the abutters to the rear of the site. The headlights from pulling into and out of the driveway are the only foreseen negative impact of the development. The neighbor to the west said that she and the Applicant have discussed putting a fence along the western edge of the driveway that would defray headlights but would not block all air and light. This abutter appears to have one standard-sized window on the side of the house facing the proposal and a five foot setback. The fence is not shown on the site plan and if the neighbor and Applicant agree on a fence it would not impact the project.

5. Green Building Practices: The siding would be Hardieboard which is considered an environmentally friendly material for the following reasons: the raw materials are low in toxicity (wood pulp, cement, sand and water) and can be recycled up to 4 times; it lasts longer than other materials so it does not have to be replaced as often and reduces maintenance and repair costs; and the manufactured finish eliminates VOCs during exterior painting ([www.jameshardie.com](http://www.jameshardie.com)). The windows would be large to provide natural light and reduce the need for electricity. Finally, the building would have high efficiency boilers that would utilize a new hydro-forced air system.

6. Comments:

Alderman Taylor: I am supporting this project. We have had a neighborhood meeting and the majority of the neighbors appear to be in favor.

Fire Prevention: “The proposal for 9 Pitman Street/18 Beech Street will require a complete sprinkler system installation and an up to date code compliant fire alarm detection system.”

Historic Preservation: *Reviewed first scheme submitted - dated June 30, 2008. The comments are applicable to the new plans unless otherwise noted.* “Although 18 Beech Street is not listed as part of a Local Historic District (LHD), it directly abuts the Spring Hill National Register District and the Enoch Robinson Round House, one of the most significant historic structures in the City of Somerville, at the intersection of Atherton and Beech Streets. Enoch Robinson was an inventor and hardware manufacturer, many of whose designs are still being recreated to this day. The design of his “Round House” is unique, and is one of a few such structures still extant in the New England region. Other properties of historic significance in the immediate vicinity are the Carr Schoolhouse condominiums at 25 Atherton Street and the William Robinson House next door to the Round House at 40 Atherton Street. All of these buildings are part of the historic streetscape that will be affected visually by the construction of a new building at the corner of Pitman and Beech Streets.

In contrast to the current building at 18 Beech Street, the architecture of the proposed new development is a clear improvement for the streetscape. Although clearly the design is much more modern [revised to be more traditional] than the surrounding structures, it is more complementary to them, reflecting many of the same forms and materials found in Somerville buildings within its peak 1870-1920 development era. During this period, building facades often incorporated bays and towers, giving an undulating movement to the streetscape. The proposed building includes modern square bays that emulate this in and out pattern. Older structures were

typically sided with wood clapboards and shingles, and frequently integrated paneling or other materials to add visual interest to the facade. The proposed design also makes use of wood clapboards and paneling to enhance the form.

The HPC Staff also sees as positive features of this development, over the existing non-conforming structure, the removal of a building encased in vinyl siding and replacing it with one of predominantly wood siding; a limited number of windows overlooking the rear yards of abutting historic properties and decreasing their sense of privacy; and extensive use of trellises [removed], brick paving, and landscaping to maximize the amount of open and green space both physically and visually available to the neighborhood.

[...The vacant parcel next to the proposed site] serves as an important buffer between the proposed very modern building and the historic Round House that sits on a very congested lot, with no on-site parking. This lot was originally part of the Enoch Robinson Estate and gave it the type of breathing room that such an important structure deserves. The HPC Staff hopes that this lot can remain undeveloped over the longer term.”

Traffic and Parking: “[...] Traffic and Parking has no objections to the reconfiguration of these parking spaces.”

## **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 structure would not be substantially more detrimental to the neighborhood than the existing nonconforming structure. The proposal increases the structure's encroachment on the nonconforming front, rear and side yards but the setbacks are becoming greater or more conforming in terms of distance from the property line.
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 purposes of the ordinance, including "to conserve the value of land and buildings", "to encourage the most appropriate use of land throughout the City", and to preserve medium density neighborhoods.

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 massing of the house is consistent with the neighborhood. Most buildings are two and one-half stories tall and have minimal front yard setbacks. The style of the house incorporates historic design elements and materials in a contemporary way including a gambrel roof, bays, stoops, clapboards, and chimneys. All of the parking would be enclosed within the structure and therefore would not be visible. The sidewalk would be restored and would be pedestrian friendly with doorways, stoops, and planters lining them.

### 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 alteration of a non-conforming structure in order to reconstruct a non-conforming 5-family dwelling. This approval is based upon the following application materials and the plans submitted by the Applicant and/or its contractor:	CO/Building Permit	Plng.							
	<table><tr><th>Date</th><th>Submission</th></tr><tr><td>May 29, 2008</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>August 5, 2008</td><td>Modified plans submitted to OSPCD (garage level plan A2.0, entry level plan A2.1, upper level plan A2.2, roof plan A2.4, all elevations A3.1-A3.4, renderings RE.1-RE.5)</td></tr></table>	Date	Submission	May 29, 2008	Initial application submitted to the City Clerk's Office	August 5, 2008	Modified plans submitted to OSPCD (garage level plan A2.0, entry level plan A2.1, upper level plan A2.2, roof plan A2.4, all elevations A3.1-A3.4, renderings RE.1-RE.5)			
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	Any changes to the approved plans that are not <i>de minimis</i> must receive ZBA approval.									
2	The Applicant shall provide a landscape plan with a minimum of two trees as required under SZO §10.3.	Building Permit	Plng.							

3	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards.	Perpetual	Plng. / ISD	
4	All new sidewalks will be installed by the Applicant in accordance with the specifications of the Highway Superintendent.	CO	Plng.	
5	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.	CO	DPW	
6	A complete sprinkler system and an up to date code compliant fire alarm detection system shall be installed.	CO	FP	
7	The Applicant shall screen the trash cans so that they are not visible from the street.	CO	Plng.	
8	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	
9	The applicant shall develop a demolition plan in consultation with the City of Somerville Inspectional Services Department. 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	
10	The Applicant must ensure that drainage from the site conforms to the State DEP storm water regulations as well as City regulations (no new storm connections are allowed per city policy).	Building Permit	Engineeri ng	
11	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.	Final sign off	Plng.	

