



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

**STAFF**

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

**Case #:** ZBA 2009-11  
**Date:** May 15, 2009  
**Recommendation:** Conditional Approval

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**PLANNING STAFF REPORT**

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**Site:** 184 Summer Street

**Applicant Name:** Agassiz Preschool, Inc.

**Applicant Address:** 1803 Massachusetts Ave, Cambridge MA 02140

**Property Owner Name:** Jeanne Salvo

**Property Owner Address:** 184 Summer Street, Somerville MA 02143

**Agent Name:** Tracey Kaplan, Director

**Agent Address:** 1803 Massachusetts Ave, Cambridge MA 02140

**Alderman:** Taylor

Legal Notice: The Applicant seeks a special permit (SZO §4.4.1) to construct a 650± s.f. addition to a structure on a nonconforming lot and a special permit (SZO §9.13.a) for modification of parking requirements for nonconforming structures and lots.

Zoning District/Ward: RA / 3

Zoning Approval Sought: Special Permit under SZO §4.4.1

Date of Application: April 14, 2009

Date(s) of Public Hearing: ZBA: June 3, 2009

Date of Decision: N/A

Vote: N/A

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**I. PROJECT DESCRIPTION**

1. Subject Property: The property is a two-family dwelling which has 2.5 stories. It is on a 8512 square foot rectangular lot. Approximately 70 percent of the area is landscaped and there is an 18 by 49 foot driveway that can fit 6 cars parked in tandem (2 columns of 3 cars). The property is on the National Register of Historic Places.

2. Proposal: The proposal is to construct a 650± square foot multi-level addition for a preschool and to construct a staircase and elevator to meet building and fire codes, and ADA and the Department of

Early Education and Care's (EEC), the preschool licensing body, regulations. The renovation would consist of removing existing porches and adding a one-story porch that wraps around the building. The Applicant submitted the following information regarding the preschool that would utilize the renovated structure. The Agassiz Cooperative Preschool is a 35 year old childcare facility serving 40 children aged 2-5. It operates Monday through Friday from 8:30am to 4:30pm with some evening and weekend meetings. There are 6 staff members and 2 parents volunteering at peak times.



184 Summer Street (L – Front, R – Rear)

3. Nature of Application: The structure is currently nonconforming with respect to the minimum lot area. The lot area is 8,512 square feet and the requirement is 10,000 square feet. This existing nonconformity requires the Applicant to obtain a special permit under §4.4.1 of the Somerville Zoning Ordinance (SZO). All other dimensional requirements are met.

The site is currently nonconforming with respect to parking requirements. Two additional parking spaces are required for the change in use. The Applicant is applying for a special permit under 9.13.a for modification of parking requirements for nonconforming structures and lots.

The use is not under review with this proposal. A preschool (SZO §7.11.5.A.3) is an allowed and protected use under State law.

4. Surrounding Neighborhood: The site is adjacent to the St. Catherine's of Genoa Church, the St. Catherine's School and a parking lot. There are also one-, two-, and three-family homes in the immediate vicinity.

5. Impacts of Proposal: The addition would be sympathetic to the historic character of the structure and an unsympathetic enclosed porch that was previously added to the building would be removed. The roofline of the addition would match that of the original structure and the proposed porch would add interest to the building and help to incorporate the old and the new portions of the house.

The use of the structure as a protected use is not under review with this proposal; however, the Applicants noted the following impacts of the preschool. There would be additional noise associated with children playing at recess and an increase in the use of the circulation patterns that exist for the St. Catherine's school next door.

Backing out of the driveway and drop-off and pick-up locations are two other issues. The Applicant submitted a traffic report that addresses these issues. Drop-off and pick-up times for the preschool are

between 8:30-9am and 2-2:30pm on weekdays. A small number of students would be picked up at noon and approximately 10 would be picked up from the extended day program at 4:30pm. Half of the students walked to the school in the past and they anticipate this number to remain fairly constant at the new location. The City provides two crossing guards and a flashing school zone light in this area to serve the St. Catherine's school next door. The parking demand should not increase as four of the staff members could park in the driveway and two staff members do not drive. The attached conditions further address traffic related concerns.

The Applicants anticipate generating less solid waste than a typical two family residence. They do not require a dumpster – they would use trash cans and the City's trash collection services.

6. Green Building Practices: None.

7. Comments:

*Fire Prevention:* This proposal will require a code compliant fire alarm system and fire suppression system.

*Historic Preservation:* This 1890 house is on the National Register within the Spring Hill Historic District. At the April 21, 2009 Historic Preservation Commission meeting, Staff reported on the informational meeting she had with the Applicants on 4/17/09. "The stairway and elevator would replace an inappropriate modern porch, would be sided to match the rest of the building and would have a ground level veranda/porch along the street side and around to protect the entries, unify the façade and add interest to the elongated ell. Another set of new doors would be added to the south side of the building away from the street towards the rear of the building. The gothic bargeboards would be repaired."

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

*Traffic and Parking:* Comments are pending review of the Applicant's traffic consultant's report.

## **II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1 and 9.13.a):**

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 find 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 addition 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 of the SZO, Staff find that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The addition would comply with all of the dimensional requirements except for the nonconforming lot size.

In considering a special permit under §9.13 of the SZO the Applicant must be able to demonstrate that granting the requested special permit would not cause detriment to the surrounding neighborhood through any of the criteria as set forth under SZO §9.13, which are as follows:

- 1) increase in traffic volumes;
- 2) increased traffic congestion or queuing of vehicles;
- 3) change in the type(s) of traffic;
- 4) change in traffic patterns and access to the site;
- 5) reduction in on-street parking;
- 6) unsafe conflict of motor vehicle and pedestrian traffic.

As conditioned, including further review of the parking distribution plan, the proposal would not cause detriment to the neighborhood.

The use as a preschool complies with the Massachusetts General Laws' definition of day care center or preschool. It receives children from different families that are less than seven years of age. It provides nonresidential care during part or all of the day separate from their parents and the services are limited to preschool services.

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 maintain the uniquely integrated structure of uses in the City and preserving the historical and architectural resources of the City. The proposal is also consistent with the purpose of the district – the appearance of the structure would remain as a residence and the preschool would be convenient to the residents of the district.

In considering a special permit under §9.13 of the SZO the SPGA may grant such a special permit only when consistent with the purposes set forth in § 9.1. As conditioned, including further review of the parking distribution plan, the proposal would be consistent with the purposes of §9.1.

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 addition would be sympathetic to the historic character of the structure and would replace an inappropriate modern porch. The roofline of the addition would match that of the original structure and the proposed porch would add interest to the building and help to incorporate the old and the new portions of the house together. The siding would match the rest of the building. The gothic bargeboards would be repaired.

5. Vehicular and pedestrian circulation: The circulation patterns for motor vehicles and pedestrians which would result from the use or structure will not result in conditions that create traffic congestion or the potential for traffic accidents on the site or in the surrounding area.

There is an existing circulation pattern to drop children off at the St. Catherine's school. There would be an increase in the use of the traffic pattern; however, with the information provided thus far in the traffic report Planning staff do not anticipate that it would negatively affect traffic congestion or the potential for traffic accidents. Many of the students walked to the school in the past and the Applicants anticipate this number to remain fairly constant at the new location. The drop-off times differ from St. Catherine's school and pick-up times for the children vary, which would spread out afternoon and evening travel to the site.

### III. RECOMMENDATION

#### Special Permit under §4.4.1 and §9.13.a

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

#	Condition	Timeframe for Compliance	Verified (initial)	Notes												
1	Approval is for the construction of a 650± s.f. addition to a structure on a nonconforming lot and modifications of parking requirements. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	Plng.													
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>(April 14, 2009)</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>March 30, 2009 (April 27, 2009)</td><td>Plans submitted to OSPCD (existing elevations: EC 4.0, 4.1)</td></tr><tr><td>April 24, 2009 (April 27, 2009)</td><td>Plans submitted to OSPCD (site plan)</td></tr><tr><td>April 14, 2009 (April 27, 2009)</td><td>Plans submitted to OSPCD (demo plans: D 01.1, 01.2; area plans: A 00.1; floor plans: A 01.1, 01.2; roof plan: 01.3; proposed elevations: A 2.1, 2.2)</td></tr><tr><td>April 27, 2009 (April 27, 2009)</td><td>Plans submitted to OSPCD (conceptual site plan: S 0.1)</td></tr></table>				Date (Stamp Date)	Submission	(April 14, 2009)	Initial application submitted to the City Clerk’s Office	March 30, 2009 (April 27, 2009)	Plans submitted to OSPCD (existing elevations: EC 4.0, 4.1)	April 24, 2009 (April 27, 2009)	Plans submitted to OSPCD (site plan)	April 14, 2009 (April 27, 2009)	Plans submitted to OSPCD (demo plans: D 01.1, 01.2; area plans: A 00.1; floor plans: A 01.1, 01.2; roof plan: 01.3; proposed elevations: A 2.1, 2.2)	April 27, 2009 (April 27, 2009)	Plans submitted to OSPCD (conceptual site plan: S 0.1)
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Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive ZBA approval.																
2	The Applicant or Owner shall meet the Fire Prevention Bureau’s requirements.	CO	FP													

3	The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the building and all on-site amenities, including landscaping, fencing, lighting, parking areas, ensuring they are clean, well kept and in good and safe working order.	Cont.	ISD	
4	The Applicant shall at his expense replace any existing equipment (including, but not limited to the fire pull box, 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	
5	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	
6	The Applicant shall create a parking distribution plan for families that drive to the site.	CO	T&P	
7	The Applicant shall ensure that the parents' manual describes any plan and that it is reinforced via annual instruction email, and at all school meetings.	Perpetual	Plng./ T&P	
8	The school shall post a staff member along the curb during drop off times to keep parents moving along.	Perpetual	T&P	
9	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.	



