



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2013-64

Date: November 14, 2013

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 23-25 Calvin Street

Applicant & Owner Name: Philip Weiss

Applicant & Owner Address: 102 Wallace Street Somerville, MA 02144

Agent Name: n/a

Agent Address: n/a

Alderman: Maryann Heuston

Legal Notice: Applicant and Owner, Philip Weiss, seek a special permit under §4.4.1 to reconstruct a nonconforming 3-family home previously lost in a fire with modifications including sideyard setbacks, rear setback, front decks for all units, and window and door alterations. RB Zone. Ward 2.

Zoning District/Ward: RB Zone/Ward 2

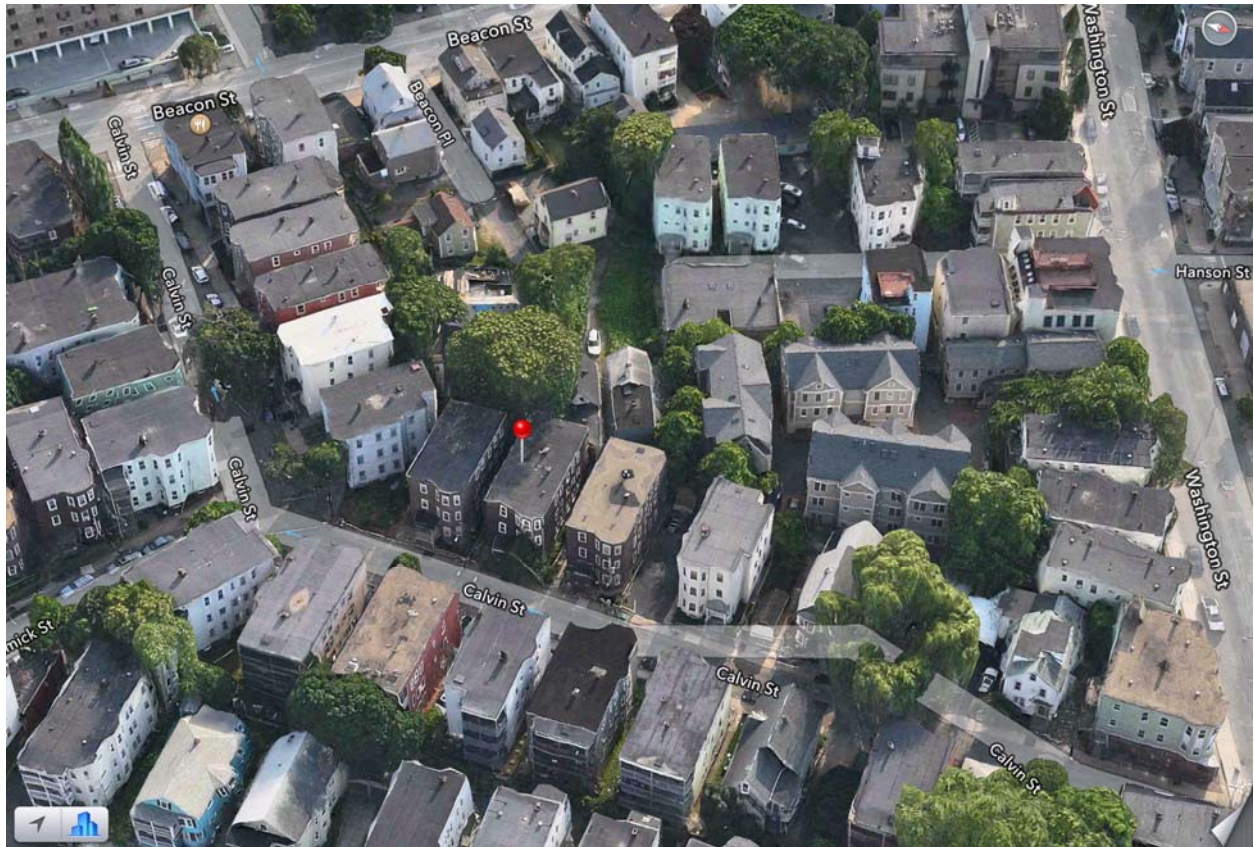
Zoning Approval Sought: Special Permit under §4.4.1

Date of Application: September 17, 2013

Dates of Public Hearing: Zoning Board of Appeals – November 20, 2013

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is currently a fenced vacant lot because of a devastating seven alarm fire in July 2013. The subject property was a 5,072 gross square foot triple decker. The fire destroyed 2 triple deckers, including the subject property, and damaged 6 surrounding properties. The property was a complete loss and was demolished shortly after the fire for safety purposes. What remains is the 2,317 square foot lot.



Satellite photo reflecting conditions before the fire.



Site photo (October 2013)

2. Proposal: The proposal is to construct a triple-decker on the vacant lot. There will be three units. The first floor unit will have 5 bedrooms, 2.5 baths, and a kitchen/living area. They will have living space on the first floor and basement. The rest of the basement will have mechanical and storage space for each unit. The second and third floor units are identical. They have 4 bedrooms, 1.5 baths, and a kitchen/living space. The building will be shifted on the lot to allow for 3' between the northwest façade and property line. Each unit will have a rear deck. There will be a front planting bed with paved access to a bike

parking area in the rear of the building. The Applicant is proposing to have a coordinated planting area with 19-21 Calvin Street, the other complete loss. The property owner of 19-21 Calvin Street has not applied for a Special Permit but has been working with Staff towards an application.

3. Nature of Application: Per SZO §4.4.2, “a lawful nonconforming building damaged by fire, explosion, catastrophe, or Act of God such building may rebuild or restore by-right...” The ordinance goes on to list exceptions to by-right construction including increasing any non-conformity or structural change. Therefore, the Applicant is seeking relief under SZO §4.4.1 to alter a nonconforming structure by reconstructing the triple decker with changes to the side yard setbacks, partially enclosing the rear decks, and expansion of living area in the basement.

The proposal includes shifting the building on the lot due to a building code regulation that does not allow windows on a façade built within 3’ of a side lot line. Since the previous structure did not have any conforming setbacks the application is to alter the nonconformity by rebuilding the building with a 3’ right side yard. The left side yard will be reduced to 4’-3”. The new structure will still not have any conforming setbacks.

There is no parking relief associated with the application. There is an increase in net floor area but this does not create an increase in the parking requirement. There was no parking associated with the building prior to the fire and there will be no parking provided with this project.

4. Surrounding Neighborhood: The surrounding neighborhood is densely developed, comprised of two- and three-family homes, most of which are triple-deckers with flat roofs. The neighborhood is in an accessible, walkable, and bikeable location to Beacon Avenue, Harvard University, and Union Square. Calvin Street is narrow with parking only allowed on the even side of the street.

5. Impacts of Proposal: The fire in the Summer of 2013 destroyed two properties and damaged 6 others. The two parcels that have experienced a total loss are fenced. The other damaged properties are in various stages of renovation. The proposal will help return the neighborhood to its’ condition prior to the fire.

6. Green Building Practices: The new building will comply with the Stretch Code. The Applicant will use rigid and spray foam insulation and high efficiency HVAC equipment. Recycled materials, no-VOC paints, no-formaldehyde building materials, and Energy Star appliances and lighting will be used wherever possible. At this time, the Applicant is exploring the feasibility of installing a solar panel array on the flat roof.

7. Comments:

Fire Prevention: A low voltage fire alarm system and sprinklers will be required.

Wiring Inspection: Due to this being a rebuild of a 3 family, utilities overhead are acceptable.

Engineering: The Applicant must meet with the Engineering Department to determine compliance with stormwater, grading, and drainage requirements.

Ward Alderman: The Alderman has been contacted and has not provided any comments.

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."

In considering a special permit under §4.4 of the SZO, Staff find that the building proposed would not be substantially more detrimental to the neighborhood than the previous structure.

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 promoting the health, safety, and welfare of the inhabitants of the City of Somerville, providing for and maintain the uniquely integrated structure of uses in the City; and to encourage housing for persons of all income levels.

The proposal is consistent with the purpose of the district, 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 proposed building will be compatible with the neighborhood in design and residential use.

III. RECOMMENDATION

Special Permit under §4.4.1

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 **SPECIAL PERMIT**.

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 a special permit under §4.4.1 to reconstruct a nonconforming 3-family home previously lost in a fire with modifications including sideyard setbacks, rear setback, front decks for all units, and window and door alterations. This approval is based upon the following application materials and the plans submitted by the Applicant: | BP/CO | ISD/ Plng. | | | | | | | |
| | <table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>September 17, 2013</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>November 12, 2013</td><td>Modified plans submitted to OSPCD (A1.0-Cover Sheet and Landscape Plan, X1.1-Floor Plans Before Fire, A1.1-Proposed Basement & 1st Floor Plans, A1.2-Proposed 2nd & 3rd Floor Plans, A2.1-Proposed Elevations)</td></tr></table> | | | | Date (Stamp Date) | Submission | September 17, 2013 | Initial application submitted to the City Clerk's Office | November 12, 2013 | Modified plans submitted to OSPCD (A1.0-Cover Sheet and Landscape Plan, X1.1-Floor Plans Before Fire, A1.1-Proposed Basement & 1 st Floor Plans, A1.2-Proposed 2 nd & 3 rd Floor Plans, A2.1-Proposed Elevations) |
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| Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval. | | | | | | | | | | |
| | | | | | | | | | | |
| Pre-Construction | | | | | | | | | | |
| 2 | The Applicant shall meet with the Engineering Department within 30 days of the recorded decision to determine utility, grading, and drainage requirements. | BP | Eng. | | | | | | | |
| 3 | The Applicant will be required to demonstrate that the project plans meet the current City of Somerville stormwater policy. Utility, grading, and drainage plans must be submitted to the Engineering Department for review and approval. | BP | Eng. | | | | | | | |
| Construction Impacts | | | | | | | | | | |
| 4 | 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. 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 | | | | | | | |
| Design | | | | | | | | | | |
| 6 | Applicant shall provide final material samples for siding, trim, windows, and doors to Planning Staff for review and approval prior to construction. | BP | Plng. | | | | | | | |

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|-----------------------|--|----------------|----------------|--|
| 7 | An exterior light and electrical receptacle is required for the first (or all) level of the porch and an electrical receptacle is required for the second level (if there is no access to the ground). | Final sign off | Wiring Insp. | |
| Site | | | | |
| 8 | Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards; | Perpetual | Plng. / ISD | |
| 9 | Applicant shall provide a more developed landscape plan for Planning Staff review and approval. | CO | Plng | |
| Miscellaneous | | | | |
| 10 | 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 and storm water systems, ensuring they are clean, well kept and in good and safe working order. | Cont. | ISD | |
| 11 | Applicant will supply 6 bicycle parking spaces. The exterior spaces can be satisfied with a u-shaped type bicycle rack. | CO | Plng | |
| Public Safety | | | | |
| 12 | The Applicant or Owner shall meet the Fire Prevention Bureau's requirements. | CO | FP | |
| Final Sign-Off | | | | |
| 13 | 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. | |

