



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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**Case #:** ZBA 2015-19

**Date:** April 30, 2015

**Recommendation:** Conditional Approval

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**PLANNING STAFF REPORT**

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**Site:** 53 Columbus Ave

**Applicant Name:** Peter Kaplan, RCG LLC

**Applicant Address:** c/o RCG LLC, 17 Ivaloo St, Somerville, MA 02143

**Owner Name:** RCG Columbus Renewal LLC

**Owner Address:** c/o RCG LLC, 17 Ivaloo St, Somerville, MA 02143

**Alderman:** Robert McWatters

Legal Notice: Applicant, Peter Kaplan RCG, LLC, and Owner, RCG Columbus Renewal, LLC, seek a Special Permit to add an approximately 177 sf addition on the third floor of a nonconforming three-family house. RA zone. Ward 3.

Dates of Public Hearing: May 6, 2015

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**I. PROJECT DESCRIPTION**

1. Subject Property: The subject property is a three-family mansard house on a 4,544 square foot lot. There is a two- and three-story addition in the rear of the structure. There is 1 three-bedroom and 2 two-bedroom units.
2. Proposal: The proposal is to add an approximately 177 square foot addition to the third floor to make the two-bedroom unit larger. The addition will have a mansard roof to match front portion of the house. The north side of the structure will be altered slightly to accommodate the addition and bring the clapboard siding up to the roofline. Also on this side of the house two windows will be slightly enlarged.





3. Green Building Practices: The proposal will meet or exceed the stretch code.

4. Comments:

*Fire Prevention:* The smoke detectors will have to be hardwired.

*Historic Preservation:* The property is a Local Historic District. The Somerville Historic Preservation Commission reviewed the proposal at their March 17, 2015 meeting. The HPC approved of the alterations subject to the following conditions:

1. The roof shall follow the same eave line and roof break around the rear ell to the egress stair tower.
2. The roof material on the ell may be either Slateline® architectural shingles as proposed or real slate to match the existing if the budget allows.
3. The planes of the lower roof shall be the match the curvature of the existing roof.
4. The eave details and break in the Mansard shall match the existing in design, material, and proportions.
5. The dormers shall match the existing in design, material, and placement.
6. The window casings should match the originals in size, shape, form and design.
7. The window openings shall match the original openings found on the front and sides of the building.
8. The window sash shall match the existing in form and style.

9. The top floor stair tower window shall be removed on the east side toward Prospect Hill Parkway.
10. The siding on the walls shall be cementitious shingles to match the existing in size, shape, texture and color.

*Ward Alderman:* Alderman McWatters has been notified of the proposal.

## **II. FINDINGS FOR SPECIAL PERMIT:**

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 structure is currently nonconforming with respect to dimensional requirements, including minimum front and side yard setbacks, lot area, lot area per dwelling unit, floor area ratio, number of stories and street frontage.

The addition will comply with the required setbacks and will alter the following nonconforming dimensions. The third floor will be increased in area to accommodate the addition. The floor area ratio will be increased from 0.83 to 0.87 and the requirement is 0.75. This alteration to a nonconforming structure requires the Applicant to obtain special permits under §4.4.1 of the Somerville Zoning Ordinance (SZO).

These alterations to a nonconforming structure requires 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 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. In making the finding that the enlargement, extension, renovation or alteration will not be substantially more detrimental, the SPGA may consider, without limitation, impacts upon the following: traffic volumes, traffic congestion, adequacy of municipal water supply and sewer capacity, noise, odor, scale, on-street parking, shading, visual effects and neighborhood character."

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 has been designed with compliant setbacks and with a roof type and detailing that matches the main body of the house. The slight increase in FAR will allow the removal of the unsympathetic existing addition on the house.

A neighbor has voiced concerns about the following impacts: handling of asbestos and construction noise. Details can be found in the letter attached. If the asbestos siding is removed or disturbed, a licensed asbestos removal contractor will be required to appropriately handle the material. Notification of this work is reported to the City's Health Division of Inspectional Services. If neighbors have concerns about

the work being done, they can report the work to this Division. Limiting hours of construction on Saturdays and posting the contact information for the contractor are recommended conditions to try to address these concerns.

The Mayor's Office of Strategic Planning and Community Development has submitted an ordinance to the Board of Alderman to overhaul the current zoning ordinance. The re-advertised date of the legal notice was February 17. Massachusetts General Law 40a, Section 6 states that a zoning ordinance shall apply to a special permit issued after the first notice of the public hearing for such an ordinance. Therefore, staff and boards should evaluate all applications based on the current and proposed ordinances so that there are no issued posed under either ordinance.

Under the proposed zoning ordinance, the house is a house building type. In the proposed code, the main body of this building type can be expanded to a maximum depth of 48 feet and rear additions can only be two-stories in height. The proposed addition is just over this max depth and would be require a special permit to expand this nonconforming dimension. Therefore the project would be able to move forward under the current and proposed codes if the Special Permit is approved.

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 maintaining the uniquely integrated structure of uses in the City.

The proposal is consistent with the purpose of the RA district, which is, "[t]o establish and preserve quiet neighborhoods of one- and two-family homes, free from other uses except those which are both compatible with and convenient to the residents of such districts. The alteration to the existing 3-family structure that does not increase the number of bedrooms, despite the number of units, is consistent with the purpose of the district in adding a small addition to a residential unit.

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 Historic Preservation Commission has conditioned that the roof structure and detailing of the roof, eave line, shingle type, dormers, window casings, openings and sash, and siding will match that of the main body of the house. The existing third floor rear addition has a roofline that his not complementary to the mansard roof and the proposal will improve the appearance of the rear of the house.

5. Housing Impact: *Will not create adverse impacts on the stock of existing affordable housing.*

The small addition to the third floor unit will not greatly impact the affordability of it.

6. SomerVision Plan: *Complies with the applicable goals, policies and actions of the SomerVision plan, including the following, as appropriate: Preserve and enhance the character of Somerville's neighborhoods, transform key opportunity areas, preserve and expand an integrated, balanced mix of safe, affordable and environmentally sound rental and homeownership units for households of all sizes and types from diverse social and economic groups; and, make Somerville a regional employment center with a mix of diverse and high-quality jobs. The areas in the SomerVision map that are designated as*

*enhance and transform should most significantly contribute towards the SomerVision goals that are outlined in the table below. The areas marked as conserve are not expected to greatly increase the figures in the table since these areas are not intended for large scale change.*

This property is marked as an area to conserve and the proposal meets this goal.

<u>SomerVision Summary</u>	<i>Existing</i>	<i>Proposed</i>
<i>Dwelling Units:</i>	3	3

### III. RECOMMENDATION

#### Special Permit

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 the third floor addition and window alterations. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/Pln g.							
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>April 2, 2015</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>April 22, 2015</td><td>Modified plans submitted to OSPCD (Plan of Land, Z1-Z2 zoning compliance, A1 Proposed third floor, A2 Existing &amp; Proposed Views, A3 Proposed South Elevation, A4 Proposed East &amp; West Elevations, A5 Proposed North Elevation, EC1-2 Existing floor plans, EC 3-5 Existing elevations)</td></tr></table>				Date (Stamp Date)	Submission	April 2, 2015	Initial application submitted to the City Clerk's Office	April 22, 2015	Modified plans submitted to OSPCD (Plan of Land, Z1-Z2 zoning compliance, A1 Proposed third floor, A2 Existing & Proposed Views, A3 Proposed South Elevation, A4 Proposed East & West Elevations, A5 Proposed North Elevation, EC1-2 Existing floor plans, EC 3-5 Existing elevations)
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Any changes to the approved elevations that are not <i>de minimis</i> must receive SPGA approval.										

2	The roof structure and detailing of the roof, eave line, shingle type, dormers, window casings, openings and sash, and siding will match or be complimentary to the main body of the house			
<b>Construction Impacts</b>				
3	The applicant shall post the name and phone number of the general contractor at the site entrance where it is visible to people passing by.	During Construction	Plng.	
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	
6	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
7	If the asbestos siding is removed or disturbed, a licensed asbestos removal contractor is required to appropriately handle the material as required by the Heath Division of Inspectional Services with notification to this Division.	CO	Plng/OS E	
8	Construction hours are limited on Saturdays to 8am to 5pm.	During Construction	ISD	
<b>Final Sign-Off</b>				
9	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.	



