



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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SARAH WHITE, *CITY PLANNER/PRESERVATION PLANNER*  
DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*

**Case #:** ZBA 2016-87  
**Date:** September 21, 2016

**Recommendation:** Conditional Approval

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**PLANNING STAFF REPORT**

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**Site:** 15 (19) Henderson Street

**Applicant Name:** M. Rizkallah  
**Applicant Address:** 30 College Avenue, Somerville, MA  
02144  
**Owner Name:** Lacourt Foundation, LLC  
**Owner Address:** 30 College Avenue, Somerville, MA  
02144  
**Alderman:** Mark Neidergang



**Legal Notice:** Applicant, M. Rizkallah, and Owner, Lacourt Foundation, LLC, see a Special Permit under SZO §4.4.1 to alter the exterior of a 3-family residential structure by reducing the number of exterior doors on the front façade from 3 to 2, thereby allowing room for a second bathroom in the entrance hallway. RB Zone. Ward 5.

**Dates of Public Hearings:** September 21, 2016

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**I. PROJECT DESCRIPTION**

**1. Subject Property:** The subject property is a 3,234 square foot, c.1905, 3-family residential structure located on a 1,742 square foot lot in the RB zone.

**2. Proposal:** According to the application, the Applicant proposes to reduce the number of exterior doors leading from Henderson Street to units 15, 17, & 19 down to two doors in order to allow for room for a second bathroom in the entrance hallway.

**3. Green Building Practices:** None listed.



#### **4. Comments:**

Ward Alderman: Mark Niedergang is aware of this project

## **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 §4.4.1 of the SZO. This section of the report goes through §4.4.1 in detail.*

### **1. Information Supplied:**

Staff finds that the information provided by the Applicant conforms to the requirements of §4.4.1 of the SZO and allows for a comprehensive analysis of the project with respect to the required Special Permit.

Staff notes that the request for permission to make these alterations through Special Permit is occurring *ex post facto*; the Applicant has already removed one door from the front façade.

Staff further notes that the only item the Applicant has applied for is the removal of the door. Therefore, the removal of the door is the only item of work that is reviewed under this application.

### **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."***

*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."*

As per §4.4.1 of the SZO, "...[l]awfully existing non-conforming dwellings other than one- and two family dwellings may be enlarged, extended, renovated, or altered only by special permit..." [emphasis added]. The (lawful) three-family nature of 15 Henderson Street is what triggers the Special Permit for the removal of the exterior door.

Staff underscores the fact that the only item applied for by the Applicant and, therefore, the only item under consideration for Special Permit is the removal of one of the front doors on Henderson Street. Any Special Permit granted under this application and associated case number (ZBA 2016-87) shall only be for the removal/enclosure of said door. Staff analysis only addresses the removal of one of the Henderson Street doors.

Therefore, in considering a Special Permit under §4.4.1 of the SZO, Staff finds that the removal of the front door is not substantially more detrimental to the neighborhood than the existing non-conforming building.

However, Staff notes that the removal of one of these doors effectively removes one of the addresses from the building. Prior to the removal of the door, the addresses listed were 15, 17, and 19 (see “Before” photo, attached). After the removal of the door, there are two addresses listed (17, and 15), but three units within the building. It is a requirement that when changes such as this are made to an address that, for the health and safety of the building occupants, an Applicant apply to and work with the Engineering Department for the change/removal of the address from the building. This is particularly critical from a Fire Prevention/Department standpoint. Should one of the residents from Henderson St. #19 have a medical or fire emergency, emergency responders would not know where 19 Henderson is located nor where to enter the structure to reach that unit. Staff has made this a requirement in the list of conditions.

**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 to remove and enclose one door at 15 Henderson Street is not inconsistent with the purpose of the RB district, which is, “[t]o 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."*

In considering a special permit under §4.4.1 of the SZO, Staff finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. As noted in Section 2 above, the removal of the door will have little to no impact on the surrounding neighborhood.

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

The proposal will not add to the existing stock of affordable housing.

### 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 the removal of one door from the Henderson Street elevation.	BP/CO	ISD/Plng.					
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>August 3, 2016</td><td>Application submitted to City Clerk's Office</td></tr></table>				Date (Stamp Date)	Submission	August 3, 2016	Application submitted to City Clerk's Office
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August 3, 2016	Application submitted to City Clerk's Office							
Any changes to the approved Special Permit shall be submitted to the Planning Division. Planning Division/ISD Staff shall determine if the proposed changes are <i>de minimis</i> in nature or not.								
Miscellaneous								
2	The Applicant shall contact and work with the Engineering Department to correctly document the removal of one of the addresses from the front of the property. The Applicant shall adhere to all requirements from the Engineering Department and any other departments as pertains to the address(es) for this building.	CO	Planning Staff / ISD/Engineering					
3	Approval is only for the removal of the noted door. <b><u>Any other work performed on this property shall be reviewed and permitted separately from this Special Permit.</u></b>	Perpetual	Planning Staff / ISD/All City Departments					
4	The Applicant shall ensure that the entrances to this property on Henderson are properly lit for the safety of the dwelling's occupants and are correctly numbered for purposes of public safety and the safety of the occupants of all units at this location.	CO/Perpetual	Planning Staff/ISD					
Final Sign-Off								
5	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.					