



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2013-81

Date: December 5, 2013

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 186 Highland Avenue

Applicant Name: Little Sisters of the Poor, Jeanne Jugan Residence

Applicant Address: 186 Highland Ave, Somerville, MA 02143

Property Owner Name: Little Sisters of the Poor

Property Owner Address: 186 Highland Ave, Somerville, MA 02143

Alderman: Thomas Taylor

Legal Notice: Applicant/Owner Little Sisters of the Poor, Jeanne Jugan Residence seek a Special Permit under SZO §4.4.1 to alter a nonconforming structure to change doors into windows on the 6th floor solarium that was permitted through Special Permit # ZBA 1992-25. Zone RA. Ward 3.

Dates of Public Hearing: December 11, 2013

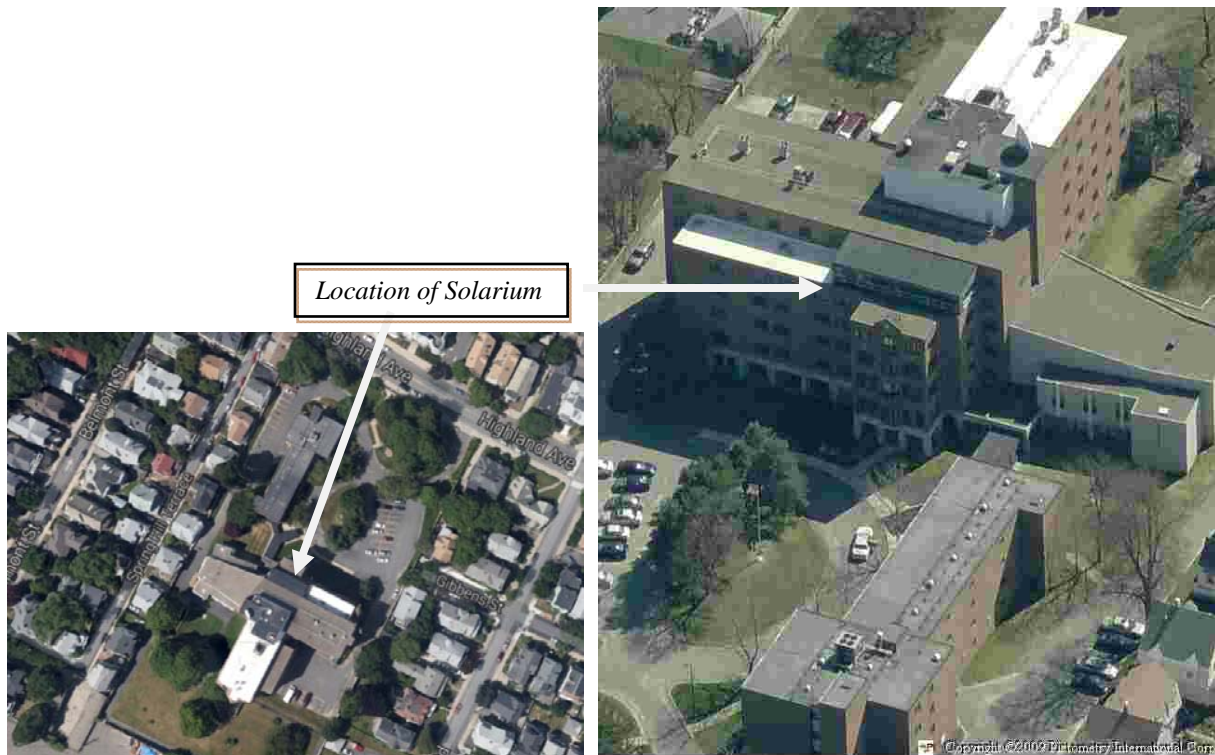
I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a 3.28 square foot parcel with two buildings of 122,000 square feet and 28,000 square feet owned by the Little Sisters of the Poor. The property provides homes for seniors.

The property received a special permit in 1992 to enclose a 442 square foot roof deck (17' x 26') located on the sixth floor to create a solarium. The deck has been previously surrounded by a chain link fence with vinyl inserts. The enclosure included the installation of twelve sliding glass doors. The Board's findings in the decision include that enclosing the deck will be extending that which is already nonconforming and will not create any new violations. Also, the addition will not be creating a separate habitable room since it will not be heated.



2. Proposal: The proposal is to replace the twelve sliding doors with windows to provide a year round temperature controlled space for 13 nuns to eat and relax. The existing doors are rotting on the sills or jams and are either not operable or tied together so that they remain closed. The windows will all be double hung and bronze in color to match the existing exterior. There will be two 5 by 4 foot windows in each of the existing openings separated by a metal stud. There will be no structural changes to the room.



3. Green Building Practices: There is a big initiative to make the Little Sisters of the Poor buildings more energy efficient and this project is a part of these efforts. The doors are drafty and the new windows will reduce the amount of heat that escapes from the building.

4. Comments:

Fire Prevention: Fire Prevention did not have any comments at this time.

Ward Alderman: Alderman Taylor has been contacted but has not yet provided 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."

Under SZO §5.3.8, revisions to Special Permits are not allowed to be granted after a certificate of occupancy is issued for project. Since the final certificate of occupancy has been issued, a new Special Permit is required.

Alteration of the nonconforming institutional structure to alter the fenestration requires a Special Permit under §4.4.1. The height at 6 stories is nonconforming. The height limit in a Residence A district is 2 ½ stories. The floor area ratio (FAR) is also nonconforming at approximately 0.95 and the maximum allowed is 0.75. Without detailed plans of the entire structure it is difficult to know if the solarium is included in the existing net square footage figure; however, if it is not, the FAR would only increase by 0.003.

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 alteration will not create any new violations and will be minimally visible.

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 conserving the value of land and buildings, encouraging housing for persons of all income levels, and preserving the amenities of the municipality. The proposal is consistent with the intent of the RA district in providing housing for seniors in a development that is compatible with the district.

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 change will make the room feel less like a solarium as it was originally intended to be when the deck was enclosed. The room will continue to receive a lot of light from the windows proposed and the space will be more functional and energy efficient. The change to the exterior is minimal it is not very visible because of the height of the structure, setback from the street, and trees along the front property line.

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 replacement of doors with windows on the 6 th floor solarium. 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>November 12, 2013</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>Hand written date Nov 10, 2013</td><td>Modified plans submitted to OSPCD (elevation)</td></tr></table>				Date (Stamp Date)	Submission	November 12, 2013	Initial application submitted to the City Clerk's Office	Hand written date Nov 10, 2013	Modified plans submitted to OSPCD (elevation)
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Any changes to the approved elevations that are not <i>de minimis</i> must receive SPGA approval.										
2	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							
3	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							
4	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP							
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.							

