



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
JOSEPH A. CURTATONE
MAYOR

MICHAEL F. GLAVIN
EXECUTIVE DIRECTOR

PLANNING DIVISION STAFF

GEORGE PROAKIS, *DIRECTOR OF PLANNING*
LORI MASSA, *SENIOR PLANNER*
DAN BARTMAN, *SENIOR PLANNER*
AMIE HAYES, *PLANNER*
MELISSA WOODS, *PLANNER*
DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*

Case #: ZBA 2013-71
Date: October 31, 2013
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 104 Holland Street

Applicant Name: R & R Capital Investments, LLC
Applicant Address: 8 Museum Way #608, Cambridge MA 02141
Property Owner Name: R & R Capital Investments, LLC
Property Owner Address: 8 Museum Way #608, Cambridge MA 02141
Alderman: Robert Trane

Legal Notice: Applicant/Owner R+R Capital Investments, LLC seek a Special Permit under SZO § 4.4.1 to alter a nonconforming structure by adding roof decks, changing rear doors to windows, and adding a front door for 2 of the 3 residential units on Jay St.

Zoning District/Ward: Zone RC. Ward 7.

Zoning Approval Sought: SZO §4.4.1

Date of Application: October 8, 2013

Dates of Public Hearing: Zoning Board of Appeals November 6, 2013

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a 4,613 net square foot triple decker on a 3,931 square foot lot. The entrance to all three units is currently at the front of the house on Holland Street. There are large decks at the back of the property and a paved rear yard for parking.
2. Proposal: The proposal is to make alterations to the structure keeping its use as a three-family dwelling. Two 300 foot decks will be added to the roof for two of the units that will be accessible via glass roof access hatches. The decks will be removed from the rear of the structure. The rear yard will



remain as a parking area but the pavement will be changed from bituminous concrete to pervious pavers. The front porches will remain; however, the front door on Holland Street will only provide access to the first floor unit. A new entrance with a flat-roofed canopy above it will be installed on the Jay Street side of the building to provide a front door to units two and three, which will be two-story units. The canopy will be made of pressure treated lumber with a rubber membrane roof protection and the exterior finish will be PVC trim. Some of the windows on the sides of the building will be filled-in and the rear doors will become windows.

104 Holland St: (l) front, (r) rear decks that will be removed



3. Nature of Application: The alteration of a three-family nonconforming structure requires a Special Permit under SZO § 4.4.1. The structure and lot have several dimensional nonconformities. The lot size is 3,931 square feet and the requirement is 7,500 square foot is required in the Residence C district. The front yard setback is approximately 6 feet and 15 feet is required. The left side setback is 1 foot 10 inches and the requirement is 10 feet.

The alterations will not increase the nonconforming nature of the structure or site. The right side setback is conforming at 10 feet and the canopy projection into this setback is allowed. The roof decks will be situated on the roof so that they conform to the setback requirements. The site meets the landscape requirement with 25 percent of the lot landscaped. The pervious surface area will increase from 26 percent to 48 percent when the decks are removed and the parking area is resurfaced with pervious pavers.

4. Surrounding Neighborhood: The surrounding area is comprised of two- and three-family homes including some triple-deckers. Hodgkins-Curtin Park is located across the street.

5. Impacts of Proposal: The roof decks are not anticipated to be negative impactful. The decks will be higher in height than any of the surrounding buildings and the abutting buildings are not within close proximity. The roof decks will provide a significant outdoor space for two of the units in the building.

The change in front door location for two of the units to the side of the house is not ideal as it can cause confusion as to where to enter. The Applicant has indicated that the unit numbers will be clearly marked

on the front and side doors. Also the Applicant agreed to change the walkway location to the new entrance so that it meets the sidewalk instead of the parking area to read more as a front entrance.

Closing up some of the windows is unfortunate; however, the Applicant finds it necessary to make the new unit layout functional. The building will continue to have a large number of windows. The plan indicates that the window locations will be filled-in with siding that matches the existing yellow vinyl siding. It may be difficult to match the siding that has faded over time. It appears that the two layers of siding on the building are being removed; however, if the vinyl remains, a color sample for the infill will be a recommended condition of approval.

The proposal will allow for more parking onsite on a pervious surface.

6. Green Building Practices: None listed on the application form.

7. Comments:

Fire Prevention: Has been contacted but has not yet provided comments.

Ward Alderman: 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."

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 roof decks will be setback so that they conform to the setback requirements. The site will become more conforming in terms of parking and pervious surface area. The canopy projection for the new entrance on Jay Street is allowed to project into the side yard setback.

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 conserving the value of land and buildings. The proposal is also consistent with the purpose of the RC zoning district as the alterations will preserve the use of triple-decker as a three-family house.

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 roof decks are not anticipated to be negative impactful. The decks will be higher in height than any of the surrounding buildings and the abutting buildings are not within close proximity. The roof decks will provide a significant outdoor space for two of the units in the building.

The change in front door location for two of the units to the side of the house is not ideal as it can cause confusion as to where to enter. To address this concern, the Applicant has indicated that the unit numbers will be clearly marked on the front and side doors, the walkway location to the new entrance will be changed so that it meets the sidewalk instead of the parking area, and the entrance will be marked with a canopy.

Closing up some of the windows is unfortunate; however, the Applicant finds it necessary to make the new unit layout functional. The building will continue to have a large number of windows. The plan indicates that the window locations will be filled-in with siding that matches the existing yellow vinyl siding. It may be difficult to match the siding that has faded over time. It appears that the two layers of siding on the building are being removed; however, if the vinyl remains, a color sample for the infill siding will be a condition of approval to ensure that the color will blend in with the rest of the house.

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 alteration to the 3-family house to add roof decks, a new side entrance, and alter other fenestration. 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>Oct 8, 2013</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>Sept 27, 2013</td><td>Plans submitted to OSPCD (A001 – site plan, code and zoning diagrams, A101 – lower duplex plans, A102 – upper duplex plans, A200-existing elevations, A201 – elevations/sections, D100 – demolition plans)</td></tr><tr><td>Aug 8, 2013</td><td>Plans submitted to OSPCD (existing site plan)</td></tr></table>				Date (Stamp Date)	Submission	Oct 8, 2013	Initial application submitted to the City Clerk’s Office	Sept 27, 2013	Plans submitted to OSPCD (A001 – site plan, code and zoning diagrams, A101 – lower duplex plans, A102 – upper duplex plans, A200-existing elevations, A201 – elevations/sections, D100 – demolition plans)	Aug 8, 2013	Plans submitted to OSPCD (existing site plan)
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Any changes to the approved site plan or 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	Applicant shall provide final material and color samples for the infill siding if the entire building's siding is not being replaced to Planning Staff for review and approval prior to installation.	Installation of siding	Plng.	
5	Applicant shall clearly mark the unit numbers on or near the front doors to all three units.	CO	Plng.	
6	The walkway to the Jay Street entrance shall be a path from the sidewalk to the front door.	CO	Plng.	
7	The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the building and all on-site amenities, including landscaping, lighting, and parking areas, ensuring they are clean, well kept and in good and safe working order.	Cont.	ISD	
8	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
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.	

