



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
JOSEPH A. CURTATONE
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MICHAEL F. GLAVIN
EXECUTIVE DIRECTOR

PLANNING DIVISION STAFF

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DAN BARTMAN, *SENIOR PLANNER*
AMIE HAYES, *PLANNER*
MELISSA WOODS, *PLANNER*
DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*

Case #: ZBA 2013-61
Date: September 12, 2013
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 2 Jaques Street

Applicant Name: John Morley
Applicant Address: 91 Perkins Street, Somerville, MA 02145
Property Owner Name: 2 Jaques Street LLC
Property Owner Address: 91 Perkins Street, Somerville, MA 02145
Agent Name: Sean O'Donovan, Esq.
Agent Address: 741 Broadway, Somerville, MA 02144
Alderman: Tony Lafuente

Legal Notice: Applicant, John Morley, and Owner, seek a Special Permit under SZO §4.4.1 to alter a multi-family nonconforming structure, which includes modifying existing dormers and stairs as well as adding net floor area. RB zone. Ward 4.

Zoning District/Ward: RB zone / Ward 4.

Zoning Approval Sought: Special Permit under SZO §4.4.1

Date of Application: August 20, 2013

Dates of Public Hearing: Zoning Board of Appeals – **Wednesday, September 18, 2013**

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a 4,685 square foot parcel currently comprised of a six-unit masonry dwelling with a two-car garage. The structure is 2½ stories with a complex roof configuration, due to a number of dormers, and is located at the corner of Jaques Street and Fellsway West, which overlooks Foss Park. The property has a net floor area of 5,575 square feet with a 1.19 floor area ratio. The building is located in a Residence B district north of Broadway. This neighborhood is

predominantly composed of single, two- and three-family dwellings with some multi-unit dwellings interspersed.

There has been no prior zoning relief; however, the Applicant has submitted an application to demolish the existing garage to create additional parking. This demolition was reviewed and approved by Historic Staff prior to the submission of this application.



*Left: 2 Jaques Street, primary façade
Right: Garage to be demolished and 12' rear passageway*

2. Proposal: Applicant, John Morley, and Owner, 2 Jaques Street LLC, seek a Special Permit to alter a multi-family (six units) nonconforming structure, which includes modifying existing dormers and stairs as well as adding net floor area.

The subject parcel is being completely renovated as part of a substantial effort to rehabilitate a unique historic structure that overlooks Foss Park. The modifications will allow better use of the interior space and removes two illegal units. The dwelling currently has 5,585 gross square feet with a 1.19 floor area ratio and the units make use of the first and second floors, the half-story/attic and a large portion of the basement. As part of the overall renovation project, the Applicant intends to request an address change from the Engineering Department as the original address of this parcel was 34-36 Fellsway West. Since the main entrance is still located along Fellsway West, not Jaques Street, this request is consistent with the orientation of the dwelling and the history of the parcel.

This six-unit structure is under major renovation; however, the Special Permit being requested is for alterations to the exterior façades of the building as well as to increase the net floor area and resulting floor area ratio of the overall structure. The primary façade currently has three gable dormers and two skylights. The small dormer, farthest to the left, would be expanded from 4' to 9' and a third skylight would be added above this dormer. The windows in all three dormers as well as the rest of the façade would also be replaced with historically appropriate windows in a two-over-one style.

The right side façade, facing Jaques Street would also have historically appropriate replacement windows. The existing entrance will be infilled with a new arched transom at the top, fiber cement paneling in the middle, and a window at the bottom that would be consistent with the other basement windows. Currently, there are two awkward shed dormers located on the roof; these dormers are proposed to be incorporated into one larger dormer that would better complement the architecture of this historic structure.

The rear façade also currently has three dormers. The small dormer, farthest to the right, would be expanded from 4.5' to 7' and a small roof deck (35 square feet) would be added to the left. Additionally, to better complement the structure, the small shed dormer would become a gable dormer. Two new doors, from the second floor leading onto a second-story deck, would be added to the rear façade of the main structure as well as railings. HVAC units would be located beyond these railings and screened to minimize any visual impact. An exterior staircase located at the rear of building, which leads from the first floor down to the grade below, would be rebuilt to be more conforming and extend into the setback four, instead of five feet. A second rear stair, which leads from the basement up to the grade, would be altered to access the side patio which would be private space for one of the units. All the windows on this façade will also be altered to be more historically appropriate and consistent with those on the other facades. Further, some of the windows located on the single-story addition will be enlarged to their original size, which is also more consistent with the existing window openings.

Last, due to finishing additional portions of the basement and removing an enclosed porch on the second floor, the net floor area would remain nonconforming, but increase by approximately 475 square feet for a 1.29 floor area ratio.

The units are all currently one or two bedroom units. After the renovation is complete, the units will remain one or two bedroom units; therefore, the parking requirement will not increase. However, as the existing two-car garage will be demolished, two additional conforming parking spaces will be located at the rear of the lot, for a total of four parking spaces on-site. These spaces will be accessible from a 12' passage way behind the parcel and will be screened along Jaques Street to minimize views of the parked vehicles. In addition, as part of the proposed renovations, the landscaping will be altered for each unit to have private outdoor space. There will be two patios located along Fellsway West at the front of the building; a third patio will be located along Jaques Street by the single-story rear addition, and a fourth patio will be located on the opposite side of this rear addition. Two second-story decks will be located on the single-story rear addition, for a total of six private outdoor spaces.

3. Nature of Application: The structure is currently nonconforming with regard to several dimensional requirements, which includes minimum lot size and minimum lot area per dwelling unit, maximum ground coverage, floor area ratio, and front and side yard setbacks. In accordance with the Somerville Zoning Ordinance (SZO) §4.4.1, a non-conforming multi-unit dwelling may only be altered through Special Permit approval. Therefore, the proposed exterior modifications require Special Permit approval.

Upon completing the proposed renovations, the gross floor area will increase by approximately 760 square feet for a total of 6,347 gross square feet. The existing ground coverage is currently nonconforming at 59%; however, upon demolition of the garage, the ground coverage will become conforming at 47% as the maximum ground coverage allowed is 50% in a Residence B district. The landscaping will be reduced but remain conforming as the existing landscape is 35% of the lot and the proposed landscape would be 27%. The pervious area is currently 35% of the lot and this would increase to 41% as the garage is authorized to be demolished.

4. Surrounding Neighborhood: The subject property is located in a Residence B district across from Foss Park, near Broadway. The neighborhood is predominantly composed of single, two- and three-family dwellings; however, there are interspersed multi-unit dwellings buildings nearby as well.

5. Impacts of Proposal: The proposal to modify dormers and exterior stairs, to add net floor area, and to enlarge windows back to the original size will not be detrimental to the structure.

The proposed alterations will rehabilitate and enhance this unique historic structure. There are a number of haphazard dormers currently located on the roof of this structure; the proposal to enlarge and alter some of these dormers will allow the interior space to be more appropriately utilized as well as better complement the structure overall. Modifications to the exterior stairs, the addition of net floor area, the creation of decks and patios, and returning rear windows back to their original size are all appropriate changes that will improve the structure and the overall streetscapes. Through the addition of private outdoor spaces for each unit, this project will also serve to activate this corner and put more eyes on the street, which is beneficial to Foss Park and the general neighborhood.

6. Green Building Practices: The application indicates that the project will comply with the Massachusetts Stretch Code regulations.

7. Comments:

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

Wiring Inspection: Has been contacted but has not yet submitted comments.

Historic Preservation: The dwelling is not in a historic district; however, the building is architecturally unique, retains a large degree of integrity, and, therefore, is historically significant. Historic Staff supports the rehabilitation of this historic structure and recognizes that the Applicant is making an effort to properly update and enhance this dwelling, which will encourage the proper long-term maintenance of this parcel.

Ward Alderman: Has been contacted and in an email to Staff dated 9/4/2013, Alderman Lafuente indicated that if there are no concerns from the neighbors, he is in support of the 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 §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 proposed alterations will rehabilitate and complement this historic structure, which will activate this corner, enhance the streetscape and place eyes on the street and Foss Park.

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; to provide for and maintain the uniquely integrated structure of uses in the City; to protect health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to conserve the value of land and buildings; to preserve the historical and architectural resources of the City; to encourage the most appropriate use of land throughout the City; to encourage housing for persons of all income levels; and to preserve and increase the amenities of the municipality.”

The proposal is consistent with the purpose of the Residence B district, §6.1.2, 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 alterations will rehabilitate and enhance both the structure and the associated streetscapes, ensuring that the project is compatible with the site and the neighborhood. There are a number of haphazard dormers currently located on the roof of this structure; the proposal to enlarge and alter some of these dormers will allow the interior space to be more appropriately utilized as well as better complement the structure overall. Modifications to the exterior stairs, the addition of net floor area, the creation of decks and patios, and returning rear windows back to their original size are all appropriate changes that will improve the structure and the overall streetscapes. Through the addition of private outdoor spaces for each unit, this project will also serve to activate this corner and put more eyes on the street, which is beneficial to Foss Park and the general neighborhood.

5. Adverse environmental impacts: The proposed use, structure or activity will not constitute an adverse impact on the surrounding area resulting from: 1) excessive noise, level of illumination, glare, dust, smoke, or vibration which are higher than levels now experienced from uses permitted in the surrounding area; 2) emission of noxious or hazardous materials or substances; 3) pollution of water ways or ground water; or 4) transmission of signals that interfere with radio or television reception.

6. Vehicular and pedestrian circulation: The circulation patterns for motor vehicles and pedestrians which would result from the use or structure will not result in conditions that create traffic congestion or the potential for traffic accidents on the site or in the surrounding area.

Approval to demolish the two-car garage will create space at the rear of the parcel to locate four parking stalls on-site. This will minimally change the vehicle circulation as cars will no longer enter directly into a garage facing onto Jaques Street, but enter onto the 12 foot passageway at the rear of the parcel and make an immediate left-hand turn into one of four parking stalls.

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 to alter a multi-family nonconforming structure, which includes modifying existing dormers and stairs as well as adding net floor area. 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>(August 20, 2013)</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>June 12, 2013 (September 12, 2013)</td><td>Plot plan submitted to OSPCD</td></tr><tr><td>September 12, 2013 (September 12, 2013)</td><td>Modified plans submitted to OSPCD (T-1, T-2, Z.1, Z.2, A1.0, A1.1, A1.2, A2.1, & A2.2, A2.3, A2.4, E1.1 & E1.2)</td></tr></table>				Date (Stamp Date)	Submission	(August 20, 2013)	Initial application submitted to the City Clerk’s Office	June 12, 2013 (September 12, 2013)	Plot plan submitted to OSPCD	September 12, 2013 (September 12, 2013)	Modified plans submitted to OSPCD (T-1, T-2, Z.1, Z.2, A1.0, A1.1, A1.2, A2.1, & A2.2, A2.3, A2.4, E1.1 & E1.2)
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Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.												
Construction Impacts												
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									
Design												
3	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 Inspector									
4	New siding type and color, roofing, trim, and materials of the expanded dormers shall match or be complimentary to the existing structure.	CO	Plng.									
Public Safety												
5	The Applicant or Owner shall meet the Fire Prevention Bureau’s requirements.	CO	FP									
6	To the extent possible, all exterior lighting must be confined to the subject property, cast light downward and must not intrude, interfere or spill onto neighboring properties.	CO	Plng.									
Final Sign-Off												

7	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.	
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2 Jaques Street