



**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*  
ETHAN LAY-SLEEPER, *PLANNER*  
SARAH WHITE, *PRESERVATION PLANNER*  
DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*

**Case #:** ZBA 2015-64  
**Date:** September 10, 2015  
**Recommendation:** Conditional Approval

---

**PLANNING STAFF REPORT**

---

**Site:** 88 Jaques Street

**Applicant Name:** Vincenza Fodera  
**Applicant Address:** 134 Mystic Ave. Medford, MA 02155  
**Owner Name:** Ciross Properties, LLC  
**Owner Address:** 134 Mystic Ave. Medford, MA 02155  
**Agent Name:** NA  
**Agent Address:** NA  
**Alderman:** Tony Lafuente

Legal Notice: Applicant, Vincenza Fodera, and Owner, Ciross Properties, LLC, seek a Special Permit to alter a nonconforming and illegal three-family structure per SZO §4.4.1. by adding a third floor. RB zone. Ward 4.

Dates of Public Hearing: Zoning Board of Appeals—**September 16<sup>th</sup>, 2015**

---

**I. PROJECT DESCRIPTION**

1. Subject Property: The property is a 6,480 square foot lot located on Jaques Street off of Temple Street, between Broadway and Interstate 93. The 2½ story, three-family dwelling consists of an illegal one-bedroom basement apartment, a first floor three-bedroom apartment, and a four-bedroom apartment on the second floor and attic levels. The structure's gross floor area is approximately 3,988 square feet; the net floor area is approximately 3,400 square feet. A common driveway easement provides access to a private concrete driveway and a two car garage at the rear of the lot.



2. Proposal: The developer is proposing to convert the basement apartment to storage and bicycle parking; remodel the first floor three-bedroom unit and add a second bathroom; remodel and convert the second floor four-bedroom unit into a three-bedroom unit and add a second bathroom; and add a full third story three-bedroom unit with two bathrooms. The proposed third story demolishes the existing gabled roof, and adds a mansard roof with dormers. The proposal converts a portion of the rear yard to accommodate two new parking spaces constructed from pervious pavers. The proposal also replaces the existing fire escape at the rear of the building, updating it to meet code, and extending it to provide egress for the third story unit.

3. Green Building Practices: Energy saving heating and cooling systems, window systems, paint and thermostats will be used.

4. Comments:

*Fire Prevention:*

The proposal shall meet the Fire Prevention Bureau's requirements. A sprinkler system is likely required for all three units.

*Wiring Inspection:*

An exterior light is required for all levels of the porch.

*Ward Alderman:*

Alderman Lafuente has been contacted but has not yet provided comments.

## **II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1, §5.1):**

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."*

According to a letter from the Somerville Department of Public Works, dated May, 24<sup>th</sup> 1989, an illegal basement unit was installed at 88 Jaques Street. The installation of this unit constitutes a substantial change in use, and as such requires a new certificate of occupancy per the Somerville Zoning Ordinance (SZO) §7.10. Since a new certificate of occupancy was never obtained by the previous owner, this process must now be completed prior to receiving approval for a special permit for the proposed project. Three residential units are allowed in the RB zoning district and the lot has sufficient land area to meet the lot area per dwelling unit for three units.

The structure is currently nonconforming with respect to the following dimensional requirements per SZO §8.5: side yard setback. The proposal will not change the nonconforming dimensions of the setback, but the alteration to a nonconforming structure requires the Applicant to obtain a special permit under §4.4.1 of the SZO. In considering a special permit under §4.4 of the SZO, Staff finds that the proposed alterations and use would not be substantially more detrimental to the neighborhood than the existing structure. The largest physical component of the proposal is the conversion of the gable roof to a mansard roof. While this will increase the size of the structure, it will do so in a manner that is comparable to other neighborhood structures, and it will do so while conforming to the requirements of the SZO.

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 encouraging the most appropriate use of land throughout the City."

The proposal is consistent with the purpose of the district (6.1.2. RB - Residence Districts), 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 "is designed in a manner that is compatible with the characteristics of the built and unbuilt surrounding area, including land uses."*

The proposed addition to the existing two-family structure is compatible with the characteristics of the surrounding neighborhood and would have a minimal impact, if any, on the surrounding area. Furthermore, it does not appear that the proposed addition would greatly impact the amount of sunlight being received by surrounding structures or limit the views from abutting properties. Even with the proposed third story addition, the building would maintain a height and massing that is comparable to structures in the surrounding area.

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.*

No adverse environmental impacts are anticipated from this proposal. No new noise, glare, smoke, vibration, nor emissions of noxious materials nor pollution of water ways or ground water nor transmission of signals that interfere with radio or television reception are anticipated as part of the project.

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

No adverse impacts on the existing stock of affordable housing are anticipated.

7. 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.*

<u>SomerVision Summary</u>	<i>Existing</i>	<i>Proposed</i>
<i>Dwelling Units:</i>	2	3
<i>Parking Spaces:</i>	2	4

### III. RECOMMENDATION

#### Special Permit under §4.4.1, §5.1

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 of the nonconforming structure to add a third floor. 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 13, 2015)</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>(August 13, 2015)</td><td>Modified plans submitted to OSPCD (1-11)</td></tr><tr><td>(August 26, 2015)</td><td>Modified plans submitted to OSPCD (1-13)</td></tr></table>				Date (Stamp Date)	Submission	(August 13, 2015)	Initial application submitted to the City Clerk’s Office	(August 13, 2015)	Modified plans submitted to OSPCD (1-11)	(August 26, 2015)	Modified plans submitted to OSPCD (1-13)
	Date (Stamp Date)				Submission							
	(August 13, 2015)				Initial application submitted to the City Clerk’s Office							
	(August 13, 2015)				Modified plans submitted to OSPCD (1-11)							
(August 26, 2015)	Modified plans submitted to OSPCD (1-13)											
	Any changes to the approved (site plan or elevations/use) that are not <i>de minimis</i> must receive SPGA approval.											
Pre-Construction												
2	The Applicant shall obtain a certificate of occupancy for 3 residential units prior to final sign off on a building permit.	BP/CO	ISD/Plng.									
Construction Impacts												
3	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									
4	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									
Design												
5	An exterior light is required for all levels of the porch.	Final sign off	Wiring Inspector									
6	The Applicant or Owner shall meet the Fire Prevention Bureau’s requirements.	CO	FP									
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.									

