



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

*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 2012-23  
**Date:** March 28, 2013  
**Recommendation:** Conditional Approval

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**PLANNING STAFF REPORT**

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**Site: 106 Orchard Street**

**Applicant Name:** Richard G. DiGirolamo  
**Applicant Address:** 424 Broadway Somerville, MA 02145  
**Owner Name:** Sapna Mehtani  
**Owner Address:** 106 Orchard Street, Somerville, MA 02144  
**Architect Name:** Faith Baum  
**Architect Address:** 33 Hancock Street, Lexington, MA 02420  
**Alderman:** Rebekah Gewirtz

Legal Notice: Applicant and Owner Sapna Mehtani, seeks a Special Permit to alter a nonconforming structure under SZO §4.4.1 to construct a two story addition in the rear of an existing single-family residence. RB zone. Ward 6.

Zoning District/Ward: RB Zone / Ward 6

Zoning Approval Sought: Special Permits under SZO §4.4.1

Date of Application: March 20, 2012

Dates of Public Hearing: Zoning Board of Appeals – **April 3, 2013**

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**I. PROJECT DESCRIPTION**

1. Subject Property: The subject property consists of a single-family dwelling situated on a 3,998 square foot lot located near the intersection of Chester Street and Orchard Street, just a five minute walk south of Davis Square. The 2½ story wood frame structure has 2,247 square feet of habitable space and a gable roof. There is a 1½ story portion of the structure in the rear which currently shelters an above grade pool. The property contains one off-street parking space but is still covered with almost 50% landscaping.



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2. Proposal: At the rear of the building currently sits an above grade pool structure that is made of a ten inch cinder block foundation and support posts that carry arched roof trusses. The roofing over the pool structure is a translucent plastic. The Applicant is proposing to remove this entire above grade pool structure, a 1-story rear kitchen addition, and a 1-story side addition (at the living room) to construct a two story addition roughly 20' x 15.5' at the rear of the property. The first floor of the new addition would be additional square footage for the kitchen including an eat-in area. It will also provide access to a new deck. The second floor of the addition would be a master bedroom suite. The master bedroom suite would contain a bedroom area with two closets, a shower room, and a toilet room, as well as access to a deck that has stairs to the proposed deck below. The roof of the addition will mimic the same gable roof style that is found on the existing structure and the addition will actually be slightly lower than the front portion of the structure that will be retained. The proposal also includes removing the one-story portion of the northeast corner of the house and rebuilding the existing front porch and roof. The new entrance will have squared edges versus the existing chamfered corner and a wider staircase.

The original application to add a second unit to the property has been changed and the current proposal will maintain the use as a single-family.

3. Nature of Application: This is a residential property within an RB district. The property is currently nonconforming with respect to the minimum lot size (7,500 square feet required), the minimum frontage (50' required), the left side and right side setback (17' required), and rear yard setbacks (20' required). The existing left side, right side, and rear yard setback nonconformities require the Applicant to obtain a Special Permit under Somerville Zoning Ordinance (SZO) §4.4.1 to alter the nonconforming structure to construct the two story addition in the rear of the existing single-family residence. The left side setback has increased to 7.41', a 1.81' improvement and the right side setback has increased to 7.5', a .91' improvement. The rear setback will continue to be 7.9 feet to the deck; however, the building will be setback 10.5 feet farther from the lot line.

4. Surrounding Neighborhood: The subject property is located in an RB district within the greater Davis Square neighborhood. The surrounding neighborhood consists of a mixture of single-, two-, three-, and multi-family dwellings between 2½ to 3 stories. The property is a five minute walk from the heart of Davis Square which offers numerous amenities such as restaurants, banks, the Somerville Theater, a post office, and access to multiple modes of public transportation, including the MBTA's Davis Square Red Line Station and Hubway bike rental.

5. Impacts of Proposal: The proposed two story rear addition to the existing structure would not appear to be detrimental to the abutters or the surrounding neighborhood. Although the minimum lot size and street frontage cannot be changed, the side and rear yard setbacks have been improved. The massing of the rear portion of the building will be greater because a two story addition is proposed and the existing building for the pool is one-story.

The majority of alterations to the structure are occurring well back from the street edge and therefore the changes will not greatly impact the view along the Orchard Street streetscape. There are no character-defining features located at the rear of the building that will be affected by this proposal. In fact, the proposed addition would be taking a somewhat out of place enclosed pool structure and replacing it with an addition and deck which has a design that is compatible with the architecture of the rest of building and within the footprint of the existing pool house. The proposed gable roof style and siding will be similar to the other structures in the surrounding neighborhood. While the addition will add a full extra story to this portion of the existing building, the proposed addition will be slightly lower than the existing

front portion of the building. Therefore, only minimal impacts to abutters and the surrounding neighborhood are anticipated once construction is complete.

6. Green Building Practices: None indicated.

7. Comments:

*Fire Prevention*: Fire Prevention is satisfied with the application as a single-family structure.

*Ward Alderman*: Has been contacted but has not yet provided comments.

*Historic Preservation*: Preservation Planner Kristi Chase indicated the following in a memorandum to Planning Staff on April 3, 2012:

This house was constructed between 1874 and 1884 and is shown to be owned by Mary M Prescott along with several other properties in 1884. Mary Matilda Prescott was born a Russell and was heir to the Russell Farm which was being subdivided throughout the 1870s and 1880s. 106 Orchard, originally numbered 68 may have been rental property although Edward T Russell is listed in the 1881 City Directory as living on Orchard near Chester

The proposed alteration to the house will not disrupt the existing streetscape. The proposed addition will be minimally visible from the street since it will be located on the rear of the building. While large, it does appear to meet the HPC Guidelines for additions, in that they *do not disrupt the essential form and integrity of the property, are compatible in size, scale, material and character of the property and its environment and confined to the rear of the house.*



Existing Conditions

## 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 finds that the proposed alterations would not be substantially more detrimental to the neighborhood than the existing structure. There are no character-defining features located at the rear of the building that will be affected by this proposal. In fact, the proposed rear addition would be taking a somewhat out of place enclosed pool structure and replacing it with an addition which has a design that is compatible with the architecture of the rest of building. The proposed gable roof style and siding will also be similar to the other structures in the surrounding neighborhood. Additionally, the proposed addition and decks will stay within the current footprint of the existing building. While the addition will add a full extra story to this portion of the existing building, the proposed addition will be slightly lower than the existing front portion of the building. Therefore, only minimal impacts to abutters and the surrounding neighborhood are anticipated once construction is complete.

In addition, removing the one-story appendage to the house and rebuilding front porch will be an improvement to the property and more closely match the existing porches on Orchard Street.

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 provide adequate light and air; to conserve the value of land and buildings."

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 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 rear addition has been designed to be compatible with the characteristics of the surrounding area. The majority of alterations to the structure are occurring well back from the street edge and therefore the changes will not greatly impact the view along the Orchard Street streetscape. There are no character-defining features located at the rear of the building that will be affected by this proposal. In fact, the proposed addition would be taking a somewhat out of place enclosed pool structure and replacing it with

an addition which has a design that is compatible with the architecture of the rest of building. The rebuilding of the front porch will more closely match the existing porches on Orchard Street. The proposed gable roof style and siding will also be similar to the other structures in the surrounding neighborhood. Additionally, the proposed addition and decks will stay within the current footprint of the existing pool house. The addition will add a full extra story to this portion of the existing building, the proposed addition will actually be slightly lower than the existing front portion of the building. Therefore, only minimal impacts to abutters and the surrounding neighborhood are anticipated once construction is complete. The rear addition to the structure and rebuilt front porch will still be consistent with the context of the surrounding residential 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.

No adverse environmental impacts are anticipated as part of 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. The rear addition to the structure and rebuilt front porch will still be consistent with the context of the surrounding residential neighborhood.

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.

There are no changes in parking requirements because there are no additional bedrooms or dwelling units.

### **III. RECOMMENDATION**

#### **Special Permits 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 PERMITS**.

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 to alter a nonconforming structure under SZO §4.4.1 to construct a two story addition in the rear of an existing single-family residence. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/Pln g.									
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>(March 20, 2012) Complete March 28, 2013</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>May 31, 2011 (March 28, 2013)</td><td>Plot Plan</td></tr><tr><td>March 22, 2013 (March 28, 2013)</td><td>Cover Sheet, A0.1 Proposed Site Changes, D1.1 Demo Plan, D2.1Existing Elevations, A1.1 First and Second Floor Plan, A2.1 North and West Elevations, A2.2 South and West Elevations, A10.1 Option 1</td></tr></table>				Date (Stamp Date)	Submission	(March 20, 2012) Complete March 28, 2013	Initial application submitted to the City Clerk's Office	May 31, 2011 (March 28, 2013)	Plot Plan	March 22, 2013 (March 28, 2013)	Cover Sheet, A0.1 Proposed Site Changes, D1.1 Demo Plan, D2.1Existing Elevations, A1.1 First and Second Floor Plan, A2.1 North and West Elevations, A2.2 South and West Elevations, A10.1 Option 1
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Any changes to the approved site plan, plans, or elevations that are not <i>de minimis</i> must receive SPGA approval.												
2	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP									
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, including dumpsters, 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									
5	New siding type and color, roofing, trim, and materials of the addition shall match or be complimentary to the rest of the existing structure	CO	Plng.									
6	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.									



106 Orchard Street