



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2014-19, R-1, 2-2016

Date: March 16, 2016

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 40 Pitman Street

Applicant Name: 40 Pitman, LLC

Applicant Address: 116 W. Broadway, Boston, MA 02127

Agent: Rich G. Di Girolamo

Agent Address: 424 Broadway Somerville, MA 02145

Alderman: Robert McWatters

Legal Notice: Applicant and Owner, 40 Pitman, LLC, seeks a Revision to a Special Permit under SZO §5.3.8 to construct two head houses for rooftop access. BA Zone. Ward 3.

Dates of Public Hearing: March 16, 2016

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a 4,969 square foot lot in a BA zone. The original structure has been altered per the 2014 ZBA decision which has been included in the ZBA packet for this case. The following set of circumstances have led to this request to revise the original Special Permit:
 - 1 - The approved plans called for the construction of two hatches to access the roof, which the Applicant built.
 - 2 The Inspectional Services Division (ISD) cited the Applicant for not constructing two head houses (which is required by building code) for roof access instead of the hatches.

- 3 The Applicant complied with the ISD order and constructed the head houses.
 - 4 In the intervening months complaints were received from an abutter that the head houses were blocking her view of the surrounding cityscape.
 - 5 For reasons unknown to the Planning Office, the architect of record filed an appeal of the ISD order with the state.
 - 6 The state determined that just the hatches are acceptable for roof access. The state did not order the removal of the already-built head houses. These are also acceptable means of rooftop access.
 - 7 Somerville's chief building inspector is appealing the state decision.
2. Proposal: The Applicant proposes to construct two head houses atop the property at 40 Pitman in order to comply with building code requirements to allow for rooftop access. Though the head houses have already been constructed per the order of ISD, the Applicant must request a revision to the special permit so that the built conditions match approved plans.
3. Green Building Practices: n/a
4. Comments: n/a

II. FINDINGS FOR REVISION TO SPECIAL PERMIT (SZO §5.3.8):

In order to grant a revision to a special permit, the SPGA must make certain findings and determinations as outlined in §5.3.8 of the SZO. This section of the report goes through §5.3.8 in detail.

1. Information Supplied: The Staff finds that the information provided by the Applicant conforms to the requirements of §5.3.8 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 the revision to the special permit under §5.3.8 of the SZO, Staff finds that the addition of the head houses for roof access would not be substantially more detrimental to the neighborhood. The head houses are required by building code. With respect to the additional height that the head houses add to the building, §8.6.2 of the SZO exempts such structures from height requirements as follows:

§ 8.6.2 was amended by Ordinance 2006-07 on January 26, 2006.

3. Height: The provisions of this Ordinance governing height of buildings shall not apply to church spires, belfries, cupolas, domes, monuments, observation towers, sky lights, flag poles, ventilators, and penthouses housing mechanical equipment or

other architectural elements normally built above the roof and not devoted to human occupancy. [Staff emphasis added]

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 lessen congestion in the streets; to prevent the overcrowding of land; to preserve the historical and architectural resources of the City; and to encourage the most appropriate use of land throughout the City.

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."*

Staff finds that this criterion is not applicable to the construction of the head houses which are required by building code and must meet specific dimensions.

5. 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.*

Staff finds that this criterion is not applicable to the issue of head house construction. Questions relating to vehicular and pedestrian circulation were addressed by the Applicant, Staff and the ZBA in 2014 under the original approvals for the project.

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

Staff finds this criterion is not applicable to the revision to the special permit.

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.*

Staff finds this criterion is not applicable to the revision to the special permit.

III. RECOMMENDATION

Special Permit under SZO §5.3.8

Based on the materials submitted by the Applicant, the above findings and subject to the following conditions, the Planning Staff recommends **APPROVAL** of the requested **REVISION TO A 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.

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