



**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*  
MELISSA WOODS, *SENIOR PLANNER*  
DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*

**Case #:** ZBA 2015-32  
**Date:** October 29, 2015  
**Recommendation:** Conditional Approval

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**Updated PLANNING STAFF REPORT\***

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**Site:** 906-908 Broadway

**Applicant Name:** Siyuan He  
**Applicant Address:** 32 St James Ave, Somerville, MA 02144  
**Owner Name:** Siyuan He  
**Owner Address:** 32 St James Ave, Somerville, MA 02144  
**Alderman:** Rebekah Gewirtz

Legal Notice: Applicant & Owner, Siyuan He, seeks a Special Permit under SZO §4.4.1 to alter a nonconforming 2-family house to add an approximately 2,000 sf addition. RA zone. Ward 6.

Dates of (initial) Public Hearing: July 15, 2015

\* The July 9 staff report was updated on September 10 to reflect the following changes: The proposal was updated to address concerns raised by the community and staff. Changes include adding a deck to the Broadway side of the building, adding an arched trellis at the base of the stairs off of Broadway, adding a portico at the entrance visible from Broadway, changing the design of the bay and adding pervious pavers for the driveway and walkways. The September 10 staff report was updated on October 15 to reflect the following changes: there is no parking proposed on Broadway, the units are two 3 bedroom units instead of two 4 bedroom units, each unit would have 3 bathrooms, the height has been reduced 2 feet by lowering the roof pitch, the addition has been pulled back on both sides to reduce the size of the addition by 27%, there is a proposed fruit tree in the back yard as requested by a neighbor, the attic floor plan was revised to add more space for mechanicals. The October 15 report was updated by this current report dated October 29, 2015 to reflect the following changes: The deck on Broadway was converted into a portico and the door in this located changed from a sliding door to a door with side lites. Additions since the July 9 staff report are underlined and deletions are ~~struck~~.

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**I. PROJECT DESCRIPTION**



1. Subject Property: The subject property is a 2,600 square foot two-family house on a 6,853 square foot lot. One unit has one bedroom and the other has four bedrooms. There is an existing curb cut on Billingham Street with a driveway for two cars.

2. Proposal: The proposal is to renovate the property and add a ~~2,164~~ ~~2093~~ 2,294 square foot addition while keeping the use as a two-family dwelling. The front porch on the Broadway side of the property would be removed and filled in with structure. The rest of the addition is essentially comprised of building another single-family house that is attached to the existing structure. The main front entrances for one unit would be off of Billingham Street and a secondary main entrance for one of the units the other unit would be accessed and visible from Broadway. The units would each have ~~four~~ three bedrooms. A 12-foot curb cut is proposed along Broadway to provide two more parking spaces onsite for a total of 4 parking spaces. The existing curb cut on Billingham would be used to supply space for 4 cars to park, two in tandem.

3. Green Building Practices: The project is designed by a AIA, LEED AP architect. The site would have an infiltration system for environmental onsite stormwater collection. The building would have high efficiency heating and cooling systems, a tankless hot water system, energy star lightbulbs, energy star kitchen appliances, energy efficient windows and the building will be fully insulated.



*Photo of 906-908 Broadway from the Broadway side of the property - submitted by the applicant.*

4. Comments:

*Fire Prevention:* Has not yet submitted comments.

*Wiring Inspection:* An exterior light and electrical receptacle is required for the first levels of the porches/decks and an electrical receptacle is required for second level. The utility plans shall be supplied to the Wiring Inspector before installation.

*Engineering:* The Applicant will be required to demonstrate that the updated project plans meet the current City of Somerville stormwater policy. Utility, grading, and drainage report and plans stamped by a registered PE in Massachusetts must be submitted to the Engineering Department for review and approval.

*Highway Lights & Line:* Inspection for compliance per the city ordinance was completed by the Highway Department as well as ISD. The property meets the required area, green space and set backs for a driveway. Being a corner lot the property is allowed two curb cuts, one per property line. It is my understanding that the curb cut on the Billingham Street side would be closed up adding a parking space to that roadway. There are many driveways along Broadway that cars enter and exit from without any disruption to traffic flow. Snow plowing operations would not be affected by adding a curb cut at this location. The curb cut on Broadway is no longer part of the application.

*Ward Alderman:* Submitted on Oct 2 by Alderman Gewirtz: It is my opinion at this point that the development is too dense. I have not heard one neighbor in support of the project and indeed it's my understanding that all of the home owners on Billingham (most homes there are owner occupied) are in opposition. The building is out of character with the neighborhood. I recommend denying the application as it stands now. If the developer would like to come back with a smaller/less dense design, I could possibly be supportive of that. We learned at the meeting last night that not only is the plan to enlarge both units to 4 bedrooms each but to also have four bathrooms in each unit for a total of 8 bathrooms. I was shocked by this. We already have an overflowing sewer system. This just seems irresponsible. And ripe for rental to a lot of students as opposed to family living.

## **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."***

The structure is currently nonconforming with respect to the following dimensional requirements: lot size and side yard setback. The Applicant has designated the yard on Billingham as the front yard for purposes of measuring setbacks.

The proposal will impact the nonconforming side yard dimension. The portion of the house that is 5 feet from the side lot line will change from a porch to a finished living space. This alteration, as well as the

alteration to increase the nonconforming structure by more than 25% of the gross floor area of the original structure, requires the Applicant to obtain special permits under §4.4.1 of the Somerville Zoning Ordinance (SZO).

Section 4.4.1 states that “[l]awfully existing one-and two-family dwellings which are only used as residences, which are nonconforming with respect to dimensional requirements, may be enlarged, extended, renovated or altered by special permit granted by the SPGA in accordance with the procedures of Article 5.”

In considering a special permit under §4.4 of the SZO, Staff find that with the proposed alterations and conditions the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The front porch of the house along Broadway would be removed; however a substantial deck portico to a front door to one of the units is proposed in its place and the house would turn its back to Broadway. Also, there will be a secondary entrance to one this of the units which will be marked with a landscape trellis and portico making it visible from Broadway. Finally, this façade along the major thoroughfare includes more and larger windows in the revised plan set to activate the building would be boring and would not activate the street. The building or the site must be redesigned to address these concerns. The bay on the Another portion of the building that should be redesigned is the bay proposed on the side of the house that is visible from Billingham Street was redesigned so that its design is sympathetic to the rest of the house. Its siding is consistent with the rest of the house, there are brackets to visually hold it up and windows are symmetrically placed on it. This bay appears tacked on because there are no supports under the bay and it is clad with panels where the rest of the house is clad with clapboards. A different siding was used to mask the off set windows; however, the bay stands out from the rest of the house in an unsympathetic way.

Additionally, the basement floor plan has been updated so that it is not ambiguous if the space can be used or not. One of the units will have a finished basement and one will not. The space that is unfinished is appropriately labeled and does not contain rooms but is all open. A condition of approval specifies that the area marked as unfinished cannot be used as living space so that the floor area ratio is not exceeded. has been designed as living space even though it is labeled as storage space. There is an entrance to the basement from Broadway and another entrance from the rear yard. The basement is designed with several rooms with doors. A future owners of this property will assume that the basement is living space and furnish and use it as such. Adding the square footage of all of the rooms designed in the basement would cause the floor area ratio to become nonconforming and a variance would be required to use the basement. This causes a difficult situation for the occupants of the units. The basement should be redesigned to only allow living space that would be under the allowable FAR and the remainder of the space should be finished in a way that it is clearly just for storage. The alternative is that the massing of the building needs to be made smaller.

The required parking is provided for the increase in bedrooms in the units. Staff have contacted DPW regarding the proposed curb cut to ensure that it meets the City standards before the ZBA approves a parking plan that may not be possible. Additional comments are forthcoming.

The Applicant has already applied for a curb cut on Broadway to add two additional parking spaces onsite. The curb cut meets the standards and would be approved by DPW if the parking spaces are approved as part of this Special Permit application. The spaces created by the curb cut are not required for zoning. The existing parking requirement is 3.5 which rounds up to 4. The SZO states that when the floor area of a structure that has nonconforming parking is expanded, the parking required by the new floor area shall be provided. On the other hand, since the old and new parking requirement is the same, no new parking is required. A neighbor submitted comments and she does not want the curb cut installed.

Planning Staff recommend conditioning that the curb cut and two additional parking spaces are not installed to retain the pedestrian safety at this location and not incentivize future occupants to locate here that have multiple cars. Also, The tree well that was paved over in front of where the driveway was previously proposed should be replanted in consultation with Highway Lights and Lines.

Iterations of plans incorporate the following items to try to address neighbor's concerns:

-No parking proposed on Broadway.

-The units were changed from two 4 bedroom units to two 3 bedroom units. Only one bedroom is being added to the property from the existing situation. Each unit would have 3 bathrooms.

-The height has been reduced 2 feet by lowering the roof pitch.

-The addition has been pulled back to reduce size of the addition by 28%.

-A fruit tree is proposed in the back yard that was requested by a neighbor.

-The attic floor plan was revised to add more space for mechanicals.

- A front door with a portico was added on Broadway.

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; however, the proposal not consistent with the purpose of preserving the historical and architectural resources of the City by removing a front porch and changing the main entry of the house to the side street.

The proposal is consistent with the purpose of the RA district, which is, "[t]o establish and preserve quiet neighborhoods of one- and two-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) designed in a manner that is compatible with the characteristics of the built and unbuilt surrounding area, including land uses."*

See finding 2 for the design and compatibility ~~concerns~~ regarding the proposal.

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

The units will be more expensive with a renovation and addition. The units are not restricted as affordable units and even without the expansion of the building the owner could increase the cost of the units.

8. 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.*

Planning Staff does NOT find that removing the front porch of the structure along Broadway and turning all of the entrances to the side street without making the Broadway side more interesting to pedestrian is compatible with finds that the proposed revisions to the plans alleviate the concern regarding the house turning its back to Broadway, which would have been counter to the goal of enhancing the character of a main thoroughfare.

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

### 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
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1	Approval is for the alteration of the nonconforming structure to add an approx 2093 sf addition. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/Plng.													
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>June 3, 2015</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td><u>Oct 21, 2015</u></td> <td>Modified plans submitted to OSPCD (Proposed Site Plan)</td> </tr> <tr> <td><u>Sept 3, 2015</u></td> <td>Modified plans submitted to OSPCD (A1 cover, A2-A-6 existing floor &amp; roof plans,)</td> </tr> <tr> <td><u>Oct 6, 2015</u></td> <td>Modified plans submitted to OSPCD (A13-1 existing elevations)</td> </tr> <tr> <td><u>Oct 29, 2015</u></td> <td>Modified plans submitted to OSPCD (A-7 site diagram, A8-A-12 new floor &amp; roof plans, A13 new elevations)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	June 3, 2015	Initial application submitted to the City Clerk's Office	<u>Oct 21, 2015</u>	Modified plans submitted to OSPCD (Proposed Site Plan)	<u>Sept 3, 2015</u>	Modified plans submitted to OSPCD (A1 cover, A2-A-6 existing floor & roof plans,)	<u>Oct 6, 2015</u>	Modified plans submitted to OSPCD (A13-1 existing elevations)	<u>Oct 29, 2015</u>	Modified plans submitted to OSPCD (A-7 site diagram, A8-A-12 new floor & roof plans, A13 new elevations)
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Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.																
<b>Pre-Construction</b>																
2	The Applicant must contact the Engineering Department to obtain a street address prior to a building permit being issued.	BP	Engineering													
3	The Applicant will be required to demonstrate that the updated project plans meet the current City of Somerville stormwater policy. Utility, grading, and drainage plans must be submitted to the Engineering Department for review and approval.	BP	Eng.													
4	New sanitary connection flows over 2,000 GPD require a 4:1 removal of infiltration and/or inflow by the Applicant. This will be achieved by submitting a mitigation payment to the City based on the cost per gallon of I/I to be removed from the sewer system. The Applicant shall work with Engineering to meet this condition before a certificate of occupancy is issued.	BP	Eng.													
<b>Construction Impacts</b>																
5	The applicant shall post the name and phone number of the general contractor at the site entrance where it is visible to people passing by.	During Construction	Plng.													
6	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													

7	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	
<b>Design</b>				
8	Applicant shall provide final material samples for siding, trim, windows, and doors to Planning Staff for review and approval prior to construction.	BP	Plng.	
9	An exterior light and electrical receptacle is required for the first levels of the porches/decks and an electrical receptacle is required for second level. The utility plans shall be supplied to the Wiring Inspector before installation.	Final sign off	Wiring Inspector	
<b>Site</b>				
10	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards.	Perpetual	Plng. / ISD	
11	The Applicant shall work with the Highway Lights and Line Division to uncover the tree pit on Broadway in front of the site and appropriately plant a tree in this place.	CO	Plng.	
<b>Traffic &amp; Parking</b>				
<del>12</del>	<del>The curb cut proposed on Broadway and the related parking spaces shall not be installed.</del>	<del>Continuous</del>	<del>Plng.</del>	
<b>Miscellaneous</b>				
<del>13</del> <u>12</u>	The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the building and all on-site amenities, including landscaping, fencing, lighting, parking areas and storm water systems, ensuring they are clean, well kept and in good and safe working order.	Cont.	ISD	
<del>14</del> <u>13</u>	The area marked as unfinished space in the basement must be devoted exclusively to storage and mechanical uses accessory to the operation of the building and cannot be used as any type of living space.	Cont.	ISD	
<b>Public Safety</b>				
<del>15</del> <u>14</u>	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
<b>Final Sign-Off</b>				
<del>16</del> <u>15</u>	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.	

