



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2016-38

Date: May 4, 2016

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 44 Florence Street

Applicant Name: Robert H. Johnson
Applicant Address: 73 Prentiss Street, Cambridge, MA
02140
Owner Name: Robert H. Johnson
Owner Address: 73 Prentiss Street, Cambridge, MA
02140
Alderman: Matthew McLaughlin



Legal Notice: 44 Florence Street. Applicant and Owner, Robert H. Johnson, seeks a Special Permit per SZO §4.4.1 to substantially alter an existing three-story, three-family residential structure by combining two units and building a roof deck within the side yard setbacks. RB Zone. Ward 1.

Dates of Public Hearings: May 4, 2016

I. PROJECT DESCRIPTION

1. **Subject Property:** The subject property is a c. 1870 Mansard-roofed, three-story brick rowhouse. The property is currently a legal three-family residing on a 2,178 square foot lot in the RB district.
2. **Proposal:** The Applicant proposes to combine the units on the second and third stories into one unit, effectively converting the property into a two-family structure. The trigger for the Special Permit is the

construction of the roof deck within the side yard setbacks.

3. Green Building Practices: As indicated by the Applicant on the application form:

“Sustainable construction practices will be utilized during demolition and renovation activities. All new finishes, materials, and products will be sustainable and eco-friendly. The re-use of existing materials, wherever possible, will also be practiced. Debris and waste will be handled responsibly and recycled wherever possible.”

4. Comments:

Ward Alderman: Matthew McLaughlin has been advised of this 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 §4.4.1 of the SZO. This section of the report goes through §4.4.1 in detail.

1. Information Supplied:

Staff finds that the information provided by the Applicant conforms to the requirements of §4.4.1 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."*

Section 4.4.1 states that “[l]awfully existing nonconforming structures other than one- and two-family dwellings may be enlarged, extended, renovated or altered only by special permit authorized by the SPGA in accordance with the procedures of Article 5. The SPGA must find that such extension, enlargement, renovation or alteration is not substantially more detrimental to the neighborhood than the existing nonconforming building. In making the finding that the enlargement, extension, renovation or alteration will not be substantially more detrimental, the SPGA may consider, without limitation, impacts upon the following: traffic volumes, traffic congestion, adequacy of municipal water supply and sewer capacity, noise, odor, scale, on-street parking, shading, visual effects and neighborhood character.”

In considering a special permit under §4.4.1 of the SZO, Staff finds that ensuring that two units exist in the building rather than the three allowed is in keeping with the general purposes of the RB district. By combining the top two units and re-arranging the living spaces of all three floors, the proposed plan reduces the bedroom count from the five currently existing to four.

Staff also finds that the addition of the roof deck at the rear of the property will allow the occupants of the second unit an easier means of access to outdoor space than they are afforded currently. Very few properties on Florence Street have outdoor living (deck or porch) space at the front of their property. The Applicant’s proposed changes are in keeping with the general area of having resident outdoor space confined to the rear of properties.

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 purposes of the RB district, which is, “[t]o 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."*

As noted previously, in considering a special permit under §4.4.1 of the SZO, Staff finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The neighborhood is a mix of two- and three-family residences with rear yard outdoor space.

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

The proposal will not add to the existing stock of affordable housing.

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**.

#	Condition	Timeframe for Compliance	Verified (initial)	Notes
1	Approval is to substantially alter an existing three-family structure into a two-unit residence and construct a roof deck at the rear of the property within the left and right side yard setbacks.	BP/CO	ISD/PIng.	
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>March 16, 2016</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> </tbody> </table> <p><i>Any changes to the approved site plan or elevations that are not de minimis must receive SPGA approval. Whether or not a change is de minimis in nature must be determined by the Planning Office.</i></p>			
Date (Stamp Date)	Submission			
March 16, 2016	Initial application submitted to the City Clerk’s Office			
Pre-Construction				
2	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.	CO	Eng.	

Design				
3	The Applicant shall adhere to all of the designs including style, scale, form, massing and materials as indicated on the plans approved by the ZBA.	CO	Planning Staff / ISD	
Construction Impacts				
4	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	
5	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	
Public Safety				
6	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
7	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.	
8	All smoke detectors shall be hard-wired.	CO	Fire Prevention / ISD	
Final Sign-Off				
9	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.	