



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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Case #: ZBA 2018-171

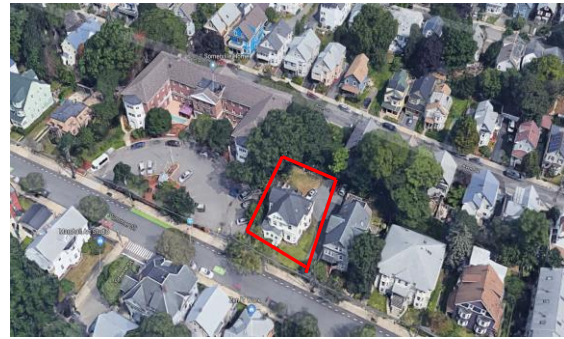
Date: ~~March 20, 2019~~ May 1, 2019

**Recommendation:** Conditional approval

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**PLANNING STAFF REPORT**

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**Site:** 111 Summer Street

**Owner Name:** 111 Summer St., LLC  
**Owner Address:** P.O. Box 610312, Newton Hills, MA 02461  
**Applicant Name:** Elan Sassoon  
**Applicant Address:** 295 Upland Avenue, Newton, MA 02461  
**Agent Name:** Richard G. DiGirolamo  
**Agent Address:** 424 Broadway, Somerville, MA 02145  
**Ward Councilor:** Ben Ewen-Campen



**Legal Notice:** Applicant, Elan Sassoon, and Owner, 111 Summer St. LLC, seek special permits under §4.4.1 of the SZO for alterations to a non-conforming property including increasing the gross floor area (GFA) by more than 25%. Variance to reduce the rear yard setback from 38.4 feet to 10.25 feet. Parking relief under Article 9 of the SZO. RB zone. Ward 3.

**Dates of Public Hearing:** Zoning Board of Appeals – September 17, 2018

\*Since the publication of this legal ad, the proposal has been revised such that the rear yard setback now complies with zoning requirements. Neither a variance nor special permit is needed for the rear yard setback.

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## **I. PROJECT DESCRIPTION**

1. **Subject Property:** The locus presents a 2 ½-story, 4-unit residential structure in the RB zoning district. The locus is bounded on the left by the Somerville Home. The property is currently non-conforming with regard to lot size and number of units.

2. **Proposal:** The Applicant proposes retaining the four residential units in the building but increasing the amount of living space per unit. The existing rear additions will be removed from the house and a larger rear addition will be constructed. The rear addition will be in a contrasting, modern style to separate it visually and architecturally from the existing house.

All bituminous material will be removed from the property and the parcel will be re-landscaped. New hardscaping will be pervious in nature. The existing structure will be gut-renovated and its exterior rehabilitated.

Since the March 20, 2019 ZBA hearing, the Applicant has updated their plans. The principal changes to the proposal are:

- removal of a third floor portion of the building massing connecting the original structure to the new rear addition
- removal of a third floor rear deck; this area has been filled in for interior space
- inclusion of larger right elevation entry porch
- reduction in size of rear addition as seen from both rear and front elevation views
- GFA has been reduced from 9,103 square feet to 7,823 square feet (delta of 1,280 square feet from March proposal reviewed by the ZBA)
- updated shadow study
- updated landscaping plan

The changes to the building massing are shown immediately below:

### **LEFT ELEVATION**



*Current proposal*



*March 20, 2019 proposal*

**RIGHT ELEVATION**



*Current proposal*



*March 20, 2019 proposal*

**REAR & FRONT ELEVATIONS**



*Current proposal*



*March 20, 2019 proposal*

As noted ~~at the outset of this report~~ **in the original staff report**, the Applicant has altered their plans such that a variance is no longer needed for the rear yard setback. In fact, no zoning relief at all is needed for the rear yard setback as, at 20' 4 ½", it complies with the setback requirements of the RB district. The triggers for zoning relief are as follows:

- Increase the GFA by more than 25% (**special permit**)
- Parking relief for two (2) spaces (**special permit**)
- Parking relief to provide compact spaces in lieu of standard spaces (**special permit**)

**3. Green Building Practices:** The application states the following: *"Limitation of demo material, recycling where possible to reduce solid waste disposal. Use of water saving plumbing fixtures. Use of energy efficient lighting. Reduction of non-permeable asphalt paving. Addition of non-invasive species landscape planting."*

**4. Comments:**

*Ward Councilor:* Councilor Ben Ewen-Campen has held neighborhood meetings regarding this property and has been in communication with Planning Staff and abutters communicating concerns.

## **II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1 & §9.13):**

*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. Staff advises the Applicant that future submissions need to be better labelled.

**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 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."*

Section 4.4.1 of the SZO allows for legally-existing, non-conforming one- and two-family residences to be enlarged by Special Permit as long as the proposed changes do not create a situation that is more detrimental to the site or surrounding neighborhood than current conditions. In the case of 111 Summer Street, it is a legally pre-existing, non-conforming four-family residential structure in a zone where a three-unit residential structure is the maximum allowed.

**Increase GFA by more than 25%**

Despite the removal of the existing rear additions on the structure, the proposed new rear addition will increase the gross floor area by more than 25%. The GFA numbers existing and proposed appear below:

**Existing:**

1012 GSF 3RD FLR  
 1175 GSF 2nd FLR  
 1615 GSF 1ST FLR  
1378 BASEMENT GSF  
 5180 TOTAL GSF EXISTING

**Proposed:**

<del>1990 GSF 3RD FLR</del>	<b>1440 GSF 3<sup>RD</sup> FLR</b>
<del>2346 GSF 2nd FLR</del>	<b>2073 GSF 2<sup>ND</sup> FLR</b>
<del>2412 GSF 1ST FLR</del>	<b>2157 GSF 1<sup>ST</sup> FLR</b>
<del>2355 BASEMENT GSF</del>	<b>2153 BASEMENT GSF</b>
<del>9103 TOTAL GSF PROPOSED</del>	<b>7823 TOTAL GSF PROPOSED</b>

The proposed rear addition is not insignificant in size and will be visible from all abutting properties and the street when viewed from the right and left elevations. As-proposed, the right, left, rear, and front setbacks will comply with zoning requirements for the RB zone. Despite the increase in building footprint, the property will remain under the maximum allotted ground coverage of 50% at 40.78%.

**Parking**

The Applicant requires parking relief for two (2.0) spaces as well as to provide compact parking spaces in lieu of standard spaces. Standard parking spaces are 9x18 and compact spaces are 8x16. Staff takes no position on providing compact spaces in lieu of standard.

Regarding the number of spaces of relief needed, the assessment of such appears below:

Dwelling Area	Existing Bdrs.	Parking Req.	Dwelling Area	Proposed Bdrs.	Parking Req.
Unit 1	1	1.5	Unit 1	3	2.0
Unit 2	1	1.5	Unit 2	3	2.0
Unit 3	studio	1.0	Unit 3	3	2.0
Unit 4	1	1.5	Unit 4	3	2.0
<b>Total: 6.0 (5.5)</b>			<b>Total: 8.0</b>		

*Parking formula: New Parking Req. – Old Parking Req. = new spaces required\**

111 Summer Street: 8.0 – 6.0 = 2.0 spaces

Relief for 2.0 spaces is needed.

*\*When this result is < 1 or a negative number, no parking relief is required.*

**Other determinations**

Abutters can expect typical noises and odors associated with the construction phase of a project.

This project, as with all others, will need to be reviewed by the Engineering Division for their sign-off prior to the granting of a building permit. The Engineering Division will determine if any measures need to be taken by the Applicant to address any impacts on the municipal water and sewer system.

As the number of residential units on the site will remain the same, Staff does not anticipate an increase in the number of vehicles entering and leaving the site. Overall, the amount of available space on the parcel dedicated to parking will be greatly reduced from current conditions, though overall more space on the lot will be dedicated to the structure. There is no anticipated change in traffic pattern resulting from this project as the two-way flow of vehicular traffic on Summer Street will not be altered. As the number of units on the site is remaining the same, there is no anticipated increase in the queuing of vehicles in the area. Should unit residents possess more than one vehicle per unit, area residents can expect an increase in on-street parking needs.

**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."***

Staff finds that the proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to promote 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 protect health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to conserve the value of land and buildings; to adequately protect the natural environment; to encourage the most appropriate use of land throughout the City; and to preserve and increase the amenities of the municipality.

The purpose of the RB zone 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.”

The existing structure is not consistent with the RB zoning district in that it is a four-unit residential structure in a zone where three units is the maximum allowed. However, as stated earlier in this report, the four-unit use is a pre-existing, non-conforming condition. As such, an Applicant has the right to alter such a structure under special permit. As the Applicant is maintaining the four-family use of the property, Staff finds that the proposal is no less consistent with the purposes of the RB zoning district than existing use conditions.

**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."***

This area of Summer Street presents an eclectic mix of housing styles and sizes. Immediately to the left of 111 Summer Street is the former Somerville Home, a large brick complex that houses several low-income elderly residents for many decades. Immediately to the right of the project site is 109 Summer Street, a cross-gabled, single-family residential structure. Also extant in the immediate area are large Queen Anne houses, Shingle style, Mansards, gables, cross gables, older wood-frame apartment buildings and brick apartment buildings. Occupancies range from single-family to multi-unit. The majority of the properties in the immediate area have significant portions of their lots covered with bituminous material.

The Applicant’s proposal does not change the nature of the site or area from a use perspective. Overall, the proposal provides improvements in terms of visual appeal and permeability.

**5. Housing Impact:**

Will not add to the City’s stock of affordable housing.

**6. SomerVision:**

The proposal will result in the rehabilitation and upgrade of an existing property. The parcel will be improved such that all impervious, bituminous material will be removed from the site in order to improve the percolation of stormwater through the property. The site will be re-landscaped with an emphasis on native species. No additional units will be added to the City’s housing stock.

**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 to increase the GFA by more than 25%, two spaces of parking relief and providing compact rather than standard spaces.	BP/CO	ISD/Plng.									
	<table border="1"> <thead> <tr> <th>Date</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>November 16, 2018</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>February 28, 2019</td> <td>Revised plan set submitted to OSPCD</td> </tr> <tr> <td>March 15, 2019</td> <td>Color landscape renderings submitted to OSPCD</td> </tr> </tbody> </table>				Date	Submission	November 16, 2018	Initial application submitted to the City Clerk's Office	February 28, 2019	Revised plan set submitted to OSPCD	March 15, 2019	Color landscape renderings submitted to OSPCD
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<p>Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval. Whether or not a change is <i>de minimis</i> in nature must be determined by the Planning Office.</p>												
<b>Design</b>												
2	All exterior materials, including, but not limited to windows, doors, siding, roofing, trim, and the like, shall be submitted to Planning Staff for their review and approval prior to the issuance of a building permit.	BP	Planning Staff / ISD									
<b>Engineering</b>												
3	The Applicant must contact the Engineering Department to coordinate the timeline for cutting or opening the street and/or sidewalk for utility connections or other construction. There is a moratorium on opening streets from November to April and there is a list of streets that have additional opening restrictions.	BP	Eng									
4	The proposed basement finished floor elevation shall not be less than is 1 foot above the Seasonal High Ground Water elevation. The seasonal high ground water elevation shall be determined by a Massachusetts certified soil evaluator and stated on a signed soil test pit log.	BP	Eng.									
5	New sanitary connection flows over 2,000 GPD require a removal of infiltration and/or inflow by the Applicant. This shall be achieved by submitting a mitigation payment, established by the City Engineers Office, to the City based on the cost per gallon of I/I to be removed from the sewer system and a removal ratio of 4:1. If a different ratio of removal or mitigation payment amount is adopted by the Board of Aldermen prior to the Applicant receiving a Certificate of Occupancy, payment will be adjusted to the BOA rate. The Applicant shall work with Engineering and meet this condition before a certificate of occupancy is issued.	BP	Eng.									
6	The Applicant must contact the Engineering Department to obtain a street address prior to a building permit being issued.	BP	Eng.									



7	The proposed basement finished floor elevation shall not be less than is 1 foot above the Seasonal High Ground Water elevation. The seasonal high ground water elevation shall be determined by a Massachusetts certified soil evaluator and stated on a signed soil test pit log.	BP	Eng.	
8	The Applicant shall submit a proposed drainage report, stamped by a registered PE in Massachusetts that demonstrates compliance with the City's stormwater policy.	BP	Eng.	
9	The applicant must comply with the: "Policy for new connections to and modifications to existing connections to the municipal sewer and drainage system stormwater management and infiltration/inflow mitigation." The Applicant shall work with Engineering to meet this condition and provide the required fees/mitigation.	BP	Eng.	
<b>Construction Impacts</b>				
10	The Applicant shall, at their 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	
11	All construction materials and equipment shall be stored on-site. 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	
12	The Applicant shall develop a demolition plan in consultation with the City of Somerville Inspectional Services Division. Full compliance with proper demolition procedures shall be required, including timely advance notification to abutters of demolition date and timing, good rodent control measures (i.e. rodent baiting), minimization of dust, noise, odor, and debris outfall, and sensitivity to existing landscaping on adjacent sites.	Demolition Permitting	ISD	
13	The Applicant shall ensure that all food waste is removed from the project site on a daily basis.	During construction	ISD	
14	Construction and construction-related work shall occur between 7:30am and 5:00pm Monday through Friday only. No construction or construction-related work shall occur on the weekends or holidays. This includes deliveries.	During construction	ISD	
15	Port-o-Potties used during the construction phase shall be located on the left portion of the project site closer to the 117 Summer Street property line.	During construction	ISD	
16	There shall be no idling of construction or construction-related vehicles on the property or street prior or post working hours. Out of respect for the neighbors, construction personnel shall not play loud music or engage in loud conversations prior, during, or post the allowed construction hours.	During construction	ISD	
17	Rodent baiting/control shall be undertaken as-needed.	During construction	ISD	
<b>Site</b>				

18	Landscaping shall be installed and maintained in compliance with the American Nurserymen's Association Standards;	CO & Perpetual	Plng. / ISD	
19	All mechanical equipment shall be screened from the view of the street and from abutting properties.	CO & Perpetual	Plng. / ISD	
20	All venting shall be painted or wrapped to match the color of the portion of the house from which it protrudes.	CO & Perpetual	Plng. / ISD	
21	The site plan shall be updated to indicate the location of garbage/recycling locations. Garbage/recycling shall be located along the left elevation of the property	BP/CO & Perpetual	ISD/Plng	
22	All garbage and recycling shall be screened from the view of the street and abutting properties.	CO & Perpetual	Plng. / ISD	
23	All materials to be used for landscaping, driveways, sidewalks, parking, fencing and similar shall be submitted to Planning Staff for their review and approval prior to ordering.	Prior to ordering	Plng. / ISD	
<b>Public Safety</b>				
24	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
25	As per City regulations, there shall be no grills or similar cooking/heating equipment allowed on any decks or porches at any time.	Perpetual	FP/ISD	
26	All smoke detectors shall be hard-wired.	CO	Fire Prevention / ISD	
27	The building shall be sprinkled.	CP	FP/ISD	
<b>Miscellaneous</b>				
28	Conduits, venting/exhaust pipes shall NOT be placed on the front façade of the building. All such items shall be painted or wrapped to match the color of the portion of the building from which they protrude.	CO	ISD/Plng	
29	Gas and electric meters shall not be on the front of the structure. Gas and electric meters may be located on the side of the structure but shall be screened from the street by a hard, staff-approved evergreen planting. Utilities shall not be located adjacent to windows and shall not impact any parking, landscaping, or egress. The provisions of this condition may be waived Staff if the applicant submits a letter from the utility, signed by a utility representative, on utility letterhead, indicating that there is no feasible alternative to placing meters in violation of this condition.	CO	ISD/Plng	
30	Electrical conduits on the exterior of buildings shall be painted to match the color of the wall material to which they are attached. Conduits are not allowed on the front of any structure.	CO	ISD/Plng	
31	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.	Perpetual	ISD	
32	Best efforts will be made to locate AC condensers along the left elevation of the parcel, closer to the former Somerville Home property. The site plan shall be updated to indicate the location of the AC condensers.	BP/CO	ISD/Plng	

33	Any damage done to abutting properties as a result of the construction process shall be resolved between the disputing parties as a private matter.	During construction /perpetual	Private parties	
<b>Final Sign-Off</b>				
34	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.	