



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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ALEX MELLO, *PLANNER*

Case #: ZBA 2019-40  
Date: ~~August 7, 2019~~ August 21, 2019

**Recommendation:** Conditional approval

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***Updated* PLANNING STAFF REPORT**

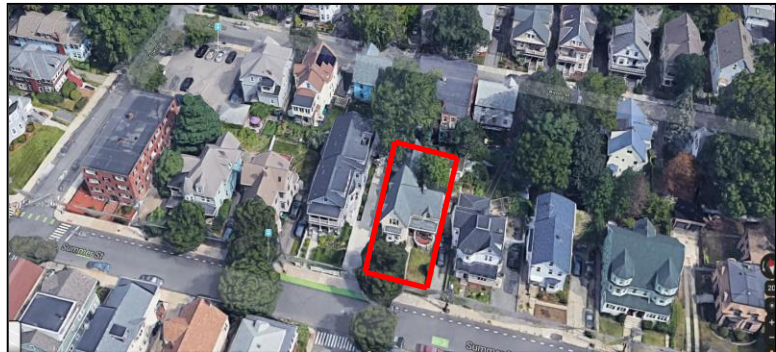
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**Site:** 137 Summer Street

**Owner Name:** 137 Summer St., LLC  
**Owner Address:** 14 Crescent Street, Somerville, MA 02145  
**Applicant Name:** same as owner  
**Applicant Address:** same as owner  
**Agent Name:** Adam Dash, Esq.  
**Agent Address:** 48 Grove Street, Suite 304, Somerville, MA 02144  
**Ward Councilor:** Ben Ewen-Campen



**Legal Notice:** Applicant and Owner, 137 Summer Street, LLC, seeks special permits under §4.4.1 of the SZO to alter a non-conforming structure by increasing the GFA by more than 25%\* and constructing a 3-story addition within the left side yard setback. Parking relief under Article 9 of the SZO. Number of units will increase from two to three. RB zone. Ward 3.



**Dates of Public Hearing:** Zoning Board of Appeals – August 7, 2019 August 21, 2019

This staff report has been updated. Items that no longer apply have been ~~struck through~~ and new information is **highlighted in yellow**.

\* Since the publication of this legal ad, the proposal has been altered such that the GFA is increasing by less than 25%. Therefore, no special permit is needed to increase the GFA.

The proposal has also been changed such that the rear addition qualifies as three stories only due to the inclusion of dormers that are more than 50% of the roof plane to which they are attached. This can be allowable in the RB zone.

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## **I. PROJECT DESCRIPTION**

1. **Subject Property:** The locus presents a 2 ½-story gabled residential structure. This two-family property is sited on a 5,722 square foot lot in the RB zoning district.
2. **Proposal:** The Applicant proposes increasing the number of units from two (2) to three (3). This will be accomplished through the construction of a rear addition and interior modifications to the existing structure.
  - Construction of dormers within the left side yard setback (**special permit**)
  - Parking relief for three (3) spaces (**special permit**)
3. **Green Building Practices:** The application states the following: “*Insulation, high efficiency tankless heat and hot water system, high efficiency AC condensers, and high efficiency windows.*”
4. **Comments:**

*Ward Councilor:* Councilor Ben Ewen-Campen is aware of the project and has held a neighborhood meeting.

**Staff Update:** At the August 7, 2019 ZBA hearing, the Board asked that the Applicant address two items: the parking configuration and the new right elevation roofline of the main portion of the house. The applicant has proposed two solutions. The first solution adds a small slope to this portion of the roofline and smaller windows under the slope. The second solution adds a small slope, two gabled dormers, and larger windows under the slope.

Typically, Staff does not provide the ZBA with design “options”, an Applicant must choose one approach or the other. In this case, given the amount of confusion and discussion around this elevation at the August 7, 2019 ZBA hearing, Staff has provided the ZBA with two options for discussion to see which they prefer. The key components of each of these options are called out in the images below. Both design options appear in the full plan set provided to the ZBA. Once the ZBA determines which option they prefer, a condition will need to be indicating the plan sheets that need to be removed from the final approved plan set.

# Option 1:

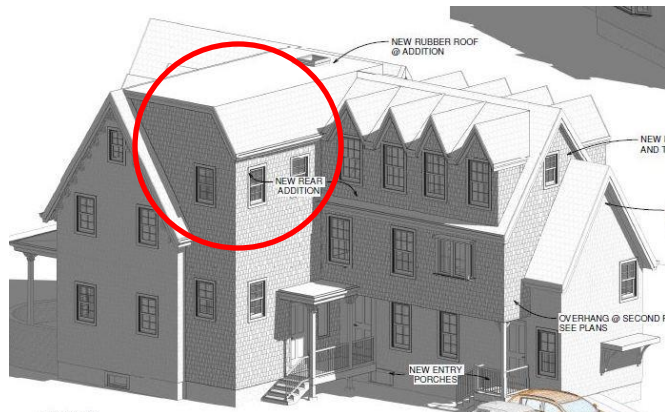
1. Found on plan set Sheet A2.01



2. Found on plan set Sheet A2.02



3. Found on plan set Sheet A4.01



# Option 2:

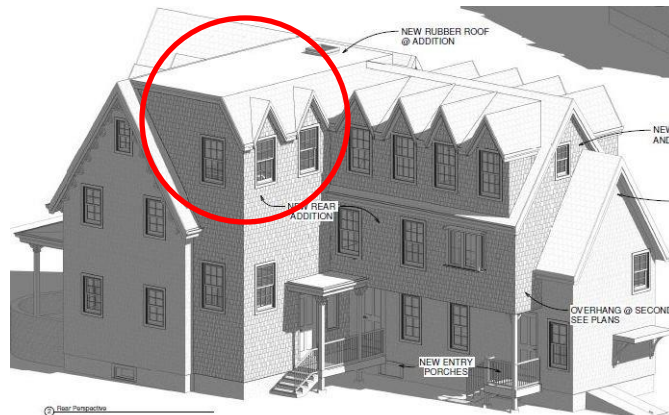
## 1. Found on plan set Sheet A2.01B



## 2. Found on plan set Sheet A2.02B



## 3. Found on plan set Sheet A4.01B



## **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.

### **Section 4.4.1 of the SZO**

#### **Left side yard setback**

A series of individual gabled dormers are proposed for the left rear elevation of the building. This portion of the building terminates 7’9” from the property line in a zone where a minimum side yard setback of eight (8) feet is required. Though a perhaps “busy” visual solution, Staff takes no objection to the inclusion of these dormers along the non-conforming left side yard.

### **Section 9.13 of the SZO**

#### **Parking**

The Applicant requires parking relief for two (2.0) spaces. The applicant proposes providing three (3) parking spaces on-site.

However, Staff finds that, while two spaces can be provided in the garage, the proposed outside parking space tucked behind the corner of the house (see landscaping plan) does not provide enough room for a car to easily back out of the left garage bay. Staff does not find that this proposed surface space can be a successfully functioning legal space. Therefore, Staff recommends that one additional space of parking relief be provided by the Board. Additional landscaping should be installed in an “L” shaped strip in this area along the foundation of the house.

In light of the concerns raised by Staff in the August 7, 2019 staff report regarding the on-site parking configuration (noted in the struck through paragraph immediately above), the ZBA requested that the Applicant re-think their parking proposal. The Applicant took the ZBA’s direction and now proposes to raze the existing two-bay garage at the rear of the property and provide three compact spaces in its stead.

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	2	1.5	Unit 1	2	1.5
Unit 2	1	1.5	Unit 2	2	1.5
Unit 3	n/a	n/a	Unit 3	2	1.5
<b>Total: 3.0</b>			<b>Total: 5.0</b>		

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

137 Summer Street:  $5.0 - 3.0 = 2.0$  spaces \*

Relief for 2.0 spaces is needed.

~~\* However, based on Staff's comments above, Staff recommends that the Board provide relief for three (3) parking spaces.~~

**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.

Despite increasing the number of residential units on the site by one, Staff does not anticipate an increase in the number of vehicles entering and leaving the site. 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. There is no anticipated increase in the queueing of vehicles in the area due to the inclusion of one additional dwelling unit. Should unit residents possess more than one vehicle, area residents can expect an increase in on-street parking needs. It should be noted that street parking is not permitted on this side of Summer 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.”***

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.”

**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. 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. Multiple 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 changes, upgraded landscaping, and permeability.

**5. Housing Impact:**

- Will not add to the City’s stock of affordable housing.
- Will add one (1) market-rate unit to the City’s housing stock.

**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. **One market-rate unit will be added to the City’s housing stock.**

### **III. RECOMMENDATION**

#### **Special Permit under §4.4.1 and §9.13 of the SZO**

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 increase the number of units from two to three, construct dormers within the left side yard setback, parking relief for two spaces.	BP/CO	ISD/PIng.									
	<table border="1"> <thead> <tr> <th>Date</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>April 11, 2019</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>July 5, 2019</td> <td>Revised plan set submitted to OSPCD</td> </tr> <tr> <td>August 8, 2019</td> <td>Revised plan set submitted to OSPCD</td> </tr> </tbody> </table>				Date	Submission	April 11, 2019	Initial application submitted to the City Clerk's Office	July 5, 2019	Revised plan set submitted to OSPCD	August 8, 2019	Revised plan set 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									
3	The modified "hip"-style roofline found on the right elevation of the main portion of the house (see sheet A2.01) shall be modified to be a pitched (gabled) roof. This shall be done under the direction of and in coordination with Planning Staff who will review and approve the final modification to this portion of the roofline.	BP	Planning Staff/ISD									
4	The proposal includes at least three different window sizes (length/width) and muntin patterns. The Applicant shall provide an updated plan set to the Zoning Review Planner and the Planner that presents a uniform window scheme throughout the project (bay windows are excepted from this condition).	BP	Planning Staff/Zoning Review Planner									
<b>Engineering</b>												
5	The Applicant shall 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									



6	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.	
7	The Applicant must contact the Engineering Department to obtain a street address prior to a building permit being issued.	BP	Eng.	
8	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.	
9	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.	
10	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>				
11	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	
12	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	
13	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	
14	The Applicant shall ensure that all food waste is removed from the project site on a daily basis.	During construction	ISD	

15	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, but is not limited to, deliveries, finish work, and landscaping.	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 and as-determined by ISD.	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	<del>An additional L-shaped landscaping strip shall be installed along the foundation of the house where the front cross gable meets the rear addition. This shall be accomplished in conjunction with Planning Staff who shall have final review and approval of the proposal.</del> The Applicant has added this to the plan set. Therefore, this condition no longer applies as it has been met.	BP	Plng/ISD	
20	All mechanical equipment shall be screened from the view of the street and from abutting properties. ISD requires 3-foot radius around all condensers and a minimum 3-foot setback of these condensers from any property line.	CO & Perpetual	Plng. / ISD	
21	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	
20	<del>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.</del> The Applicant has added this to the plan set. Therefore, this condition no longer applies as it has been met.	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	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.	