



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
JOSEPH A. CURTATONE
MAYOR

PLANNING DIVISION

STAFF

GEORGE PROAKIS, *PLANNING DIRECTOR*

LORI MASSA, *SENIOR PLANNER*

ADAM DUCHESNEAU, *PLANNER*

DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*

Case #: ZBA 2011-60

Date: September 1, 2011

Recommendation: Conditional Approval

UPDATED PLANNING STAFF REPORT¹

Site: 23 Porter Street

Applicant and Property Owner Name: Lalo Development, LLC

Applicant and Property Owner Address: 311 Highland Avenue, Somerville, MA 02143

Agent Name: Richard G. Di Girolamo

Agent Address: 424 Broadway, Somerville, MA 02145

Alderman: Tom Taylor

Legal Notice: Applicant and Owner Lalo Development, LLC seeks a special permit to alter a nonconforming structure under SZO §4.4.1 to construct a 2½ story addition in the rear of an existing three-family dwelling. RB zone. Ward 3.

Zoning District/Ward: RB Zone / Ward 3

Zoning Approval Sought: Special Permit under SZO §4.4.1

Date of Application: July 11, 2011

Dates of Public Meeting • Hearing: Zoning Board of Appeals **8/17/11, 9/7/11**

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a 13,630 square foot lot with a three-family residence situated on it near the intersection of Porter Street and Gould Avenue. The structure currently has 2,802 square feet of habitable space and is 2½ stories not including the basement level. The Applicant for this property came before the Zoning Board of Appeals most recently on June 8, 2011 (ZBA # 2011-05) requesting the Board to overturn the decision by the Inspectional Services Division (ISD) that the structure was a three-family dwelling. The Zoning Board of Appeals chose to uphold the decision by ISD that the structure was a three-family dwelling.

¹ Updated through September 1, 2011 to reflect changes to the plans since the Zoning Board of Appeals hearing on August 17, 2011. Changes from the original Staff Report dated August 11, 2011 are highlighted by being underlined or crossed out.



2. Proposal: The Applicant is proposing a 2½ story, 3,292 gross floor area addition at the rear of the structure and the property. The addition would run north-south across the width of the property and would be located in the rear half of the parcel. While the addition would extend the nonconforming structure deeper into the lot, the entire addition itself would be within the required side and rear yard setbacks. The main roof pitch and style of the proposed dormers on the addition will match those on the existing structure. All windows on the existing structure will be replaced and all those installed on the new addition will match in a double hung, two over one style. Additionally, all the entry doors on the existing structure and the proposed addition will be made to match, as will the windows adjacent to the entry doors in a double hung, six over six style. The addition will also contain porch railings that will be made to match those on the existing structure, which will be replaced as part of the project.

The landscaping will also be greatly improved to enhance the on-site vegetation from its currently chaotic state as part of the project. The improved landscaping will help to screen the proposed ~~eight~~ seven parking spaces on the site from Porter Street as well as create a buffer between the parking area and 19 Porter Street to the south. Furthermore, the brick pavers shown at the parking entry will help to create a transition to and from the parking area off of Porter Street.

As a result of the addition, substantial interior renovations will occur in the existing structure. The entire existing structure will become one large dwelling unit with two floors. The first floor will contain two bedrooms, two bathrooms, a dining room, a kitchen, a breakfast area, a nursery nook, and a mudroom. The second floor will have four bedrooms, two bathrooms, a play space, a study, and two exterior decks along with a large open space in the center that will look down to the first floor. The proposed rear addition will create two new units, each with a first and second floor. One unit will have three bedrooms, 2½ bathrooms, a kitchen, living room, dining area, and a study/common area. The other unit will have two bedrooms, 2½ bathrooms, a kitchen, living room, dining room, family room, and a study/guest room. Both of the units will contain a second story porch and a fenced in backyard. Overall, the project will take the existing structure, expand it, and rework the living space to create three dwellings units of 2,577 net square feet (Unit 1), 1,711 net square feet (Unit 2), and 1,582 net square feet (Unit 3).

3. Nature of Application: This is a residential property within a RB district. The structure is currently nonconforming with respect to the minimum left side yard setback. The existing side yard setback nonconformity and the fact that the structure is not a one- or two-family dwelling requires the Applicant to obtain a special permit to alter a nonconforming structure under Somerville Zoning Ordinance (SZO) §4.4.1 to construct a 2½ story addition at the rear of the existing three-family dwelling.

4. Surrounding Neighborhood: This property is located in a RB district. The structures in the surrounding neighborhood are predominantly two- and three-family homes of 2.5 or 3 stories with some multi-family structures in the area as well

5. Impacts of Proposal: There shall be minimal impacts to the surrounding neighborhood as the proposed addition would not appear to be detrimental to the immediate abutters or the surrounding area. The proposed addition is in the rear of the property and would not alter the streetscape along Porter Street. The proposed location of the addition will allow all existing setbacks to be maintained and the left side yard setback, where the existing structure is currently nonconforming, will not be increased. The character of the original structure will remain intact as the Applicant is proposing a roof pitch, dormers, and scaling of the addition that will match that of the existing structure. Furthermore, including the proposed addition, the floor area ratio for the structure would be 0.48 which is still well below the 1.0 FAR maximum for an RB district. The project has also been approved by the Historic

Commission and the Commission has concluded that the historic character of the existing structure will be preserved even with the proposed addition.

Most of the major construction activities for this project will be occurring at the rear of the property with the existing structure and the remaining rear setback area acting as buffers to the residences nearby. The properties on either side of 23 Porter Street, 27 and 19 Porter Street, have both applied for and received Special Permits to construct additions at the rear of their dwellings within the last year as well. The excavated area for the addition will be approximately 40 feet wide by 65 feet long by 10 feet. With the majority of the construction impacts limited to the rear of the property, no significant disruption to the neighborhood is anticipated. The Applicant is proposing ~~eight~~ seven on-site parking spaces for the project. Staff feels that ~~this is an excess number of~~ there is an extra parking space that is not needed as the three dwelling units would only require six total parking spaces per the SZO. ~~Two of the proposed eight spaces could be removed and added to the landscaping at the property.~~

At the Zoning Board of Appeals hearing on August 17, 2011 a question was raised as to whether or not the parking area would be considered to be in the "front yard" of the proposed structure. In response to the question raised at the hearing, the Applicant removed the parking space closest to Porter Street, extended the landscaped area into this space, extended the brick paver entry drive deeper into the lot, and proposed to plant larger (5 to 6 feet in height) junipers between Porter Street and the on-site parking area. Planning Staff also had an extensive conversation with the Inspectional Services Division, the entity which enforces this particular zoning item, regarding this matter, and it was determined that the parking area would not be considered to be within the front yard area of the proposed structure.

6. Green Building Practices: None indicated.

7. Comments:

Fire Prevention: Comments from a conversation with Captain Mike Avery are reflected in the list of conditions below.

Ward Alderman: Alderman Taylor has been contacted but has not yet provided comments.

Historic Preservation: Please see the attached materials from Preservation Planner Kristi Chase.



Existing Conditions



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."

In considering a special permit under §4.4.1 of the SZO, Staff find that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure.

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 maintaining "the uniquely integrated structure of uses in the City; 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 preserve the historical and architectural resources of the City; to encourage the most appropriate use of land throughout the City; to encourage housing for persons of all income levels; and to preserve and increase the amenities of the municipality."

The proposal is consistent with the purpose of the RB district (6.1.2. RB - Residence Districts) which is, "To 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."

The project is compatible with the characteristics of the surrounding area. The Applicant is proposing a 2½ story, 3,292 gross floor area addition at the rear of the structure and the property. With the addition and the proposed renovations to the existing structure, the property will still be a 2½ story, three unit, residential use which is consistent with the surrounding area. Furthermore, the project will improve a property that is currently in a disorderly and dilapidated state, which will be a benefit for the entire neighborhood.

5. Adverse environmental impacts: The proposed use, structure or activity will not constitute an adverse impact on the surrounding area resulting from: 1) excessive noise, level of illumination, glare, dust, smoke, or vibration which are higher than levels now experienced from uses permitted in the surrounding area; 2) emission of noxious or hazardous materials or substances; 3) pollution of water ways or ground water; or 4) transmission of signals that interfere with radio or television reception.

No adverse environmental effects are anticipated from this project. No new noise, lighting, glare, smoke, dust, vibration, nor emissions of noxious materials nor pollution of water ways or ground water are anticipated as part of the proposal. The structure will remain a 2½ story building that contains three dwelling units and will continue to be used for residential purposes.

III. RECOMMENDATION

Special Permit under §4.4.1

Based on the above findings and subject to the following conditions, the Planning Staff recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT**. Furthermore, Planning Staff recommends the following conditions.

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	<p>Approval is to alter a nonconforming structure under SZO §4.4.1 to construct a 2½ story addition in the rear of an existing three-family dwelling. This approval is based upon the following application materials and the plans submitted by the Applicant:</p> <table border="1" data-bbox="248 499 885 1243"> <thead> <tr> <th data-bbox="248 499 566 533">Date (Stamp Date)</th> <th data-bbox="566 499 885 533">Submission</th> </tr> </thead> <tbody> <tr> <td data-bbox="248 533 566 638">(July 11, 2011)</td> <td data-bbox="566 533 885 638">Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td data-bbox="248 638 566 743">March 1, 2010 (July 25, 2011)</td> <td data-bbox="566 638 885 743">Plot Plan</td> </tr> <tr> <td data-bbox="248 743 566 940">July 29, 2011 (August 5, 2011)</td> <td data-bbox="566 743 885 940">Plans submitted with application: Existing and Proposed Floor Plans and Proposed Elevations (A.01 – A.09)</td> </tr> <tr> <td data-bbox="248 940 566 1045"><u>(August 31, 2011)</u></td> <td data-bbox="566 940 885 1045"><u>Updated Cover Sheet</u></td> </tr> <tr> <td data-bbox="248 1045 566 1150"><u>August 26, 2011 (August 31, 2011)</u></td> <td data-bbox="566 1045 885 1150"><u>Updated Site Plan (S.01)</u></td> </tr> <tr> <td data-bbox="248 1150 566 1243"><u>August 26, 2011 (August 31, 2011)</u></td> <td data-bbox="566 1150 885 1243"><u>Updated Landscape Plan (L.01)</u></td> </tr> </tbody> </table> <p>Any changes to the approved site plans or elevations that are not <i>de minimis</i> must receive SPGA approval.</p>	Date (Stamp Date)	Submission	(July 11, 2011)	Initial application submitted to the City Clerk's Office	March 1, 2010 (July 25, 2011)	Plot Plan	July 29, 2011 (August 5, 2011)	Plans submitted with application: Existing and Proposed Floor Plans and Proposed Elevations (A.01 – A.09)	<u>(August 31, 2011)</u>	<u>Updated Cover Sheet</u>	<u>August 26, 2011 (August 31, 2011)</u>	<u>Updated Site Plan (S.01)</u>	<u>August 26, 2011 (August 31, 2011)</u>	<u>Updated Landscape Plan (L.01)</u>	BP/CO	ISD/PIng.	
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2	Applicant shall receive a sign off from Fire Prevention on a fire alarm system/possible sprinkler system for the structure.	CO	FP															
3	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															
4	New siding type and color, roofing, and materials of the addition and those on the existing structure shall all match one another.	CO	PIng.															
5	The Applicant will be required to demonstrate that the project meets 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.															

6	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	PIng.	
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CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
DEVELOPMENT
JOSEPH A. CURTATONE
MAYOR

HISTORIC PRESERVATION COMMISSION

October 25, 2010

Gorka Brabo
311 Highland Avenue
Somerville, MA 02144

RE: **HPC 10.76 – 23 Porter Street, Somerville, MA**

Dear Mr. Brabo,

At their regular meeting on Tuesday, October 19, 2010, the Somerville Historic Preservation Commission voted unanimously (5-0) to grant a **Certificate of Appropriateness** to:

1. Replace modern door with 12-light wood door (C/A);
2. Replace one 2/2 double-hung window on center bay with a 9-light Simpson® 'Bungalow' wood door and stairs (C/A);
3. Remove a basement window (C/A);
4. Construct a 'dry-laid' flat fieldstone retaining wall (C/A);
5. Replace picket fence porch railings with generic simple rails, posts and balusters (C/A); and
6. Construct a new addition and landscape per plans and elevations dated 9/3/2010 (C/A).

They also voted unanimously (5-0) to issue a **Certificate of Non-Applicability** under Section 10 of the Historic District Ordinance, which states "Nothing in this ordinance shall be construed to prevent the ordinary maintenance, repair or replacement of any exterior feature within the historic district that does not involve a change in design, material, color or the outward appearance thereof...", to



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1. Restore, repair or replace damaged wood clapboard, soffits, fascia, and trim in-kind; and
2. Repair wood windows in-kind as necessary.

The Commission found that the renovation and plans met HPC guidelines for additions and infill construction; and that the alterations would be an improvement over the existing conditions. This was based upon your application, and presentation at the hearing, Staff recommendations, photographs of the house, plans dated 9/3/2010 with revisions to the door openings on sheet A.02 dated 9/17/10 by SFG Studios, cut sheets for Harvey Majesty Windows for the new construction, cut sheet for Simpson Door Company Bungalow door number 7224 for the original building, e-mails, discussion and recommendations of the Commission members, as well as the Commission's adopted Design Guidelines for Historic Districts.

This letter is your formal notification of the issuance of the requested certificates. Please note that it is valid for one year from the date of this letter and must be re-validated by the Commission if substantial work has not been completed by the end of this period.

Please take this letter to the Inspectional Services Division when you apply for a building permit. If you have any questions about these certificates, please feel free to contact us at (617) 625-6600 x 2500.

Good luck with your work!

Sincerely,



Kristi Chase
Preservation Planner

Cc: Paul Nonni, Sr. Bldg. Inspector, Inspectional Services Division
John Long, City Clerk
J. Brandon Wilson, Executive Director, SHPC
Rocco Antonelli, Architect

To: Planning Division
From: Kristi Chase, Preservation Planner, and
Brandon Wilson Executive Director,
RE: **HPC 11.13 – 23 Porter Street**
Applicant: Lalo Development Corporation, LLC,

Historic and Architectural Significance

See attached survey form.

Existing Conditions

This building has not been maintained by the previous absentee landlords. The use of a yard fence for railings on an enclosed porch is emblematic of the way this house has been cared for over the years. This odd construction which appears on the 1988 survey, is currently falling apart. Possibly in 1949, when the building was turned into a 2-family dwelling, the second bay has been widened to turn what had been a one bay wide dormer into a larger bay. In 1983, the original barn was demolished after a fire. The building currently has 2/1 double hung sash everywhere except on the enclosed porch.



The plans received on 2/4/11 do not have corresponding plan and elevation numbers and contains alterations to the plans presented at the HPC meeting noted below. While a

number of items were discussed in the presentation and were generally held in agreement, these were not clearly delineated on the plans approved.

Discussion and Determination from the Historic Preservation Commission on 10/16/10

Rocco Antonelli, Architect for Lalo Development Corporation proposed to make very few changes to the original building. These include removing one window; replacing 2 doors with a multi-paned ones in the enclosed porch and the bay next to it; changing the picket fence railing on the enclosed porch with a generic post, baluster and rail system; raise the ground level in front of the existing building to make the main entries clear and to protect them from the parking area. *A 'dry-laid' flat fieldstone retaining wall will abut the parking area and will be topped by a simple fence that will match the new rails and balusters on the house.* This will hide the concrete covered foundation and a basement window. If possible they will repair the windows, otherwise they will return to the Commission to alter them.

They intend to construct a new addition based on the existing architecture of the Gothic Revival farmhouse. They have held neighborhood meetings and have received the blessings of the neighbors to move forward. The building will still be a 4-unit building with 8 parking spaces. Height of the addition is kept low so as not to have an effect on the views of the uphill neighbors. The massing of the dormers and bays relate to those on the original building and echo the roof shapes. They wanted to make each unit different with only one perceived entry door. Other entries are at right angles to the street so as to not be visible. The parking area will have a *cobble buffer between the sidewalk* and the parking which will have a *combination of crushed stone and stone dust* to keep the surface from moving too much. *Cobbles will also delineate the garden area.*

The Commission was concerned about the possible replacement of the existing late Victorian windows. However, they were generally impressed by the addition. Sarah Degutis noted that the addition fit well with the original building. Eric Parkes thought there was enough individual character between the old and the new in the development. He also liked the deep eaves extending over the addition.

The **Commission** voted unanimously (5-0) on 10/19/10 to grant a **Certificate of Appropriateness (C/A)** to:

1. Restore, repair or replace damaged wood clapboard, soffits, fascia, and trim in-kind (**Certificate of Non-Applicability**); and
2. Replace modern door with 12-light wood door (C/A);
3. Replace one 2/2 double-hung window on center bay with a 9-light wood door and stairs (C/A);
4. Remove a basement window (C/A);
5. Construct a 'dry-laid' flat fieldstone retaining wall (C/A);
6. Replace picket fence porch railings with generic simple rails, posts and balusters (C/A); and

7. Construct a new addition and landscape per plans and elevations A.01 –A.04 dated 9/3/2010 (C/A).

Because the renovation and plans met HPC guidelines for additions and infill construction and the alterations to the existing porch railings would be an improvement over the existing conditions.