



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2010-74

Date: August 11, 2011

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 52 Franklin Street

Applicant Name: James Erb

Applicant Address: 8 Baldwin St, North Andover, MA

Property Owner Name: Maria Freitas

Property Owner Address: 52 Franklin St, Somerville, MA

Agent Name: Richard G. Di Girolamo

Agent Address: 424 Broadway

Alderman: William Roche

Legal Notice: Applicant, James Erb, and Owner, Maria Freitas, seek a special permit (SZO §4.4.1, §5.1) to allow the expansion of an existing nonconforming single family structure in order to construct a three family dwelling.

Zoning District/Ward: Residence B / 1

Zoning Approval Sought: Special Permit SZO §4.4.1, §5.1

Date of Application: November 1, 2010 – complete July 20, 2011

Dates of Public Hearing: Zoning Board of Appeals – August 3, 2011

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a 5,500 square foot lot with a historic single-family residence situated on it. The Historic Preservation Commission has not deemed it preferably preserved due to the condition of the building, the cost of repairing it, and the Applicants' expressed desire to build within the context of the neighborhood. The structure is 1½ stories tall and contains approximately 1,270 square feet of living space. The land is significantly sloped on the site. The high point of the parcel is at the back of the lot in the northeast corner and the land slopes down to the southeast corner. There is an existing curb cut and driveway to the right of the house.



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52 Franklin St: (above) Subject property and streetscape looking northeast, (below) Streetscape looking southwest



2. Proposal: The Applicant is proposing to build a 2½ story structure on the existing foundation of the house and build an addition into the rear yard. The structure will be 4,266 net square feet and it will be used as a three-family dwelling.

The front of the building will appear as a typical 2½ story residential structure with a front door to access one of the units. There will be two gable dormers on the right side of the house that will be connected by a shed roof. The middle portion of the building will be a cross-gable and will be at the same height as the front portion of the building. The addition in the back will be a gable structure that is pulled back from the left side property line and project out to the right of the existing footprint of the building. This back portion of the building will be a few feet lower than the rest of the building and will have a dormer that matches the one proposed on the front portion of the building. The back two units will have pedestrian entrances from the driveway side of the building. There will be different pavement treatment in the driveway from the sidewalk to the front doors of the back units.

The units will function as townhouses, although, they do not meet the definition of townhouses because they do not have continuous vertical firewalls between the units. Each unit will contain an open kitchen, dining area, living room and half bathroom on the first floor, a master bedroom and bathroom on the second floor, and a guest room/office and bathroom in the half-story.

The windows on the house will be double hung and have a six over six grid which is similar to the windows on the existing house. The two windows on the right side of the house that are within a foot of the property line are proposed to remain and no other windows are proposed to be on this side of the building. The other side of the building will have typical residential window patterns. The shed portion of the dormers will each have one diamond shaped window.

Two of the units will have two garage parking spaces under each of them. The garages will be mostly below the grade of the street level. There will be space for mechanical equipment, trash and storage in the garages of units one and two and the basement of unit three. The two units with garages will have decks that project out nine feet over the garage doors. The decks and adjacent front entrance landings will be separated by privacy screens. The third unit will have an at grade parking space at the end of the driveway. This unit will have a small deck in the rear of the house.

The front and rear yards of the site will be landscaped but the details of the plantings are not yet determined. A retaining wall will be constructed ten feet from the southern property line to create a flat, usable back yard.

3. Nature of Application: The structure is currently nonconforming with respect to the following dimensional requirements: minimum lot size and side yard setback.

The proposal will alter the structure along the nonconforming 1.4 foot side yard setback by raising the height from 24 feet to 32.3 feet. The portion of the building in the rear that will be on a new foundation will be setback 12 feet from this left property line. The minimum side yard setback in the district is 8 feet. The change to the structure in this nonconforming setback as well as the expansion of a nonconforming three-family structure requires the Applicant to obtain a special permit under §4.4.1 of the Somerville Zoning Ordinance (SZO).

The remaining dimensions of the proposed structure and use are conforming. The lot area per dwelling unit will be 1,853 sf and the minimum allowed is 1,500 sf. The ground coverage will be 36% and the maximum allowed is 50% making ample space for the landscaping that will make up 37.5% of the lot where the minimum allowed is only 25%. The building envelop is less than the maximum allowed: the

floor area ratio (FAR) is 0.78 and the maximum is 1.0, the height is 32.3 feet and the maximum is 40 feet, and the right side yard setback is 10 feet and the minimum is 8 feet.

4. Surrounding Neighborhood: The surrounding area is comprised of one-, two- and multi-family homes of varying forms. The houses to the northwest of the house are larger structures and the houses to the southeast are smaller single-family structures. To the rear is an approximately 25 foot structure that was converted from a business to residences and another multi-unit residential structure.

The structures around the subject property vary but are typically two to three stories and have an average floor area ratio of 0.69.

Address	Street	Stories	G.S.F.	N.S.F.	Lot Size	FAR
52	Franklin Street - PROPOSED	2.5	~5,000	4,266	5,500	0.78
40	Franklin Street	2.5	4,113	2,618	5,777	0.45
41	Franklin Street	2.75	10,400	7,021	5,370	1.31
42	Franklin Street	2.75	4,138	2,744	4,543	0.60
43 #1 -						
#6	Franklin Street	3	7,430	7,430	5,154	1.44
44	Franklin Street	2.5	5,424	3,228	4,950	0.65
45	Franklin Street	2.5	4,644	2,786	7,519	0.37
46	Franklin Street	2.5	3,901	2,550	2,813	0.91
46A	Franklin Street	2.5	4,058	2,591	2,439	1.06
47	Franklin Street	2.75	5,492	3,725	4,723	0.79
47R	Franklin Street	2.75	3,816	2,691	2,544	1.06
48	Franklin Street	2.5	4,492	2,843	3,920	0.73
49	Franklin Street	2.3	4,722	2,491	7,148	0.35
50	Franklin Street	2	7,862	4,326	6,000	0.72
51	Franklin Street	2	3,144	1,944	3,155	0.62
53	Franklin Street	1.75	2,204	1,212	2,243	0.54
55	Franklin Street	1.75	2,123	1,214	2,174	0.56
56	Franklin Street	2	3,834	1,704	8,040	0.21
57	Franklin Street	1.75	3,997	2,234	2,459	0.91
59	Franklin Street	1.75	1,855	1,076	1,220	0.88
60	Franklin Street	1.8	3,040	1,828	5,610	0.33
39	Franklin Avenue				10,171	0.00
8	Flint Street	2.5	2,195	1,373	1,871	0.73
3	Oliver Street	1.75	2,184	1,207	1,655	0.73
Averages		2.29	4,321	2,765	4,413	0.69

5. Impacts of Proposal: The greatest impact of the proposal will most likely be for the abutter to the north with the additional mass of the height of the structure and of the addition in the rear yard; although this part of the building is conforming in terms of its dimensions. The use of the site is also conforming as a three-family dwelling and it is not anticipated to have negative impacts. The form of the building will be similar to its existing form so that the streetscape along Franklin Street will not be greatly altered. 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 expanded farther into the lot. The roof pitch, dormers, clapboard siding and window style will match that of the existing structure.

Furthermore, including the proposed addition, the floor area ratio for the structure would be 0.78 which is below the 1.0 FAR maximum for an RB district.

6. Green Building Practices: None indicated on the application form.

7. Comments:

Fire Prevention: With this level of renovation a three unit residential building will need to have a complete fire sprinkler system with code compliant low voltage fire alarm system, including manual pull stations, monitored by a central station fire alarm company. Local 120 volt interconnected smoke and CO detectors must be installed inside each unit.

Engineering: 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.

Historic Preservation: The subject property is a workers house, located on the lower end of Franklin Street, and was determined to be significant because of its history as part of a workers neighborhood from before the Civil War. Architecturally, the house fits with the residential streetscape to the south of it. The Historic Preservation Commission did not determine the site to be 'preferably preserved' due to the condition of the building; due to the Applicants' attempts to repair it and the cost of doing so; and due to the Applicants' expressed desire to build within the context of the neighborhood in which they live. The Commission also voted to request that a member of the Commission be involved in reviewing the material samples of the building to ensure that the new construction stays within the neighborhood context.

Traffic & Parking: The Applicant for 52 Franklin St is converting a 1family structure into a 3 family structure. The off street parking requirements are in compliance with the Somerville Zoning Ordinance (SZO). Due to the driveway configuration, Traffic and Parking is concerned with the manner in which vehicles exit from the property. Vehicles exiting this property must exit in a forward movement. Provided there is a condition requiring that vehicles exit this driveway/property in a forward direction, Traffic and Parking has no objection to this application.

Wiring Inspector: The electric, telephone, cable TV and other such lines and equipment shall be placed underground from the source or connection. The utilities plan shall be supplied to the Wiring Inspector before installation.

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

II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1 & 5.1):

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 of the SZO, Staff find that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure specifically with regard to traffic, parking, noise, odor, scale, shading, visual effects, or neighborhood character. To the extent possible for a nonconforming structure, the proposal complies with the standards of the zoning ordinance. The height of the structure would increase along the existing nonconforming side yard; however, the remaining portion of the structure will be conforming to the dimensional requirements. The two window openings that are within three feet of the property line will remain as is and no other windows are proposed along the portion of the building that is very close to the property line. The structure will remain a 2½ story gable structure, which is a similar form to the existing house. The use of the property is by-right and the required parking would be provided in garages and with one at grade parking space.

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 and encouraging the most appropriate use of land throughout the City. The proposal is also consistent with the purpose of the RB district as a three-family home.

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 proposal is designed in a manner that is compatible with the characteristics of the built environment and surrounding land uses. There are residential properties with varying numbers of units abutting the property and in the neighborhood. The building will appear as a typical 2½ story residential structure with a front door on the street and a typical window pattern. The roof pitch, dormers, clapboard siding and window style will all match that of the existing structure. The massing of the building will increase from its current state and become more similar to the residential structures to the northeast. The dormers were designed to mimic the existing small gable dormers on the house; however, the new dormers will have a shed roof in between the gable dormers to add more headroom to the half story. The four garage doors will be partially below the grade of the street making them less visible than they would be otherwise. Another feature that further reduces the prominence of the garage doors is that the decks will extend over the driveway, making the garage doors appear recessed.

The Historic Preservation Commission has not deemed the structure preferably preserved due to the condition of the building, the cost of repairing it, and the Applicants' expressed desire to build within the context of the neighborhood. A Commission representative will be involved with the approval of the final details to ensure that these details lend to the structure fitting into the context of the neighborhood as it appears to in the plan. Recommendations will likely be to use either wood clapboard or cementitious board siding with a smooth flat finish, appropriately sized corner boards to match existing, eaves with returns to match the existing, windows to have interior and exterior muntins with spacers, preferably of wood, or aluminum clad and not vinyl.

5. Vehicular and pedestrian circulation: The circulation patterns for motor vehicles and pedestrians which would result from the use or structure will not result in conditions that create traffic congestion or the potential for traffic accidents on the site or in the surrounding area.

The five required parking spaces will be provided onsite. There will be different pavement treatment in the driveway from the sidewalk to the front doors of the back units to indicate to pedestrians that the front doors to two of the units are on the side of the building. The distinct paths also remind drivers that pedestrians will be using the driveway. There is at least 20 feet behind the parking spaces, allowing for sufficient maneuvering space for the cars to pull out of the driveway in a forward direction. The curb cut should be a maximum of twelve feet wide.

III. RECOMMENDATION

Special Permit under §4.4.1 & 5.1

Based on 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												
1	<p>Approval is for the alteration of a nonconforming structure to construct an approx 4,266 nsf building. This approval is based upon the following application materials and the plans submitted by the Applicant:</p> <table border="1" data-bbox="248 884 886 1598"> <thead> <tr> <th data-bbox="248 884 565 919">Date (Stamp Date)</th> <th data-bbox="565 884 886 919">Submission</th> </tr> </thead> <tbody> <tr> <td data-bbox="248 919 565 1020">November 1, 2010 (complete July 20, 2011)</td> <td data-bbox="565 919 886 1020">Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td data-bbox="248 1020 565 1188">March 22, 2011</td> <td data-bbox="565 1020 886 1188">Plans submitted to OSPCD (A3.1 South Elevation, A3.3 North Elevation, A1.5 Roof Plan)</td> </tr> <tr> <td data-bbox="248 1188 565 1289">May 27, 2011</td> <td data-bbox="565 1188 886 1289">Plans submitted to OSPCD (5.1 Building Section)</td> </tr> <tr> <td data-bbox="248 1289 565 1430">July 20, 2010</td> <td data-bbox="565 1289 886 1430">Modified plans submitted to OSPCD (A1.3 2nd Floor Plan, A1.4 3rd Floor Plan)</td> </tr> <tr> <td data-bbox="248 1430 565 1598">July 27, 2011</td> <td data-bbox="565 1430 886 1598">Plans submitted to OSPCD (A1.1 Basement Plan, A1.2 1st Floor Plan, A3.2 East & West Elevations,</td> </tr> </tbody> </table> <p>Any changes to the approved plans that are not <i>de minimis</i> must receive SPGA approval.</p>	Date (Stamp Date)	Submission	November 1, 2010 (complete July 20, 2011)	Initial application submitted to the City Clerk's Office	March 22, 2011	Plans submitted to OSPCD (A3.1 South Elevation, A3.3 North Elevation, A1.5 Roof Plan)	May 27, 2011	Plans submitted to OSPCD (5.1 Building Section)	July 20, 2010	Modified plans submitted to OSPCD (A1.3 2 nd Floor Plan, A1.4 3 rd Floor Plan)	July 27, 2011	Plans submitted to OSPCD (A1.1 Basement Plan, A1.2 1 st Floor Plan, A3.2 East & West Elevations,	BP/CO	ISD/PIng.	
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2	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	
3	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.	
4	Applicant shall provide final material samples for siding, trim, windows and doors to the Planning Staff for review and approval prior to construction.	BP	Plng.	Planning Staff will consult with HPC rep
5	Applicant shall supply a landscape plan to Planning Staff for review and approval. There shall be a minimum of one tree for each 1,000 sf of required landscaped area under SZO §10.3.	BP	Plng.	
6	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	
7	The electric, telephone, cable TV and other such lines and equipment shall be placed underground from the source or connection. The utilities plan shall be supplied to the Wiring Inspector before installation.	Installation of Utilities	Wiring Inspector	
8	There shall be different pavement treatment in the driveway from the sidewalk to the front doors of the back units.	CO	Plng.	
9	The curb cut shall be a maximum of 12 feet wide.	CO	DPW	
10	A complete fire sprinkler system shall be installed with code compliant low voltage fire alarm system, including manual pull stations, monitored by a central station fire alarm company. Local 120 volt interconnected smoke and CO detectors must be installed inside each unit.	CO	FP	
11	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	

12	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	
13	Vehicles exiting this property must exit in a forward direction.	Perpetual	T&P	
14	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards.	Perpetual	Plng. / ISD	
15	Trash and recycling bins shall be stored inside or screened by fencing or vegetation that blocks any view of them.	Perpetual	Plng.	
16	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.	

