



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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MATTHEW ARCHER, *INTERN*

Case #: ZBA 2011-59

Date: August 11, 2011

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 10 Hillside Circle

Applicant and Property Owner Name: Hillside Enterprises, LLC

Applicant and Property Owner Address: 60 Highland Road, Somerville, MA 02144

Agent Name: Richard G. Di Girolamo, Esq.

Agent Address: 424 Broadway, Somerville, MA 02145

Alderman: Tom Taylor

Legal Notice: Applicant and Owner, Hillside Enterprises, LLC, seeks a special permit to alter a nonconforming structure under SZO §4.4.1 to replace and alter the roof over a rear egress stairwell in an existing three-family residence. 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 13, 2011

Dates of Public Hearing: Zoning Board of Appeals **8/17/11**

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a 3,790 square foot lot with a three-family residence situated at the end of Hillside Circle which is near the intersection of Summer Street and Craigie Street. The residence is 2½ stories high not including the basement level and includes a 2 story high rear section that has a roof deck on top that connects to the 3rd floor unit and an enclosed rear egress stairwell that is covered with a shed style roof.
2. Proposal: The Applicant is proposing to remove the existing shed style roof on top of the rear egress stairwell and to replace it with a flat rubber roof to allow more head room in the stairwell. The new roof will be complete with R30 insulation, CDX roof sheathing, and a rubber roof membrane.



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3. Nature of Application: This is a residential property within an RB district. The structure is currently nonconforming with respect to the required left side, right side, rear yard, and front yard setbacks. The current left side yard setback is only 6.7 feet and the right side yard setback is only 4.2 feet, both which are less than the 8 feet of minimum required side yard setback in the Somerville Zoning Ordinance (SZO) for 2½ story structures. The current front yard setback is 3.0 feet and the requirement is 15 feet under SZO §8.5.G. The current rear yard setback is 16.1 feet and the requirement is 20 feet under SZO §8.5.I. In addition, the structure is also nonconforming with respect to the required minimum lot area, lot area per dwelling unit, ground coverage percentage, floor area ratio (FAR), and frontage requirements. The aforementioned nonconformities require the Applicant to obtain a special permit under SZO §4.4.1 to alter the nonconforming structure to convert the shed style roof to a flat rubber roof over the rear egress stairwell of the three-family residence.

4. Surrounding Neighborhood: This property is located in an RB district. The surrounding area is comprised of a mixture of single-, two-, three- and multi-family homes between 2 and 3 stories.

5. Impacts of Proposal: There shall be minimal impacts to the surrounding neighborhoods as the proposed new flat roof in the rear of the dwelling would not appear to be detrimental to the immediate abutters or surrounding area. The replacement of the shed style roof over the rear egress stairwell will have minimal impact as it is not visible from the public way and would not alter the streetscape in any manner. Additionally, the new flat roof over the rear stairwell would still be lower than the main roof of the existing structure. The property will remain a 2½ story, three-family residential use, which is consistent with the surrounding neighborhood. Therefore, there are no anticipated negative impacts from the proposal.

6. Green Building Practices: None indicated.

7. Comments:

Fire Prevention: Has been contacted but has not provided comments.

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



Existing Structure



Existing Conditions

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. The new roof will be located in the rear of the existing structure and will not be visible from the Hillside Circle right-of-way. The new flat roof over the rear stairwell would still be lower than the main roof of the existing structure and would not alter the streetscape in any manner. The property will remain a 2½ story, three-family residence, which is consistent with the surrounding area.

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; providing adequate light and air; conserving the value of land and buildings; and encouraging the most appropriate use of land throughout the City."

The proposal is consistent with the purpose of the 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 neighborhood. The construction of the flat rubber roof over the rear egress stairwell will have minimal impact as it is not visible from the public way, would still be lower than the main roof of the existing structure, and would not alter the streetscape of Hillside Circle in any manner. The property will remain a 2½ story, three-family residence, which is consistent with the surrounding area.

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, three-family dwelling and will continue to be used for residential purposes.

III. RECOMMENDATION

Special Permit under §4.4.1, 5.1

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										
1	Approval is to alter a nonconforming structure under SZO §4.4.1 to replace and alter the roof over a rear egress stairwell in an existing three-family residence. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/Plng.											
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>(July 13, 2011)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>July 26, 2011 (July 28, 2011)</td> <td>Site Plan</td> </tr> <tr> <td>May 16, 2011 (July 22, 2011)</td> <td>Existing Floor Plans (A.01)</td> </tr> <tr> <td>May 16, 2011 (July 22, 2011)</td> <td>Existing and Proposed Rear Elevations (A.02)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	(July 13, 2011)	Initial application submitted to the City Clerk's Office	July 26, 2011 (July 28, 2011)	Site Plan	May 16, 2011 (July 22, 2011)	Existing Floor Plans (A.01)	May 16, 2011 (July 22, 2011)	Existing and Proposed Rear Elevations (A.02)
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Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.														
2	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP											
3	The E.U.A.s shown on the Site Plan designated for Units #1, #2, and #3 shall not be used for parking spaces. Wording in the condominium documents should reflect this and a copy of this documentation shall be provided to Planning Staff for review.	CO	Plng.											
4	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.											



10 Hillside Circle