



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

MICHAEL F. GLAVIN
EXECUTIVE DIRECTOR

PLANNING DIVISION STAFF

GEORGE PROAKIS, *DIRECTOR OF PLANNING*
LORI MASSA, *SENIOR PLANNER*
DAN BARTMAN, *SENIOR PLANNER*
AMIE HAYES, *PLANNER*
DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*

Case #: ZBA 2013-03
Date: February 28, 2013
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 91 Perkins Street

Applicant Name: John Morley and Denis Fullerton Jr.
Applicant Address: 705 Cambridge Street, Cambridge, MA 02141
Property Owner Name: 91 Perkins Street, LLC
Property Owner Address: 705 Cambridge Street, Cambridge, MA 02141
Agent Name: Michael T. Dwyer
Agent Address: 741 Broadway, Somerville, MA 02144
Alderman: Maureen Cuff-Bastardi / Ward 1

Legal Notice: Owner, 91 Perkins Street LLC, and Applicants, John Morley and Denis Fullerton Jr., seek a Special Permit under SZO §4.4.1 for relief under the provisions of SZO §8.5.E to alter a nonconforming structure to increase the floor area ratio of the property by finishing a portion of the basement. RB zone. Ward 1.

Zoning District/Ward: RB Zone / Ward 1

Zoning Approval Sought: Special Permit under SZO §4.4.1

Date of Application: February 1, 2013

Dates of Public Hearing: Zoning Board of Appeals – **Wednesday, March 6, 2013**

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a 7,700 square foot parcel in East Somerville. The structure, c. 1890, is a twelve unit, three-story residential building. The property has a net floor area of 9,548 square feet and a floor area ratio of 1.24. This masonry structure is located on the corner of Perkins and Mt. Vernon streets, near Broadway, with a parking lot that accommodates 12 vehicles. The structure

is located in an RB district which is composed of single, two- and three-family dwellings as well as several multi-family buildings.

Prior zoning relief has been sought on two occasions. The first special permit was sought in 1971, to remodel an existing non-conforming lodging house containing 34 rooms into a 21 efficiency-unit apartment building. The request was denied and appealed by the Applicant, who was later granted a special permit for an 18 efficiency-unit apartment building. The Board of Appeal cited on February 29, 1972 that the change in use was more consistent with the neighborhood and was a substantial improvement to the property.

In January 2001, a special permit and variance were sought to grant relief from the floor area ratio to expand the first floor unit into the basement to add a second bedroom, relocate the kitchen and add living space for a study. The Planning Board recommended denial due to concern for light, ventilation, and sewer back flows, as well as a concern that the basement might, at a later date, become a separate unit with two bedrooms. The Zoning Board of Appeals agreed with the Planning Board on March 14, 2001, and the appeal was denied.

2. Proposal: Applicants, John Morley and Denis Fullerton Jr., owners of 91 Perkins Street LLC, propose to alter a twelve unit residential structure to increase the floor area ratio by finishing a portion of the basement. The current owners, since May 2012, are working to rehabilitate and update each unit as well as the exterior. The current net floor area of the building is 9,549 square feet with a floor area ratio of 1.24. The proposed net floor area would be 12,014 square feet with a floor area ratio of 1.56. This modification would create 2,465 square feet of increased living space in the basement, which is partially raised with 8 foot ceiling heights, to be used by the occupants of Units 1 and 2 for a family room and home office. The current owners are not aware of any history of sewage back flow and owner, John Morely, currently occupies Unit 1.



91 Perkins Street, front and right side façades with parking lot on corner

Unit 1 would have new stairs installed that lead into an open concept family room and a home office would be located in the rear left portion of the basement. While the home office would contain a bathroom and closet, these features are already existent (see sheet A1.0). Egress out of the building and to the rear staircase is accessible from both the family room and home office toward the rear of the basement. Twelve windows are located along the right side, rear, and rear left side, where the home office would be located. Two of the six basement windows located along the right side façade would abut the parking lot on the corner of Perkins and Mt. Vernon streets; one would be near the staircase while the other would be in the right rear corner of the family room. The other four windows along this wall would become buffered by a new landscaped area, which varies from four to two feet in width and is located along the recessed portion of the right side facade.

Unit 1 would have new stairs installed that lead into an open concept family room and a home office would be located in the rear left portion of the basement. While the home office would contain a bathroom and closet, these features are already existent (see sheet A1.0). Egress out of the building and to the rear staircase is accessible from both the family room and home office toward the rear of the basement. Twelve windows are located along the right side, rear, and rear left side, where the home office would be located. Two of the six basement windows located along the right side façade would abut the parking lot on the corner of Perkins and Mt. Vernon streets; one would be

Unit 2 would also have a new staircase installed, which would lead to an open concept family room with egress out of the building through a small door along the left side wall. This portion would have five windows, which all look onto the adjacent lot. The ceiling height is 8 feet and the basement windows are located at eye level, allowing for adequate natural light and ventilation. Shared laundry facilities, common storage, and the main stairwell are accessible from the basement of both units at the front of the building.



Left: Basement windows for Unit 1



Right: Side façade adjacent to parking lot

3. Nature of Application: The structure is currently nonconforming with respect to several dimensional requirements including floor area ratio. In accordance with the Somerville Zoning Ordinance (SZO) §4.4.1, nonconforming multi-family dwellings may only be altered and enlarged by Special Permit. Therefore, increasing the floor area ratio requires Special Permit approval for relief under the provisions.

The existing floor area ratio (FAR) of the structure is 1.24, which exceeds the maximum 1.0 FAR in an RB district. Therefore, Special Permit approval is also required to further increase the nonconforming FAR for the property.

4. Surrounding Neighborhood: The subject property is located in an RB district within East Somerville near Broadway and Sullivan Square. The surrounding neighborhood is residential with single, two- and three-family dwellings as well as several multi-family buildings. Several single-building local historic districts are also located within the vicinity.

5. Impacts of Proposal: The proposal to increase the floor area ratio of the structure will not be detrimental to the structure.

The current owners are working to rehabilitate and update each unit as well as the exterior. The proposal to finish portions of the basement will enhance and enlarge Units 1 and 2. There should be no impact on the surrounding neighborhood as the additional living space will not increase the number of occupants within either unit nor will it increase the number of cars. Additionally, as construction impacts are limited to the interior of the building, no significant disruption to the neighborhood is anticipated.

6. Green Building Practices: There are no green building practices that have been indicated.

7. Comments:

Fire Prevention: An email from William Hallinan, Fire Chief, on 2/19/13 to Staff states:

“Depending on the total quantity of renovations planned, this building may require sprinklers. Any renovations that total more than a 50% renovation of the subject property would require the installation of sprinklers. This includes projects that add up to a 50% renovation over a one year period.”

Historic Preservation: Historic Preservation Staff encourages the rehabilitation of this property. The structure is known historically as the John Whiting apartments and is composed of red brick with sandstone trim.

Ward Alderman: Alderman Cuff-Bastardi commented in an email to Staff on 2/15/13 that she has been in contact with one of the Applicants and has seen photographs of the progress made at the property so far. She has not received any complaints about the rehabilitation of this property.

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 of the SZO, Staff find that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The proposal to finish portions of the basement will enhance and enlarge Units 1 and 2. There should be no impact on the surrounding neighborhood as the additional living space will not increase the number of occupants within either unit nor will it increase the number of cars.

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 promoting “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 protect health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to conserve the value of land and buildings; and to preserve the historical and architectural resources of the City.”

The proposal is consistent with the purpose of the Residence B district, §6.1.2, 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.”

This proposal, to increase the floor area ratio by finishing portions of the basement, is compatible with the site and the neighborhood. This project will maintain the existing footprint and will not increase the number of occupants within the building, nor increase the number of vehicles to be parked at the site or on the street. Therefore, the surrounding neighborhood should not be negatively impacted as a result of this proposal.

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								
1	Approval is for a Special Permit for relief to alter a nonconforming structure to increase the floor area ratio of the property by finishing a portion of the basement. 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>February 1, 2013</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>February 19, 2013 (February 27, 2013)</td> <td>Plot plan submitted to OSPCD</td> </tr> <tr> <td>February 19, 2013 (February 27, 2013)</td> <td>Plans submitted to OSPCD (T-1, Z.1, A0.0, A1.0, & A1.1)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	February 1, 2013	Initial application submitted to the City Clerk's Office	February 19, 2013 (February 27, 2013)	Plot plan submitted to OSPCD	February 19, 2013 (February 27, 2013)	Plans submitted to OSPCD (T-1, Z.1, A0.0, A1.0, & A1.1)
	Date (Stamp Date)				Submission							
	February 1, 2013				Initial application submitted to the City Clerk's Office							
	February 19, 2013 (February 27, 2013)				Plot plan submitted to OSPCD							
February 19, 2013 (February 27, 2013)	Plans submitted to OSPCD (T-1, Z.1, A0.0, A1.0, & A1.1)											
Any changes to the approved site and floor plans that are not <i>de minimis</i> must receive SPGA approval.												
2	The basement living space shall not be used as a bedroom nor shall this living space be allowed to become a separate unit.	CO	Plng.									
3	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP									

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.	
---	---	----------------	-------	--

91 Perkins Street

