



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2012-44
Date: June 14, 2012
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 5 Tower Court

Applicant Name: Douglas Beudet
Applicant Address: 14 Ibbetson Street, Unit 3, Somerville, MA 02143
Property Owner Name: Mary M. Fontaine
Property Owner Address: 5 Tower Court, Somerville, MA 02143
Agent Name: Richard G. Di Girolamo, Esq.
Agent Address: 424 Broadway, Somerville, MA 02145
Alderman: Maryann Heuston

Legal Notice: Applicant Douglas Beudet and Owner Mary M. Fontaine, seek a Special Permit under SZO §4.4.1 to alter and enlarge an existing two-family structure and a Special Permit under SZO §7.11.1.c to establish a four unit residential use. RC zone. Ward 2.

Zoning District/Ward: RC Zone / Ward 2

Zoning Approval Sought: Special Permits under SZO §7.11.1.c and SZO §4.4.1

Date of Application: May 10, 2012

Date of Public Hearing: Zoning Board of Appeals – **June 20, 2012**

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a 4,800 square foot lot with a two-family structure situated on it at the intersection of Tower Court and Tyler Street across from the old Ames Envelope Complex. The structure has 3,760 gross square feet and 1,791 square feet of habitable space. The structure is 2½ stories high, with a gable/hip roof. There are currently two legal parking spaces at the property as well, which does not conform to the requirements for a two-family dwelling in the Somerville Zoning Ordinance (SZO).



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2. Proposal: The existing structure is a two-family dwelling located in an RC zoning district. The proposal is to renovate and expand the structure into a four-family dwelling. The height of the existing structure is estimated to be around 28-30 feet, and the new structure will increase slightly to a height of 33 feet. Despite the current address of 5 Tower Street, Tyler Street is being designated as the front for the proposed plans and this reference point will be used throughout the remainder of the Staff Report. The rear of the existing structure has zero feet of setback and the structure actually crosses over the property line in certain areas. The proposed plan will remove these portions of the structure which cross the property line into the adjacent lot. The proposed development will add two dwelling units to the existing structure towards the front of the property and make other alterations to the existing structure. These modifications will include a deck on the second floor of the right side of the existing building with an entrance to Unit # 2. Unit # 2 will be located on the second floor of the existing building and Unit # 1 will be located on the first floor. Unit # 1 will be 1,090 square feet and contain a kitchen, dining room, living room, master bedroom and bathroom, a second bedroom, a second bathroom, and a washer/dryer area. Unit # 2 will be 750 square feet and contain a kitchen, dining room, living room, study, bedroom, bathroom, and a washer/dryer area.

The proposed new addition will contain Units # 3 and # 4 located to the south of the existing structure, and will increase the net floor area of the entire building from 1,791 square feet to 4,275 square feet. The basement will include a garage with three parking spaces which will lead to a mudroom and then upstairs to Units # 3 and # 4. In addition to the garage entrance, there will be entryways from the east and west sides of the building for all four units. Units # 3 and # 4 will contain a kitchen, dining room, and living room on the first floor and two bedrooms, one full bathroom, and a washer/dryer area on the second floor. Unit # 3 will have 1,060 square feet and Unit # 4 will be 1,000 square feet. On the east side of the property there will be a permeable paver driveway, court, patio, and outdoor parking space as well as a bike rack. Including the garage there will be a total of four parking spaces on the site, which is less than the required six, but is sufficient based on the fact that the property is already nonconforming with respect to parking and meets the nonconforming requirement to increase from two to four parking spaces. The landscaping on the property will be greatly enhanced as can be seen on the Preliminary Landscape Plan. Along Tyler Street there will be three large shade trees and both Tyler Street and Tower Court will include shrubs, perennials, and grasses.

3. Nature of Application: This is a residential property located in an RC District. In an RC District, the establishment of four or more dwelling units at a property requires a Special Permit as specified in §7.11.1.c of the SZO. Furthermore, the property and structure are currently nonconforming with respect to the minimum lot area and the rear yard and right side yard setbacks. These existing nonconformities require the Applicant to obtain a Special Permit under SZO §4.4.1 to alter the existing nonconforming structure.

4. Surrounding Neighborhood: The property is located in an RC (Residential) District that is surrounded by a BA (Commercial) District to the north and an IA (Industrial) District to the east, south, and west. The area is mostly light industrial and is dominated by the Ames Complex which includes office, manufacturing, recreational, warehouse, and sales office uses. The RC District itself is a small residential neighborhood with single-, two-, and multi-family dwellings along with some religious institutional uses and associated parking lots. South of the railroad tracks the area is entirely residential transitioning from an RC District to an RB District as one moves southward.

5. Impacts of Proposal: With regard to the proposed changes to the existing structure, there shall be minimal impacts to the surrounding neighborhood because the existing structure is already nonconforming with regard to the rear and right yard setbacks, as well as the minimum lot size. The increase in net floor area from 1,791 square feet to 4,275 square feet increases the Floor Area Ratio

(FAR) from 0.37 to 0.89, which is still well below the allowable maximum of 2.0 for an RC District. The driveway, court, parking space and patio on the east side of the lot will be constructed with permeable pavers, which will mitigate the impacts of water runoff. The removal of portions of the structure at the rear of the existing building which currently encroach on the neighboring property will make the structure less nonconforming with respect to dimensional setbacks. The renovations to the existing structure as well as the enhanced landscaping will beautify the entire property, which will benefit the surrounding neighborhood. The existing structure is not well-maintained and the neighborhood would benefit from the proposed renovations. The resulting parking situation would not be detrimental to the neighborhood either because an additional two parking off-street spaces will be provided for the two new units which will allow for each unit on the property to have one off-street parking space.

6. Green Building Practices: None indicated.

7. Comments:

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

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

Wiring Inspector: Has been contacted but has not yet provided comments.

Design Review Committee: The Design Review Committee reviewed the proposal at the following three meetings and below is a list of the items that were discussed:

December 8, 2011:

- Are you attempting to keep the rear, elongated portion of the building? – (r) This rear addition goes over the property line by 1.5 feet which creates deed and property ownership issues. It would probably be easier to simply remove this portion of the building and work the bedroom that would be removed as a result of this back into the rest of the structure.
- What is the actual original structure in the renderings? – (r) The existing structure is the portion of the building on the left side of the Tower Court elevation.
- Will the existing siding be retained? – (r) The existing siding would be replaced with clapboard when the structure is redone.
- Will a new fence be installed along the property line that abuts the parking lot on Lot 16? – (r) Yes, a new fence will be installed along this entire length of the property line.
- Will the driveway consist of permeable pavers? – (r) Yes, we would like to install permeable pavers where the driveway will be because there is so much existing pavement at the site already.
- Will there be a bike rack installed at the site? – (r) There is almost always at least one bike rack installed with all of our projects, so most likely there will be one.

Over the entries off of Tower Court and Tyler Street, visually there needs to be some type of awning or canopy to tie into the contextual nature of the neighborhood.

On the Tower Court elevation, the structure presents a long, continuous stretch of siding. Please take a look at the implementation of bays and detail elements to create relief along this façade.

It would be helpful to see the context of this building within the neighborhood and where the existing structures are located on the properties surrounding the project site.

A detailed landscape plan showing the specific types of plantings that will be installed at the site would be appreciated for the next time you come back to the Design Review Committee.

Anything that can be done with the design to add sustainable features would be highly encouraged and appreciated. This would include (but not be limited to) addressing storm run-off with on-site water management, passive sustainable building technologies (high R wall insulation, energy star rated equipment, etc.), and/or active sustainable building technologies (solar hot water, PV, etc.).

January 12, 2012:

- Will you be retaining the entire existing building? – (r) Yes, the existing building will be incorporated into the new project design.
- Where are the egresses for Units #2, #3, and #4? – (r) The egresses for these units are all out the back of the structure to the proposed driveway and parking area.

The façade along Tower Court needs another window on the right side of the entrance to Unit #4 to provide symmetry on this façade.

The massing of the bays that are closer to the street on the Tower Court façade seem like they have a very awkward relationship with the rest of the building. Showing this façade in a 3D or perspective view would help to provide us a better understanding of this element of the design, which is a critical design component to the project.

The bay windows, or two-story cantilevers, on either side of the doors to Unit #3 and #4 are awkward. These bump outs need to be reworked or removed in some places to make the design work better. This bay element is not equivalent and needs to be reworked. The windows in this area need to come up higher on the façade.

The double roof line to the right of the entrances on Tower Court needs to be looked at again and reworked.

Perhaps the roof line connecting the new and old structure could be reworked to create more of a separation between the old and the new construction.

The stairs off of Tyler Street are really high and could be reworked. Perhaps a deck or landing could be worked in at the top of the stairs or into the design of the stairs at some point.

Please also take a look at potentially pulling up the grade along Tower Court to help some of the façade elements on this side of the structure.

It feels as if there is a lot of pavement at this site and some of the pavement in the driveway/parking area seems like it is not needed. Perhaps inverted grass pavers could be used in the permeable pavement areas indicated on the plans.

It would be helpful to have more fully developed plans the next time you come before the Committee, including floor plans and 3D drawings, to see how the organization, egress, and entry components of all four of the units work.

March 22, 2012:

- So there are two lots that are actually being combined here? The existing structure sits on just one lot currently, but the addition would stretch over to include the adjacent lot? – (r) Yes, that is correct. The adjacent lot has no structure on it right now and is currently overgrown with vegetation.
- How many units will the new addition contain? – (r) The existing structure is a two-family dwelling and this project will be adding two additional units to the site for a total of four units at the property.
- Is the existing structure going to be re-cladded with the same siding that will be on the new structure and if so, what will that material be? – (r) Yes, that is correct. The entire structure, the existing building and the proposed addition, will all be sided with new four inch and six inch clapboard and probably Hardiplank as well.
- The drawings are showing a craftsman style look for the windows and doors. Is this how the detailing will actually look? – (r) Yes, we are proposing the windows will be a two over one style, but we are open to changes and comments on these as well.
- Do you know what size trees you will be planting along the Tyler Street elevation? – (r) We are not totally sure but because there is a six foot fence along the side of the property that abuts the parking lot, we do want to install heaving landscaping on the Tyler Street elevation. There will also be trellises installed on this elevation of the building from the large trim board downward to encourage vegetation to grow on this elevation and we are thinking of using Princeton Elms for the trees on this side of the project.
- Can you please describe the fencing that you are proposing for the project? – (r) We are proposing a 30 inch high wood picket fence with granite posts on the front and side yards of the project. A six foot high wood fence would be located at the rear of the property.
- Can you please elaborate on the lattice work that will be affixed to the building? – (r) This would be wood trellis that would be attached directly to the structure with Virgins Bauer vines proposed to grow up the trellis.

There have been big improvements from the last two meetings and while the project does look massive on the site, it does seem to fit into the neighborhood. Removing the Tyler Street entrance and locating all of the main entrances off of Tower Court is an improvement to the overall design.

The large trees and landscaping along the Tyler Street elevation will be helpful because without the trees, the project will seem a bit massive on this elevation.

Overall, a nice job has been done incorporating the comments that the Committee has given to you at previous meetings. The Committee would like to see consistent materials, roofing, and windows across the entire structure when the project is completed so the building becomes one cohesive design.

The Committee would like to see pavers, perhaps even grass pavers, incorporated into the parking and maneuvering area behind the structure in the final product.



Existing Conditions, Looking from Tower Court, West Side of Existing Structure



Existing Conditions, Looking from Tower Court, Highlighting the South Side



Existing Conditions, Looking from Tower Court, Highlighting the North Side

II. FINDINGS FOR SPECIAL PERMIT (SZO §7.11.1.c and §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 finds that the renovations and expansions proposed would not be substantially more detrimental to the neighborhood than the existing structure. The renovations to the existing structure as well as the enhanced landscaping will beautify the existing property, which will benefit the surrounding neighborhood. The existing structure is a poorly maintained, defunct, two-family dwelling. Therefore, the surrounding neighborhood will benefit from the proposed renovations to create a four-family dwelling which has been through three meetings with the Design Review Committee to create a design which is appropriate for the neighborhood. Parking should not be detrimental to the neighborhood because an additional two off-street parking spaces will be provided for the two new units. There may be a minimal increase in noise with the additional two units, but these impacts should be insignificant and should not conflict with the existing uses in the RC District.

The proposed new entrance to Unit # 2 on the east side of the existing structure off of the proposed new deck, along with the east entrances to Units # 1, # 3, and # 4 will provide emergency egresses from the units. The proposed addition of Units # 3 and # 4 will not be detrimental to the surrounding neighborhood because sufficient land on the south (front) side of the property exists to accommodate this expansion. The front setback will decrease from 49.3 feet to 21 feet, but this will still meet the 15 foot minimum setback requirement for the district. The existing structure is already nonconforming with regard to the rear yard and right side yard setbacks, as well as the minimum lot size for the district. The increase in net floor area from 1,791 square feet to 4,275 square feet increases the FAR from 0.37 to 0.89, which is still well below the allowable maximum of 2.0 for an RC District. The driveway, court, parking space and patio on the east side of the lot will be constructed with permeable pavers, which will mitigate the impacts of water runoff. The removal of portions of the existing building along the rear lot line which currently encroach on the adjacent property will make the structure less nonconforming with respect to dimensional setbacks.

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 conserve the value of land and buildings; to encourage the most appropriate use of land throughout the City; and to encourage housing for persons of all income levels."

The general concept of having a multi-family residential dwelling in this location is consistent with the purpose of the district (6.1.3. RC - Residence Districts), which is, "to establish and preserve a district for multi-family residential and other compatible uses which are of particular use and convenience to the residents of the district."

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 proposed renovations and expansions to the nonconforming structure are compatible with the characteristics of the surrounding neighborhood. The renovations to the existing structure as well as the enhanced landscaping will beautify the property which will benefit the surrounding neighborhood. The existing structure is a poorly maintained, defunct, two-family dwelling. Therefore, the surrounding neighborhood will benefit from the proposed renovations to create a four-family dwelling which has been through three meetings with the Design Review Committee to create a design which is appropriate for the neighborhood. Parking should not be detrimental to the neighborhood because an additional two off-street parking spaces will be provided for the two new units. There may be a minimal increase in noise with the additional two units, but these impacts should be insignificant and should not conflict with the existing uses in the RC District.

The proposed new entrance to Unit # 2 on the east side of the existing structure off of the proposed new deck, along with the east entrances to Units # 1, # 3, and # 4 will provide emergency egresses from the units. The proposed addition of Units # 3 and # 4 will not be detrimental to the surrounding neighborhood because sufficient land on the south (front) side of the property exists to accommodate this expansion.

The driveway, court, parking space and patio on the east side of the lot will be constructed with permeable pavers, which will mitigate the impacts of water runoff on the property.

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 impacts are anticipated as part of this proposal. No new glare, smoke, vibration, nor emissions of noxious materials nor pollution of water ways or ground water, nor transmission of signals that interfere with radio or television reception are anticipated as part of the proposal. The driveway, court, parking space and patio on the east side of the lot will be constructed with permeable pavers, which will mitigate the impacts of water runoff. There may be a slight increase in noise with the additional two units, but in the context of a residential environment and neighboring light industrial area, the impacts will be fairly minimal. The structure on the property will remain a residential building in an RC District.

III. RECOMMENDATION

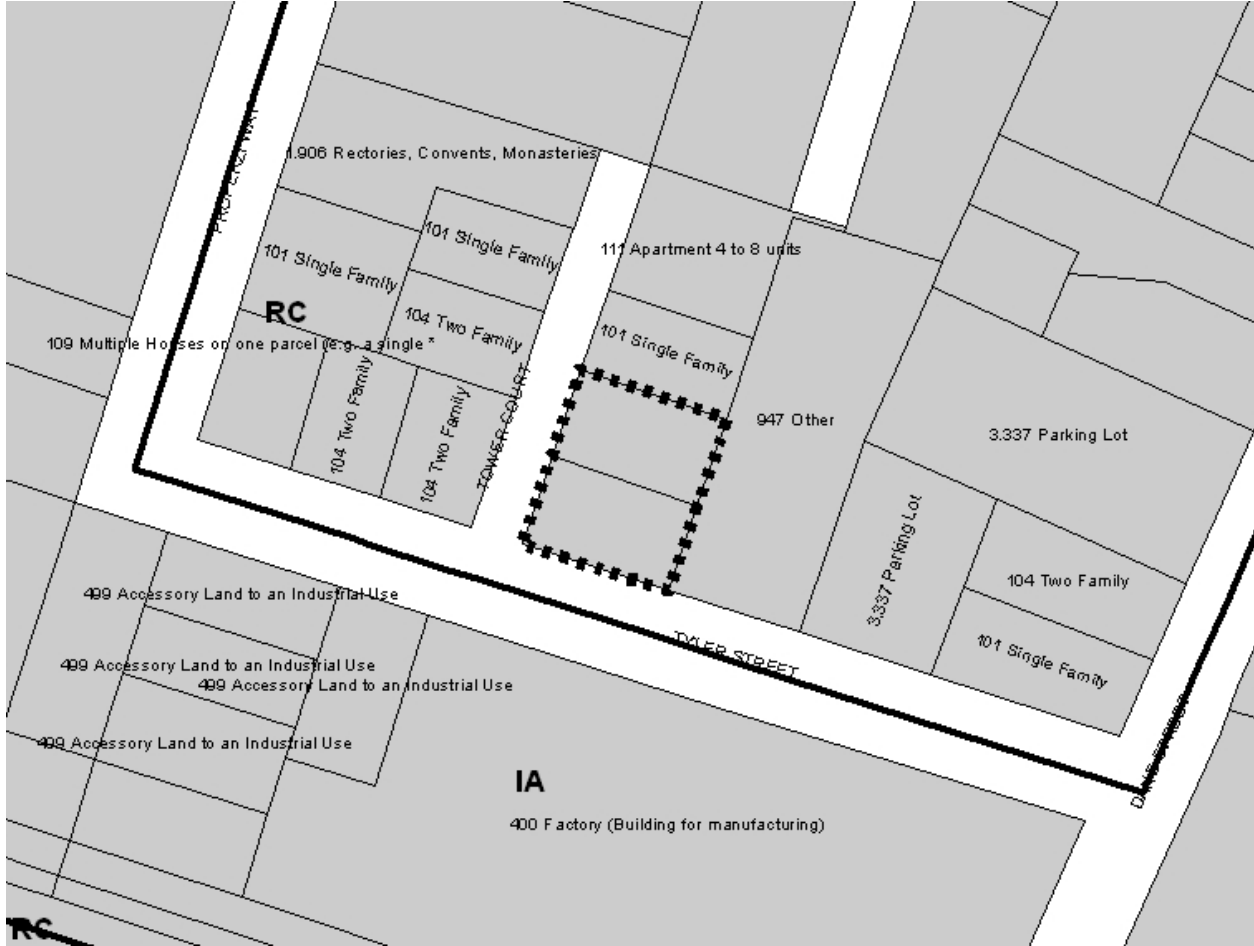
Special Permits under §7.11.1.c and §4.4.1

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 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	<p>Approval is to establish four (4) residential units at the site under SZO §7.11.1.c and to make renovations to an existing nonconforming structure under SZO §4.4.1 to alter and enlarge an existing two-family residence. This approval is based upon the following application materials and the plans submitted by the Applicant:</p> <table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>(May 10, 2012)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>March 12, 2012 (June 4, 2012)</td> <td>Cover Sheet</td> </tr> <tr> <td>September 28, 2011 (June 4, 2012)</td> <td>Certified Plot Plan</td> </tr> <tr> <td>March 8, 2012 (June 14, 2012)</td> <td>Existing Elevations</td> </tr> <tr> <td>(June 4, 2012)</td> <td>Preliminary Landscape Plan</td> </tr> <tr> <td>March 8, 2012 (June 14, 2012)</td> <td>Proposed Elevations I</td> </tr> <tr> <td>March 8, 2012 (June 4, 2012)</td> <td>Proposed Elevations II</td> </tr> <tr> <td>March 8, 2012 (June 4, 2012)</td> <td>Proposed Floor Plans (Garage/Grade Level, First Floor Plans, and Second Floor Plans)</td> </tr> </tbody> </table> <p>Any changes to the approved site plans and elevations that are not <i>de minimis</i> must receive SPGA approval.</p>	Date (Stamp Date)	Submission	(May 10, 2012)	Initial application submitted to the City Clerk's Office	March 12, 2012 (June 4, 2012)	Cover Sheet	September 28, 2011 (June 4, 2012)	Certified Plot Plan	March 8, 2012 (June 14, 2012)	Existing Elevations	(June 4, 2012)	Preliminary Landscape Plan	March 8, 2012 (June 14, 2012)	Proposed Elevations I	March 8, 2012 (June 4, 2012)	Proposed Elevations II	March 8, 2012 (June 4, 2012)	Proposed Floor Plans (Garage/Grade Level, First Floor Plans, and Second Floor Plans)	BP/CO	ISD/PIng.	
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2	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																			
3	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP																			

4	The Applicant shall at his/her 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	
5	Applicant will supply bicycle parking spaces as indicated on the Preliminary Landscape Plan.	CO	Plng.	
6	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards.	Perpetual	Plng. / ISD	
7	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.	



5 Tower Court