



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

MICHAEL F. GLAVIN
EXECUTIVE DIRECTOR

PLANNING DIVISION STAFF

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ADAM DUCHESNEAU, *PLANNER*
AMIE HAYES, *PLANNER*
DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*

Case #: ZBA 2012-80
Date: October 11, 2012
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 23-25-27 Village Street

Applicant and Owner Name: Adele Naude Santos
Applicant and Owner Address: 27 Village Street, Somerville, MA 02143
Alderman: Maryann Heuston

Legal Notice: Applicant and Owner Adele Naude Santos, seeks a Special Permit under SZO §4.4.1 to alter an existing nonconforming structure, including adding a second story to an existing building, as part of adding a second dwelling unit to the property. RC zone. Ward 2.

Zoning District/Ward: RC Zone / Ward 2

Zoning Approval Sought: Special Permit under SZO §4.4.1

Date of Application: September 18, 2012

Date of Public Hearing: Zoning Board of Appeals – **October 17, 2012**

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a 15,150 square foot lot with two principal structures situated on it near the intersection of Village Street, Hanson Street, and Properzi Way, just south of the MBTA Commuter Rail right-of-way. One of the buildings on site, the renovated McGann Bronze factory, is occupied by the property owner as a mixed use building with a single dwelling unit and an architectural office/studio space. The building is 10,485 gross square feet which includes 4,050 square feet of garden/patio area in the center of the structure. The front portion of this building along Village Street is two stories high and contains the office/studio as well as a bedroom on the second floor. A large open courtyard/patio area, which is enclosed by brick walls on both sides, separates the front and rear portions of the structure. There is also a one story, concrete block arcade structure that runs along the right side of the building back to the rear portion of the structure. The rear portion of the building contains the main living quarters for the residence which has an open floor plan with a kitchen/dining/living area, a half bathroom, and one bedroom with a full on-suite bathroom on the first floor. The second floor has two



areas, one of which is a bedroom with a full on-suite bathroom and the second area is an open loft space that is used as an office. This entire structure has 5,472 square feet of living space.

Along the eastern portion of the site is the former Firefly Press building, which was previously home to a printing press use. This one story structure with CMU walls and a wood frame roof is 1,692 gross square feet and only 10 feet 4 inches in height. The Firefly Press building is currently vacant. The property has three legal off-street parking spaces located just off of Village Street at the front of the property between the existing residence and the Firefly Press building. In March of 2006, the Zoning Board of Appeals awarded this property zoning relief to alter the nonconforming structure (the old McGann Bronze factory) to add additional living space (a bedroom) to the existing structure. As part of this proposal a second story room was put on top of the existing structure in the front portion closest to Village Street.



Existing Streetscape View



Courtyard Looking Towards Village Street



Courtyard Looking Towards Rear Property Line

2. Proposal: The Applicant is proposing to renovate the former Firefly Press building and turn this second principal structure into a second dwelling unit at the property. The Applicant would add a second story onto the Firefly Press building, raising its total height to 23 feet 2 inches, which is slightly lower than the adjacent structures at 21 Village Street. The first floor of the renovated building would contain a kitchen, living room, dining area, and a full bathroom. The center portion of the first floor would be pulled inward to create a private outdoor patio area partially covered by the cantilevered portions of the second floor and enclosed with a chain link fence along the driveway. A planter bed that would run the

length of this chain link fencing would allow for evergreen climbing vines and flowering perennials to climb the fence and create a natural vegetative barrier. Four sets of doors from various rooms on the first floor would open out into this private patio area. At the rear of the first floor a two space carport would be carved out of the existing building.

The second floor would contain two bedrooms with two full on-suite bathrooms. Both of the bedrooms would also have access to private terrace spaces that would be on top of the first floor. One terrace would be located at the front of the structure towards Village Street and the other would be located on top of the carport at the rear of the structure. Each bedroom would cantilever out towards the interior of the property over the private outdoor patio space on the first floor. There would be no windows that would face the property at 21 Village Street as all windows would look out towards the interior or rear of the subject property, or towards Village Street. An asphalt driveway would be installed to reach from the front of the property to the rear carport. The existing fence and gate that run between the two existing structures would be moved forward to the front of the arcade towards Village Street. Two additional parking spaces would be retained at the front of the property between the fence and Village Street. A grass-crete walkway would be installed from Village Street all the way back to the carport. On the exterior of the structure, stucco would be applied over the existing concrete block façade of the building. When completed, the renovated Firefly Press building would add 1,148 square feet of new living space to the property.

3. Nature of Application: This is a mixed use property within an RC district. The establishment of a second dwelling unit at the property is as-of-right under the RC zoning district which permits three-family dwellings and only requires 875 square feet of lot area per dwelling unit for 1 to 9 units (a requirement which this property more than meets). As for the alterations to the existing nonconforming structure (the Firefly Press building), Planning Staff has determined that these changes only require a Special Permit from the Zoning Board of Appeals because the building is an existing nonconforming principal structure.

The existing mixed use building, the renovated McGann Bronze factory, is one of two principal structures on the lot. The other is the existing Firefly Press building. When the Firefly Press Company was in operation at the property, it was operating as a third principal use within a second principal structure. A principal use at a property cannot operate within an accessory structure at a property, only within a principal structure. Therefore, at the time the Firefly Press Company was in operation, the property was a mixed use property with two principal structures and three principal uses (a single-family dwelling, an architectural office/studio, and a printing press operation).

When the Firefly Press Company left the property and two years had elapsed, the Firefly Press building lost its nonconforming status with regard to the use of the building, but the structure itself could never have lost its status as a second principal structure at the property. Therefore, while the building was vacant, the subject property had an occupied mixed use building on it and a second (vacant) principal structure. Since more than two years have elapsed since the Firefly Press Company has left the building, the only use that can occupy the Firefly Press building is a conforming one such as a residential dwelling. The structure this second residential dwelling would be occupying is already a second principal structure, but it is an existing nonconforming principal structure.

The Firefly Press building (one of the two principal structures at the property) is currently nonconforming with respect to the minimum front and right side yard setbacks, as the building is practically right on the front and right side property lines. Any alteration to this nonconforming structure within the required front and right side yard setbacks at the property requires the Applicant to obtain a Special Permit under Somerville Zoning Ordinance (SZO) §4.4.1 to make these alterations. Therefore, since the Applicant is proposing to add a second story directly on top of this existing structure and these alterations to the

building would impact the existing nonconformities, the alterations require Special Permit approval from the Zoning Board of Appeals.

4. Surrounding Neighborhood: This property is located in a RC district. The surrounding area is comprised of a mix of residential (single-, two-, and three-family dwellings) and industrial buildings. The MBTA Commuter Rail tracks abut the property to the north and the Ames Envelope complex is located just on the other side of those tracks. Immediately to the west is the 44 Park Street property which is currently home to a day care center. The structures in the area are mostly 2½ to 3 stories in height with a mixture of flat and gable roofs.

5. Impacts of Proposal: There shall be minimal impacts, if any, to the surrounding neighborhood as the proposed alterations to the Firefly Press building and its second story addition would not appear to be detrimental to the immediate abutters or the surrounding area. Most, if not all, of the construction activities will be occurring from the interior of the subject property with the existing buildings and rear yard setback acting as buffers to the surrounding neighbors. Only minimal disruption to the neighborhood or the streetscape due to construction activities is anticipated. The privacy of the residences on either side of the subject property will also be maintained as all of the new windows for the Firefly Press building will look out towards the interior or rear of the property, or towards Village Street. No new windows are being proposed for the façade that faces 21 Village Street. Additionally, the Village Street streetscape would only experience minimal impacts as the proposed second floor addition is stepped back over 16 feet from the front lot line. The Applicant is only extending the building's existing nonconforming right side yard setback higher to mimic the height of the existing adjacent structure at 21 Village Street, which is still in conformance with height limitations for the RC district. Furthermore, the Applicant will be maintaining compliance with several other requirements of the RC zoning district including ground coverage at 42% (maximum is 70% for the RC district), landscaping at 46.7% (minimum 25% required), pervious area at 46.7% (minimum 30% required), and Floor Area Ratio at 0.30 (2.0 is the maximum). The Applicant is also complying with the nonconforming parking requirements of the zoning ordinance by providing one additional parking space for the additional dwelling unit at the property. Upon completion of the addition, the property will still be a mixed use site with an architectural office/studio, but it will now contain two dwelling units instead of just one. The end result of this proposal is consistent with surrounding neighborhood and therefore there are no anticipated negative impacts as a result of this project.

6. Green Building Practices: The Applicant has indicated the following green building practices will be used as part of this project: 1) they will be preserving and reusing an existing structure, 2) they will be utilizing existing infrastructure connections, 3) Low-VOC paint and other non/low toxic finishing materials will be used wherever possible, and 4) they will be using permeable surface paving for the 4 foot additional driveway width required for fire truck access.

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.

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 Permit.
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 or use at the property. The privacy of the residences on either side of the subject property will be maintained as all of the new windows for the Firefly Press building will look out towards the interior or rear of the property, or towards Village Street. No new windows are being proposed for the façade that faces 21 Village Street. Additionally, the Applicant is only extending the building's existing nonconforming right side yard setback higher to mimic the height of the existing adjacent structure at 21 Village Street, which is still in conformance with height limitations for the RC district. Furthermore, the Applicant will be maintaining compliance with several other requirements of the RC zoning district including ground coverage at 42% (maximum is 70% for the RC district), landscaping at 46.7% (minimum 25% required), pervious area at 46.7% (minimum 30% required), and Floor Area Ratio at 0.30 (2.0 is the maximum). The Applicant is also complying with the nonconforming parking requirements of the zoning ordinance by providing one additional parking space for the additional dwelling unit at the property. Upon completion of the addition, the property will still be a mixed use site with an architectural office/studio, but it will now contain two dwelling units instead of just one. The end result of this proposal is consistent with surrounding neighborhood and therefore there are no anticipated negative impacts as a result of this project.

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 lessen congestion in the streets; 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; to encourage the most appropriate use of land throughout the City; and to encourage housing for persons of all income levels."

The proposal is also 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 project is compatible with the characteristics of the surrounding area. The proposed changes to the existing Firefly Press building still respect and maintain the property's history as a more light industrial use and character. However, the proposed new use of the Firefly Press building is completely compatible with the surrounding neighborhood which is predominantly residential. The privacy of the residences on either side of the subject property will be maintained as all of the new windows for the Firefly Press building will look out towards the interior or rear of the property, or towards Village Street. No new windows are being proposed for the façade that faces 21 Village Street. Additionally, the Applicant is only extending the building's existing nonconforming right side yard setback higher to mimic the height of the existing adjacent structure at 21 Village Street, which is still in conformance with height limitations for the RC district. Upon completion of the addition, the property will still be a mixed use site with an architectural office/studio, but it will now contain two dwelling units instead of just one. The end result of this proposal is consistent with surrounding neighborhood and therefore there are no anticipated negative impacts as a result of this project.

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 from this proposal. No new noise, 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 project. When the Applicant purchased the property in 2004, the site contained some environmental issues as were noted in the submitted environmental reports. These environmental issues have since been addressed and the property needs no additional environmental cleanup. For the proposed project the Applicant is simply extending the building's existing nonconforming right side yard setback higher to mimic the height of the existing adjacent structure at 21 Village Street, which is still in conformance with height limitations for the RC district. Upon completion of the addition, the property will still be a mixed use site with an architectural office/studio, but it will now contain two dwelling units instead of just one. The end result of this proposal is consistent with surrounding neighborhood and therefore there are no anticipated negative impacts as a result of this project.

III. RECOMMENDATION

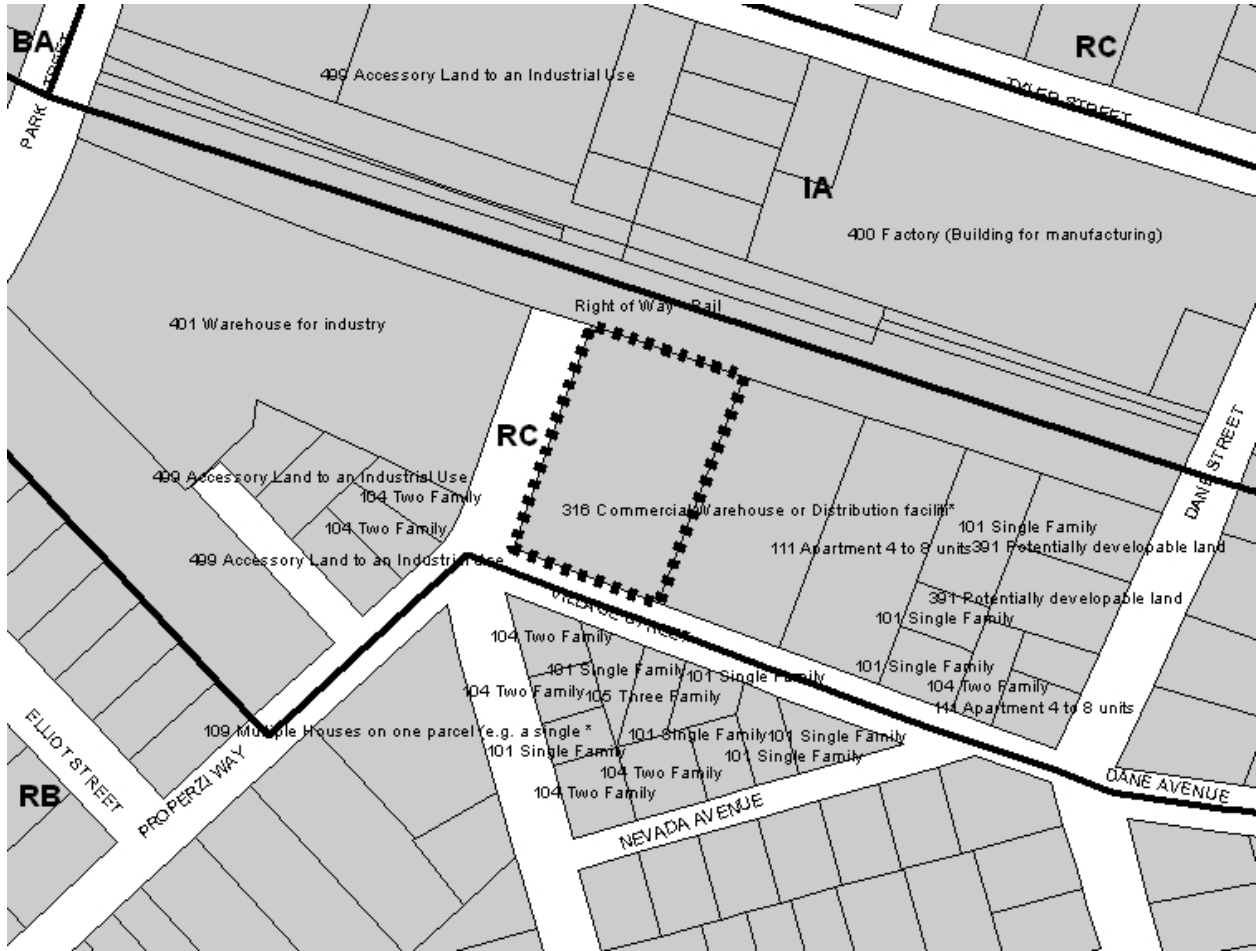
Special Permit under §4.4.1, §5.1

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 an existing nonconforming structure, including adding a second story to an existing building, under SZO §4.4.1 as part of adding a second dwelling unit to the property. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/PIng.									
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>(September 18, 2012)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>November 30, 2005 (October 10, 2012)</td> <td>Plot Plan</td> </tr> <tr> <td>October 3, 2012 (October 4, 2012)</td> <td>23-27 Village Street Plan Set (Pages 1 – 27)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	(September 18, 2012)	Initial application submitted to the City Clerk's Office	November 30, 2005 (October 10, 2012)	Plot Plan	October 3, 2012 (October 4, 2012)	23-27 Village Street Plan Set (Pages 1 – 27)
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October 3, 2012 (October 4, 2012)	23-27 Village Street Plan Set (Pages 1 – 27)											
Any changes to the approved site plans or elevations that are not <i>de minimis</i> must receive SPGA approval.												
2	The Applicant will be required to demonstrate that the project plans meet 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.									
3	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									
4	All construction materials and equipment must be stored on-site. 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									
5	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP									
6	The Applicant or Owner shall the maintain the existing fence and gate height and location between the two existing structures or, if relocated, bring this nonconforming fence and gate into compliance by installing a new six (6) foot high (or lower) fence and gate system.	CO	PIng.									

7	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	
8	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	Png.	



23-25-27 Village Street