



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA # 2013-61
Site: 2 Jaques Street
Date of Decision: September 18, 2013
Decision: Petition Approved with Conditions
Date Filed with City Clerk: September 19, 2013

ZBA DECISION

Applicant Name:	John Morley
Applicant Address:	91 Perkins Street, Somerville, MA 02145
Property Owner Name:	2 Jaques Street, LLC
Property Owner Address:	91 Perkins Street, Somerville, MA 02145
Agent Name:	Sean O'Donovan, Esq.
Agent Address:	741 Broadway, Somerville, MA 02144

Legal Notice: Applicant, John Morley, and Owner, seek a Special Permit under SZO §4.4.1 to alter a multi-family nonconforming structure, which includes modifying existing dormers and stairs as well as adding net floor area.

<u>Zoning District/Ward:</u>	RB zone/Ward 4
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	August 20, 2013
<u>Date(s) of Public Hearing:</u>	September 18, 2013
<u>Date of Decision:</u>	September 18, 2013
<u>Vote:</u>	5-0

Appeal #ZBA 2013-61 was opened before the Zoning Board of Appeals at Somerville City Hall on September 18, 2013. Notice of the Public Hearing was given to persons affected and was published and posted, all as required by M.G.L. c. 40A, sec. 11 and the Somerville Zoning Ordinance. After one hearing of deliberation, the Zoning Board of Appeals took a vote.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
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DESCRIPTION:

Applicant, John Morley, and Owner, 2 Jaques Street LLC, seek a Special Permit to alter a multi-family (six units) nonconforming structure, which includes modifying existing dormers and stairs as well as adding net floor area.

The subject parcel is being completely renovated as part of a substantial effort to rehabilitate a unique historic structure that overlooks Foss Park. The modifications will allow better use of the interior space and removes two illegal units. The dwelling currently has 5,585 gross square feet with a 1.19 floor area ratio and the units make use of the first and second floors, the half-story/attic and a large portion of the basement. As part of the overall renovation project, the Applicant intends to request an address change from the Engineering Department as the original address of this parcel was 34-36 Fellsway West. Since the main entrance is still located along Fellsway West, not Jaques Street, this request is consistent with the orientation of the dwelling and the history of the parcel.

This six-unit structure is under major renovation; however, the Special Permit being requested is for alterations to the exterior façades of the building as well as to increase the net floor area and resulting floor area ratio of the overall structure. The primary façade currently has three gable dormers and two skylights. The small dormer, farthest to the left, would be expanded from 4' to 9' and a third skylight would be added above this dormer. The windows in all three dormers as well as the rest of the façade would also be replaced with historically appropriate windows in a two-over-one style.

The right side façade, facing Jaques Street would also have historically appropriate replacement windows. The existing entrance will be infilled with a new arched transom at the top, fiber cement paneling in the middle, and a window at the bottom that would be consistent with the other basement windows. Currently, there are two awkward shed dormers located on the roof; these dormers are proposed to be incorporated into one larger dormer that would better complement the architecture of this historic structure.

The rear façade also currently has three dormers. The small dormer, farthest to the right, would be expanded from 4.5' to 7' and a small roof deck (35 square feet) would be added to the left. Additionally, to better complement the structure, the small shed dormer would become a gable dormer. Two new doors, from the second floor leading onto a second-story deck, would be added to the rear façade of the main structure as well as railings. HVAC units would be located beyond these railings and screened to minimize any visual impact. An exterior staircase located at the rear of building, which leads from the first floor down to the grade below, would be rebuilt to be more conforming and extend into the setback four, instead of five feet. A second rear stair, which leads from the basement up to the grade, would be altered to access the side patio which would be private space for one of the units. All the windows on this façade will also be altered to be more historically appropriate and consistent with those on the other facades. Further, some of the windows located on the single-story addition will be enlarged to their original size, which is also more consistent with the existing window openings.

Last, due to finishing additional portions of the basement and removing an enclosed porch on the second floor, the net floor area would remain nonconforming, but increase by approximately 475 square feet for a 1.29 floor area ratio.

The units are all currently one or two bedroom units. After the renovation is complete, the units will remain one or two bedroom units; therefore, the parking requirement will not increase. However, as the existing two-car garage will be demolished, two additional conforming parking spaces will be located at the rear of the lot, for a total of four parking spaces on-site. These spaces will be accessible from a 12' passage way behind the parcel and will be screened along Jaques Street to minimize views of the parked vehicles. In addition, as part of the proposed renovations, the landscaping will be altered for each unit to have private outdoor space. There will be two patios located along Fellsway West at the front of the building; a third patio will be located along Jaques Street by the single-story rear addition, and a fourth patio will be located on the opposite side of this rear addition. Two second-story decks will be located on the single-story rear addition, for a total of six private outdoor spaces.



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 Board 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, the Board finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The proposed alterations will rehabilitate and complement this historic structure, which will activate this corner, enhance the streetscape and place eyes on the street and Foss Park.

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 conserve the value of land and buildings; to preserve the historical and architectural resources of the City; to encourage the most appropriate use of land throughout the City; to encourage housing for persons of all income levels; and to preserve and increase the amenities of the municipality."

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."

The proposed alterations will rehabilitate and enhance both the structure and the associated streetscapes, ensuring that the project is compatible with the site and the neighborhood. There are a number of haphazard dormers currently located on the roof of this structure; the proposal to enlarge and alter some of these dormers will allow the interior space to be more appropriately utilized as well as better complement the structure overall. Modifications to the exterior stairs, the addition of net floor area, the creation of decks and patios, and returning rear windows back to their original size are all appropriate changes that will improve the structure and the overall streetscapes. Through the addition of private outdoor spaces for each unit, this project will also serve to activate this corner and put more eyes on the street, which is beneficial to Foss Park and the general neighborhood.

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.



6. 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.

Approval to demolish the two-car garage will create space at the rear of the parcel to locate four parking stalls on-site. This will minimally change the vehicle circulation as cars will no longer enter directly into a garage facing onto Jaques Street, but enter onto the 12 foot passageway at the rear of the parcel and make an immediate left-hand turn into one of four parking stalls.

DECISION:

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Danielle Evans and Elaine Severino. Upon making the above findings, Susan Fontano made a motion to approve the request for a Special Permit. Richard Rossetti seconded the motion. Wherefore the Zoning Board of Appeals voted **5-0** to **APPROVE** the request. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes								
1	Approval is for a Special Permit to alter a multi-family nonconforming structure, which includes modifying existing dormers and stairs as well as adding net floor area. 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>(August 20, 2013)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>June 12, 2013 (September 12, 2013)</td> <td>Plot plan submitted to OSPCD</td> </tr> <tr> <td>September 12, 2013 (September 12, 2013)</td> <td>Modified plans submitted to OSPCD (T-1, T-2, Z.1, Z.2, A1.0, A1.1, A1.2, A2.1, & A2.2, A2.3, A2.4, E1.1 & E1.2)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	(August 20, 2013)	Initial application submitted to the City Clerk's Office	June 12, 2013 (September 12, 2013)	Plot plan submitted to OSPCD	September 12, 2013 (September 12, 2013)	Modified plans submitted to OSPCD (T-1, T-2, Z.1, Z.2, A1.0, A1.1, A1.2, A2.1, & A2.2, A2.3, A2.4, E1.1 & E1.2)
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Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.												
Construction Impacts												
2	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									
Design												



3	An exterior light and electrical receptacle is required for the first (or all) level of the porch and an electrical receptacle is required for the second level (if there is no access to the ground).	Final sign off	Wiring Inspector	
4	New siding type and color, roofing, trim, and materials of the expanded dormers shall match or be complimentary to the existing structure.	CO	Plng.	
Public Safety				
5	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
6	To the extent possible, all exterior lighting must be confined to the subject property, cast light downward and must not intrude, interfere or spill onto neighboring properties.	CO	Plng.	
Final Sign-Off				
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.	



Attest, by the Zoning Board of Appeals:

Herbert Foster, *Chairman*
Orsola Susan Fontano, *Clerk*
Richard Rossetti
Danielle Evans
Elaine Severino

Attest, by the Administrative Assistant:

Dawn M. Pereira

Copies of this decision are filed in the Somerville City Clerk's office.
Copies of all plans referred to in this decision and a detailed record of the
SPGA proceedings are filed in the Somerville Planning Dept.

CLERK'S CERTIFICATE

Any appeal of this decision must be filed within twenty days after the date this notice is filed in the Office of the City Clerk, and must be filed in accordance with M.G.L. c. 40A, sec. 17 and SZO sec. 3.2.10.

In accordance with M.G.L. c. 40 A, sec. 11, no variance shall take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title.

Also in accordance with M.G.L. c. 40 A, sec. 11, a special permit shall not take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and either that no appeal has been filed or the appeal has been filed within such time, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The person exercising rights under a duly appealed Special Permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone.

The owner or applicant shall pay the fee for recording or registering. Furthermore, a permit from the Division of Inspectional Services shall be required in order to proceed with any project favorably decided upon by this decision, and upon request, the Applicant shall present evidence to the Building Official that this decision is properly recorded.

This is a true and correct copy of the decision filed on _____ in the Office of the City Clerk, and twenty days have elapsed, and

FOR VARIANCE(S) WITHIN

_____ there have been no appeals filed in the Office of the City Clerk, or
_____ any appeals that were filed have been finally dismissed or denied.

FOR SPECIAL PERMIT(S) WITHIN

_____ there have been no appeals filed in the Office of the City Clerk, or
_____ there has been an appeal filed.

Signed _____ City Clerk Date _____

