

## **DEVELOPMENT NARRATIVE SPECIAL PERMIT**

**Property:** 88 Winslow Avenue  
**Applicants:** Theodore W. Lanman and Elizabeth Ann Keller  
**Owners:** Theodore W. Lanman, Matthew Donovan Griisser and Elizabeth Ann Keller  
**Agent:** Adam Dash, Esq.  
**Zoning District:** Neighborhood Residence (NR")  
In the ¼ mile Transit Area  
Not in a Pedestrian Street District

### **Summary**

Applicants seek a Special Permit to expand the living space, and to change the roof line, on the existing top floor of the two-family structure at 88 Winslow Avenue.

The Property is located in the NR zoning district and is in the Quarter Mile Transit Area. It is not located in a Pedestrian Street District.

The property contains a two-unit, pre-existing, nonconforming Detached Triple Decker building type which was constructed around 2004. It is currently three and one-half stories tall with living space and a large roof deck on the top floor, which roof deck is only accessible through the upper floor unit by means of a ladder and which roof deck has no shade. As such, the roof deck does not get much use.

The proposal is to expand the existing top floor living space by about 104 square feet and to change the roof line from pitched to flat. While the building is not getting any taller, this change technically causes the building to go from being three and one-half stories to four stories, which requires a special permit under Massachusetts General Laws Chapter 40A, Section 6.

The change will still leave a large roof deck.

To make the roof deck more accessible and more usable, and to provide some shade, Applicants are proposing a pergola, trellises and an exterior staircase regarding same. To provide complete transparency, the pergola, trellises and exterior staircase are shown on the plans filed herewith, but they are all by right and are not part of this special permit application.

This application is only for a special permit regarding the expanded living space and roof line change on the top floor.

## Waiver Request

Due to the small scale of this proposal, and that the relief sought does not relate to the site plan or anything other than a small change to the top floor, the Applicants are not providing the following documents and ask for a waiver regarding having to provide same:

- Landscape Plan
- Sustainability Questionnaire
- TIS or any other Mobility documents
- Land Title Survey

The cost of providing said documents with this application would be costly and would not provide any information directly relating to the relief being sought.

## Relief Requested

Applicants seek a Special Permit pursuant to M.G.L. ch. 40A, Section 6, and Somerville Zoning Ordinance (“SZO”) Section 15.2.1.

Per Somerville Zoning Ordinance Section 15.2.1.e:

*In its discretion to approve or deny a Special Permit required by this Ordinance, the review board shall make findings considering, at least, each of the following:*

- a). The COMPREHENSIVE PLAN and existing policy plans and standards established by the City.*
- b). The intent of the zoning district where the property is located.*
- c). Considerations indicated elsewhere in this Ordinance for the required Special Permit.*

Regarding the Special Permit findings in SZO Section 15.2.1.e, Applicants state as follows:

- a) Applicants seek to retain the two-family residential use of this structure, but with a little more, and better configured, living space on the top floor. The top floor living space is not very functional since stairs take up a lot of the space. As the existing roof deck is very large, expanding that existing top floor living space by about 104 square feet only reduces the width of the roof deck by four feet.

The expansion of the living space allows for a real staircase to the roof deck instead of the current ladder access, and allows for an interior reconfiguration of the top floor living space to allow the creation of a separate room for an office.

The enlargement of the top floor living space, and the change in roof line from pitched to flat, are modest in size.

The structure is already pre-existing and nonconforming as to the number of stories, being 3.5 stories (41.8') instead of the allowed 3 stories (36'), and being a pitched roof instead of the required flat roof for a Detached Triple Decker building type.

Changing from a pitched roof to a flat roof actually brings the roof type into compliance with the SZO for a Detached Triple Decker, however, it technically creates a fourth story which is the reason for the special permit being needed.

The number of residential units on the lot will remain 2 units. The Applicants live in the top floor unit at the property.

The project will comply with the goals of the SomerVision strategic plan because it will "facilitate transit-oriented neighborhood in-fill development", create a "healthier, more prosperous and more attractive place to live, work, play and raise a family", and "preserve and enhance the character of Somerville's neighborhoods". This will ensure that "properties can adapt and change to meet the needs of residents, while respecting the character of the neighborhood".

b) Per Section 3.1.3 of the SZO, the purpose of the NR district is, in part:

*a. To permit the DEVELOPMENT of one-, two-, and three-unit detached and semi-detached residential buildings on individual LOTS.*

*b. To permit contextual MODIFICATIONS to existing detached and semi-detached residential buildings.*

*d. To create DWELLING UNIT types, sizes, and BEDROOM counts ideal for larger households in houses, semi-attached houses, duplexes, and triple deckers.*

The project meets those purposes by keeping the existing two-family Detached Triple Decker residential building and by making small modifications to it which will not be discernable from the street. This will allow the Applicants to continue residing there and will make the roof deck more usable.

c) Massachusetts General Laws Chapter 40A, Section 6 states, in part:

*Pre-existing nonconforming structures or uses may be extended or altered, provided, that no such extension or alteration shall be permitted unless there is a finding by the permit granting authority or by the special permit granting authority designated by ordinance or by-law that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming use to the neighborhood.*

The proposed increase in living space and changed roof line will not create any new nonconformity and will not change the use of the property. The structure is already over the number of stories allowed in the NR zoning district, and the structure is not actually getting any taller, even though it is going from 3.5 stories to 4 stories.

The enlargement of the top-level living space and change to the roof line are not substantially more detrimental to the neighborhood because they are on the top of the building and not visible from the street, because they expand the living space by a small amount, because they do not create any appreciable new shadows on the surrounding properties, and because they allow for the existing roof deck to be more usable as an outdoor amenity space.

### **Conclusion.**

Applicants respectfully request approval of the Special Permit to expand the living space on the top floor and to change the roof line.

## DEVELOPMENT NARRATIVE SUPPLEMENT

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No Campaign Contribution Form is required according to the Submission Guidelines.