



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2017-115

Date: January 17, 2018

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 91 Perkins Street

Applicant Name: 91 Perkins St. LLC
Applicant Address: 91 Perkins St., Unit 1, Somerville, MA

Owner Name: 91 Perkins St. LLC
Owner Address: 91 Perkins St., Unit 1, Somerville, MA

Alderman: Matthew McLaughlin

Legal Notice: Applicant and Owner, 91 Perkins St., LLC, seeks Special Permits under §4.4.1 of the SZO to increase the landscaping from 0% to 2%, enlarge an exterior door and add two emergency egress openings to a legally-existing, non-conforming 9-unit residential structure. RB zone. Ward 1.

Dates of Public Hearings: ZBA hearing: January 17, 2018

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a 9-unit, three-story residential structure located in on a 7,700 square-foot lot in the RB zone.

2. Proposal: The Applicant proposes adding a new rear egress door with accompanying steps, an enlarged rear window opening, enlarging an existing right elevation window opening for a new egress window and accompanying window well, enlarging an existing left elevation window to create an egress window. An accompanying window well will also be installed.

3. Green Building Practices: The Application states that: “the proposed windows for the emergency escape/rescue opening will perform thermally [sic] better than the existing window.”

4. Comments:

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 §4.4.1 of the SZO. This section of the report goes through §4.4.1 in detail.

1. Information Supplied:

Staff finds that the information provided by the Applicants conforms to the requirements of §4.4.1 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."*

A. Under SZO §4.4.1

Section 4.4.1 states that “[l]awfully existing non-conforming structures other than one- and two-family dwellings may be enlarged, extended, renovated or altered only by special permit authorized by the SPGA in accordance with the procedures of Article 5. The SPGA must find that such extension, enlargement, renovation or alteration is not substantially more detrimental to the neighborhood than the existing non-conforming building. In making the finding that the enlargement, extension, renovation or alteration will not be substantially more detrimental, the SPGA may consider, without limitation, impacts upon the following: traffic volumes, traffic congestion, adequacy of municipal water supply and sewer capacity, noise, odor, scale, on-street parking, shading, visual effects and neighborhood character.”

Of the alterations proposed for this property, only the rear egress door and window and the enlarged left egress window and accompanying window well trigger the need for a Special Permit under §4.4.1 of the SZO as they all rest within the setbacks for their respective elevations. Overall, Staff finds that each of the proposed alterations to this non-conforming structure will not be substantially more detrimental to the neighborhood or the site than the existing non-conformities currently extant on the property. Each of these proposed alterations is described below:

Rear egress door and steps: The proposed egress door falls within the rear yard setback. The required rear yard setback for the RB district is 20 feet unless the lot is shallow. In the cases of shallow lots, a rear yard setback can still be no less than 10 feet. The rear yard setback at 91 Perkins Street is 7.9 feet, non-conforming even with allowances given for a shallow lot.

The proposed egress door set into the rear façade of the building will not increase the non-conforming rear yard setback. The rear yard setback will remain at the same non-conforming 7.9 feet. The new access stairs to reach this new rear door will extend further into the rear setback by 3’8”, reducing the rear yard setback in this specific area to 4’1”. Between the outer edge of this

new access stairwell, the Applicant proposes new landscaping. In addition, a new trench drain and pervious pavers will be installed to assist with water drainage. The new trench drain will connect to the existing drainage system. An existing rear shed will be removed to allow for additional landscaping and more pervious pavers intended to create a small outdoor sitting area.

Enlarged rear window: The Applicant proposes enlarging an existing window opening at the right rear of the building. This window is within the rear yard setback but will not further encroach into that setback. As this will not be an emergency egress window, no window well needs to be installed.

Enlarge left elevation window/well: The Applicant proposes enlarging an existing left elevation window in order to create a new emergency egress window. A window well will also be installed. The left side yard setback is currently non-conforming a less than 5 feet. The installation of the new window well will reduce the left side yard setback to just over 1 foot. A fence exists directly in front of where this window well will rest. However, there is sufficient roof for persons to exit the left side of the window well and exit the property directly onto the public sidewalk.

3. Purpose of District: *The Applicant has to ensure that the project "is consistent with the intent of the specific zoning district as specified in Article 6".*

Staff finds that the proposed project at 91 Perkins Street complies with the purpose of the RB district 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. Housing Impact: *Will not create adverse impacts on the stock of existing affordable housing.*

The proposal will not add to the existing stock of of the City's affordable housing units.

5. SomerVision Plan: *Complies with the applicable goals, policies and actions of the SomerVision plan, including the following, as appropriate: Preserve and enhance the character of Somerville's neighborhoods, transform key opportunity areas, preserve and expand an integrated, balanced mix of safe, affordable and environmentally sound rental and homeownership units for households of all sizes and types from diverse social and economic groups; and, make Somerville a regional employment center with a mix of diverse and high-quality jobs.*

The proposed alterations to this property contribute to SomerVision by increasing the safety standards of two of the units contained within this property.

III. RECOMMENDATION

Special Permits 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 to enlarge a rear window, install a rear egress door and accompanying access stairs, enlarge an existing left elevation window to create an emergency egress window and accompanying window well.	BP/CO	ISD/PIng.							
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>October 26, 2017</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>January 2, 2018</td><td>Updated plans submitted to OSPCD</td></tr></table>				Date (Stamp Date)	Submission	October 26, 2017	Initial application submitted to the City Clerk’s Office	January 2, 2018	Updated plans submitted to OSPCD
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	January 2, 2018				Updated plans submitted to OSPCD					
<u>Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval. Whether or not a change is <i>de minimis</i> in nature must be determined by the Planning Office.</u>										
Design										
2	Applicant shall provide to material samples for all exterior materials to be used on this project. These materials shall be submitted to Planning Staff for their review and approval prior to the issuance of a building permit.	BP	PIng.							
Construction Impacts										
3	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							
4	The Applicant shall post the name and phone number of the general contractor at the site entrance where it is visible to people passing by.	During Construction	PIng.							
5	Approval is subject to the Applicant’s and/or successor’s right, title and interest in the property.	Cont.	PIng.	Deed submitted & application form signed						
6	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							
7	<u>Construction shall occur from 7:30am – 5:00pm Monday-Friday ONLY. There shall be no construction or construction-related work allowed on the weekends or holidays.</u>	During Construction	ISD							
8	The Applicant shall ensure that all food waste associated with construction personnel be removed from the premises at the end of each work day.	During Construction	ISD							
Site										

9	The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the building and all on-site amenities, including landscaping, fencing, lighting, parking areas and storm water systems, ensuring they are clean, well kept and in good and safe working order.	Cont.	ISD	
10	All landscaping materials, screening materials, and materials used for parking/driveway areas shall first be reviewed and approved by Planning Staff prior to their installation and again prior to final sign-off.	BP/CO	Plng/ISD	
Public Safety				
11	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
Final Sign-Off				
12	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.	