



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

MICHAEL F. GLAVIN
EXECUTIVE DIRECTOR

PLANNING DIVISION STAFF

GEORGE PROAKIS, *DIRECTOR OF PLANNING*
LORI MASSA, *SENIOR PLANNER*
DAN BARTMAN, *SENIOR PLANNER*
AMIE HAYES, *PLANNER*
MELISSA WOODS, *PLANNER*
DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*

Case #: ZBA 2013-12
Date: January 2, 2014
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 10 Allen Court

Applicant Name: Kevin Emery
Applicant Address: 9 Gregory Lane, Reading, MA 01867
Property Owner Name: Same
Alderman: Maryann Heuston

Legal Notice: Applicant/Owner Kevin Emery seeks a Special Permit to establish four dwelling units in a by-right structure. Zone BA. Ward 2.

Dates of Public Hearing: Zoning Board of Appeals - January 8, 2014

I. PROJECT DESCRIPTION

1. Subject Property: The subject parcel is a 4,942 square foot parcel on which sits a single-family house and a 1½ story garage. The property has not sought zoning approvals in the past.

Conway Park is located to the west of the property and there is an approximately six foot retaining wall between 10 Allen Court and the park. There are eight large concrete blocks along the retaining wall on the 10 Allen Court property that help support the wall. There is an electrical wire that runs from a pole on Allen Court to a pole in the park that crosses the front yard of the property. The wire will have to be relocated as a result of any development of the site.

2. Proposal: The proposal is to demolish the existing house and garage and construct a 4-story, 8,001 net square foot (including the basement) structure for four residential units. Three of the units will be on two-stories and all four of the units will have two bedrooms. There will be a four-car garage and



two unenclosed parking spaces at the end of the driveway. Trash and recycling will be stored in the garage. There will be bike rack and the air conditioner condensers behind the house.

3. Green Building Practices: None listed on the application form.

4. Comments:

Fire Prevention: Fire Prevention requested that the building be at least five feet from the property line to have enough room to operate. The site plan was changed to accommodate this request.

Traffic & Parking: Traffic and Parking stated that if no parking relief is requested and the parking spaces meet the SZO dimensions, then Traffic and Parking has no comment.

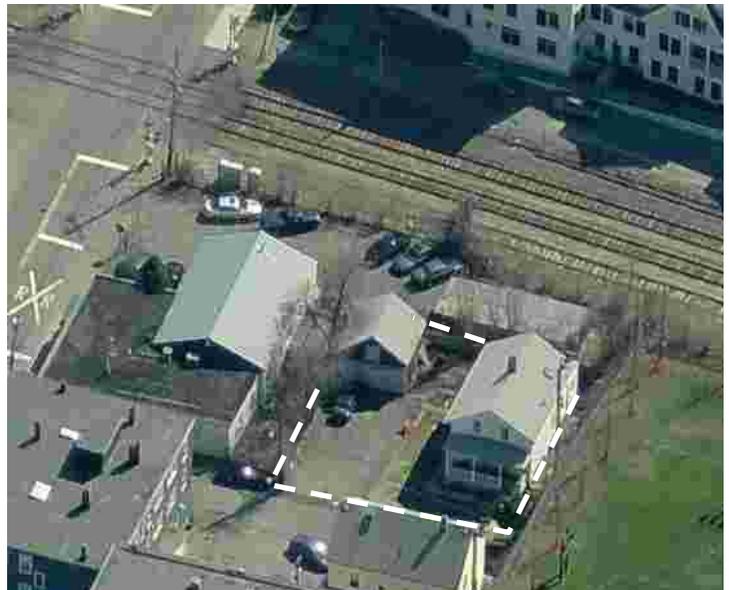
Wiring Inspection: The electric, telephone, cable TV and other such lines and equipment shall be placed underground from the source or connection.

Lights and Lines: Lights and Lines has reviewed the plans and do not have any comments at this time.

Engineering: The Applicant shall submit a proposed grading and drainage plan and drainage report both stamped by a registered PE in Massachusetts that demonstrates compliance with the City's stormwater policy and a utility plan to the Engineering Department for review and approval.

Historic Preservation: The Historic Preservation Commission voted unanimously (7-0) to determine the c. 1869 John Rowe workers cottage at 10 Allen Court 'Significant,' due to an association with the Middlesex Dye and Bleachery, the period of construction, and in the context of a group of buildings, which are the dwelling and stable at 10 Allen Court and the two-family dwelling at 7-9 Allen Court. The Commission voted (2-5) to determine 10 Allen Court not 'Preferably Preserved,' as the Commission did not find that demolition of the structure would be detrimental to the heritage of the City and, therefore, is not in the best interest of the public to preserve or rehabilitate due to minimal visibility of the structure, lack of a coherent streetscape, loss of historic setting, and comparable structures that represent the same historic context within a comprehensive streetscape and neighborhood as well as integrity of material.

Design Review Committee: The Applicant presented the design at the November 14, 2013 Design Review Committee meeting. The DRC recommendations on the design include:



- The overall height of the building should be diffused by delineating the materials. The first floor should have a trim board separating it from other levels and siding with a greater exposure than the rest of the building. This detail should be carried through on all sides of the building, and the horizontal trim board should be reflected on the corner pilasters so that they do not run the entire four stories of the building un-broken.
- The garage doors should match the siding color chosen so they recede into the background. This elevation will face Park Street.
- The fenestration, especially on the front façade, should be symmetrical.
- The landscape plan needs more development including species type. Street trees should be considered.
- The DRC requested the following items be located for the next presentation: bike parking, mechanical systems, gas meters, and trash storage.

The Applicant incorporated the suggestions and returned to the DRC on December 19, 2013. The Committee asked that the casement window on the side and fixed window in the front be replaced with double-hung windows to match the rest of the windows on the building. They also recommended keeping the air condition condensers on the back yard as is shown on the site plan to reduce impacts of noise and appearance from their residential neighbors. Finally, the Committee asked to review samples of the materials and colors before they are installed.

Ward Alderman: Alderman Heuston held a neighborhood meeting to discuss the case on September 17, 2013.

II. FINDINGS FOR SPECIAL PERMIT (SZO §5.1 & 7.11.1.c):

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."

Four residential units requires a Special Permit in the Business A zoning district under section 7.11.1.c of the Somerville Zoning Ordinance. The proposal meets the dimensional and parking requirements. The parcel is conforming for a four unit development: the lot size is 4,942 square feet and there is no minimum lot size in the district; the lot area per dwelling unit is 1,235 square feet and the minimum is 875 square feet; the frontage is 46 feet and there is none required. The building envelop is conforming: the ground coverage of the building is 39% of the lot and the maximum allowed is 80%; the floor area ratio is 1.39 and the maximum allowed is 2.0; the building height is 4 stories and 36 feet and the maximum allowed is 4 stories and 50 feet; the side yard setbacks are 5 and 20 feet and none are required; the front yard is 5 feet and none is required; the rear yard is 20 feet and 16 is required.. The site also meets the requirements for landscaped area at 31%, all of which will be pervious, and the minimum is 10% and parking requirement for 6 cars will be satisfied.

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 providing for and maintaining the uniquely integrated structure of uses in the City and conserving the value of land and buildings. It is also consistent with the purpose of the Business A commercial district which includes housing and continues the historical residential use of the property.

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 surrounding neighborhood is a mix of residential and commercial properties of varying styles. There is a 2 ½ story house across the street and 3 and 4 story flat roofed residential buildings in close proximity. The style for the proposed building is Georgian and the design incorporates the Design Review Committee suggestions on reducing its perceived massing while keeping with this traditional building style.

Allen Court is a narrow street and the building massing, access and parking onsite were redesigned several times to address concerns. The current proposal allows six cars to park onsite and only two will be outside of the garage. The garage doors are on the side of the house where they are not as visible as they were originally proposed along the front of the house. There will be a front door for all of the units along the street, which will be an inviting and pedestrian oriented entrance along this small street. Landscaping will be visible along the street and there will be usable open space in the lawn in the rear yard.

5. 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.

The neighbors across the street requested that the driveway be located on the left/east side of the property where the existing driveway is located so that cars do not pass their house and parked cars to enter the site. The driveway in the latest plan is on the left side of the property and therefore the circulation pattern will not change except that the cars that park in the garage will exit the driveway in a forward direction.

III. RECOMMENDATION

Special Permit under §5.1 & 7.11.1.c

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 for the construction of a 4-unit residential building. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/Plng.											
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>Mar 5, 2013 Complete Dec 19, 2013</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>Jan 31, 2013</td> <td>Plans submitted to OSPCD (Plot plan)</td> </tr> <tr> <td>Dec 6, 2013</td> <td>Modified plans submitted to OSPCD (Landscape Plan)</td> </tr> <tr> <td>(Dec 20, 2013)</td> <td>Modified plans submitted to OSPCD (C1 site plan, A1 front elevation, A2 right side elevation, A3 rear elevation, A4 left side elevation, A5 basement plan, A6 first floor plan, A7 second floor plan, A8 third floor plan, A9 fourth floor plan)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	Mar 5, 2013 Complete Dec 19, 2013	Initial application submitted to the City Clerk's Office	Jan 31, 2013	Plans submitted to OSPCD (Plot plan)	Dec 6, 2013	Modified plans submitted to OSPCD (Landscape Plan)	(Dec 20, 2013)	Modified plans submitted to OSPCD (C1 site plan, A1 front elevation, A2 right side elevation, A3 rear elevation, A4 left side elevation, A5 basement plan, A6 first floor plan, A7 second floor plan, A8 third floor plan, A9 fourth floor plan)
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Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.														
Pre-Construction														
2	The Applicant must contact the Engineering Department to obtain a street address prior to a building permit being issued.	BP	Eng.											
3	The Applicant shall submit a utility plan to the Engineering Department for review and approval.	BP	Eng.											
4	The Applicant shall submit a proposed grading and drainage plan, stamped by a registered PE in Massachusetts that demonstrates compliance with the City's stormwater policy.	BP	Eng.											

5	The Applicant shall submit a proposed drainage report, stamped by a registered PE in Massachusetts that demonstrates compliance with the City's stormwater policy.	BP	Eng.	
6	The Applicant shall develop a demolition plan in consultation with the City of Somerville Inspectional Services Division. Full compliance with proper demolition procedures shall be required, including timely advance notification to abutters of demolition date and timing, good rodent control measures (i.e. rodent baiting), minimization of dust, noise, odor, and debris outfall, and sensitivity to existing landscaping on adjacent sites.	Demolition Permitting	ISD	
Construction Impacts				
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	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	
Design				
9	Applicant shall provide final material samples for siding, trim, windows, and doors (to the Design Review Committee for review and comment and) to Planning Staff for review and approval prior to construction.	BP	Plng.	
10	All of the windows shall be double hung 8 over 8 windows.	BP	Plng.	
Site				
11	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards.	Perpetual	Plng. / ISD	
12	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	
13	Snow plowed from the development shall be moved off site or stored in the rear yard. Snow shall not be placed in the Court.	Cont.	ISD.	
14	The air conditioner units shall be located in the rear yard behind the house.	CO	Plng.	
15	A bike rack shall be located in the rear yard and/or on the wall along each space in the garage.	CO	Plng.	
Miscellaneous				
16	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	
17	Trash and recycling shall be stored in the garage.			
Public Safety				

18	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
19	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.	
20	The Applicant shall provide notice of intent to strictly comply with applicable State and Federal regulations regarding air quality including without limitation continuous dust control during demolition and construction.	CO	Plng/OS E	
Final Sign-Off				
21	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.	

