



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2018-161
Date: ~~January 9, 2018~~ **September 18, 2019**
Recommendation: Conditional Approval

UPDATED PLANNING STAFF REPORT

Site: 24 Hanson Street

Applicant / Owner Name: BruceDharma, LLC

Applicant / Owner Address: 72 Frost Street, Cambridge, MA 02140

Agent Name: Richard G. DiGirolamo, Esq.

Agent Address: 424 Broadway, Somerville, MA 02145

Alderman: J.T. Scott

*This staff report has been updated. Items which no longer apply have been ~~struck~~ and updated information has been **highlighted in yellow**.*

Legal Notice: Applicant and Owner, BruceDharma, LLC, seeks a special permit with site plan review under SZO §7.2 to construct a second principal structure on the lot (a single family dwelling) and a special permit under SZO §9.13 for parking relief. RB Zone. Ward 2.

Dates of Public Hearing: Zoning Board of Appeals – ~~January 9, 2019~~ **September 18, 2019**

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a corner lot totaling 5,610 square feet of land area containing one two-family dwelling. The property also contains a detached shed and three striped parking spaces accessed off of Skehan Street.

2. Proposal: The proposal is to construct a second principle structure on the lot that will become a single family dwelling. It will be 2.5 stories tall. The detached shed will remain on the lot. Site improvements include a robust landscaping overhaul and realigning the parking spaces.



3. Green Building Practices: The application states that the proposal will not exceed the stretch energy code.

4. Comments:

~~Ward Alderman~~ **Councilor**: ~~Alderman~~ **Councilor** Scott has been contacted and has yet to provide comment as of the publication of this report. **Councilor Scott conducted a neighborhood meeting, which Staff was unable to attend. Councilor Scott informed Staff that the main concerns were the loss of green space, proximity to the left property line, and stormwater management.**

II. FINDINGS FOR SPECIAL PERMIT with SITE PLAN REVIEW (SZO §7.2) and SPECIAL PERMIT (SZO §9.13):

In order to grant a special permit with site plan review, the SPGA must make certain findings and determinations as outlined in §5.2.5 of the SZO. This section of the report goes through §5.2.5 in detail.

1. Information Supplied:

The Staff finds that the information provided by the Applicant conforms to the requirements of §5.2.3 of the SZO and allows for a comprehensive analysis of the project.

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 with site plan review.”*

Article 4: Nonconforming Uses and Structures

The structure is currently nonconforming with respect to the following dimensional requirements: lot area, lot area per dwelling unit, front yard setback, and right side yard setback. The proposal will not impact the nonconforming dimensions nor create any new nonconformities. Special Permits under §4.4.1 of the Somerville Zoning Ordinance (SZO) are **not** required.

Article 7: Permitted Uses

SZO Section 7.2 states that in Residence A and Residence B districts, no more than one principal structure per lot shall be permitted except by special permit with site plan review as authorized by the SPGA in SZO 5.2.

Article 9: Off-Street Parking and Loading

	Existing		Proposed	
Unit #1	3 BR	2 spaces	3 BR	2 spaces
Unit #2	3 BR	2 spaces	3 BR	2 spaces
Unit #3	-	-	4 BR	2 spaces
Total	4 spaces		6 spaces	

SZO §9.13 allows for sites with nonconforming parking to apply for a Special Permit to modify parking requirements if the total number of spaces is six or fewer. The locus is currently nonconforming with respect to the number of required off-street parking spaces as four spaces are required and only three are provided. The proposal increases the parking requirement by two spaces and no new spaces are being created.

Since the locus does not currently have sufficient off-street parking and a unit is being added to the property that increases the parking requirement by two spaces, SZO §9.4.2 requires the Applicant to provide the required additional spaces. Relief is being requested from providing the additional two parking spaces.

In considering a special permit under §9.13 of the SZO “the SPGA may grant such a special permit only when consistent with the purposes set forth in Section 9.1, and upon reaching the findings and determinations set forth in Section 5.1.4”. Staff finds that granting the requested Special Permit is consistent with the purposes of SZO §9.1 and will not cause detriment to increased traffic volumes, traffic congestion of queuing of vehicles, changes in the type of traffic, change in traffic patterns and access to the site, reduction in on-street parking, or unsafe conflicts of motor vehicles and pedestrian traffic.

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”.*

The proposal is consistent 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. Site and Area Compatibility: *The Applicant has to ensure that the project “(i)s designed in a manner that is compatible with the existing natural features of the site and is compatible with the characteristics of the surrounding area, and that the scale, massing and detailing of the buildings are compatible with those prevalent in the surrounding area”.*

Surrounding Neighborhood: The subject property is located at the intersection of Skehan Street and Hanson Street. This is a residential neighborhood tucked away behind Beacon Street and Washington Street. The neighborhood contains two, two-and-one-half, and three story structures.

Impacts of Proposal (Design and Compatibility):

Special Permits with Site Plan Review applications must meet the design guidelines under SZO §5.2.4. The design guidelines for residential districts are as follows:

1. *Buildings should be generally of the same size and proportions as those existing in the neighborhood. This shall apply in cases of multi-family development as well as one-, two-, and three-family units. For example, if relatively small two- and three-family structures are common in a neighborhood where multi-family development is proposed, the multi-family development should be physically broken into components that, from a design perspective, are housed in buildings of similar width, depth, and height as those typically found in the neighborhood.*

The proposed new structure will be about ~~three~~ **five** feet taller than the existing structure but is proportionate to other structures on the street in terms of width, depth, and height.

2. *Use of traditional and natural materials is strongly encouraged (e.g. wood clapboard, wood shingles, brick).*

The proposed material for the existing and proposed structure is horizontal cementitious siding.

3. *Additions to existing structures should be consistent with the architecture of the existing structure in terms of window dimensions, roof lines etc.*

N/A

4. *Although additions should not clash with or be incompatible to the existing structure, it is acceptable and even desirable for the new construction to be distinguishable from the existing*

building, perhaps by maintenance of design elements of the original building that would otherwise be lost (e.g. false rakes, fasciae, and the like).

The proposed new structure maintains design elements of the existing building such as the gable and bay. The exterior of the existing structure is in very poor condition. Staff recommends a condition that the exterior materials (siding, trim, windows, and doors) of the existing structure be replaced with new materials to improve the aesthetics of the structure in a manner that distinguishes the two structures apart from one another.

5. *Where practical, new or infill building construction should share the same orientation to the street as is common in the neighborhood. When not contrary to any other zoning law, front and side yards should be of similar dimensions as those typical in the area.*

The proposed new building shares the same orientation to the street as others on Hanson Street.

6. *Driveways should be kept to minimal width (perhaps a maximum of twelve feet), and be designed so that no vehicle parked on the drive may straddle the public sidewalk in any way. Low barriers or plantings may be required to separate the parking area from the pedestrian space.*

The proposal will maintain the existing 13-foot wide curb cut.

7. *Transformers, heating and cooling systems, antennas, and the like, should be located so they are not visible from the street or should be screened.*

A condition of approval is that any transformers, heating and cooling systems, antennas, and the like, should be located in a manner so that are not visible from the street or should be screened.

8. *Sites and buildings should comply with any guidelines set forth in Article 6 of this Ordinance for the specific base or overlay zoning district(s) the site is located within.*

See finding 2 above.

5. **Functional Design:** *The project must meet “accepted standards and criteria for the functional design of facilities, structures, and site construction.”*

The project meets accepted standards and criteria for the functional design of facilities, structures, and site construction for three-residential units. The site include a dedicated parking area, a patio, a lawn area, a diverse planting schedule, a walkway between the two buildings, and a dedicated refuse area.

6. **Impact on Public Systems:** *The project will “not create adverse impacts on the public services and facilities serving the development, such as the sanitary sewer system, the storm drainage system, the public water supply, the recreational system, the street system for vehicular traffic, and the sidewalks and footpaths for pedestrian traffic.”*

The proposal is not expected to create adverse impacts on the public services and facilities serving the locus, such as the sanitary sewer system, the storm drainage system, the public water supply, the recreational system, the street system for vehicular traffic, and the sidewalks and footpaths for pedestrian traffic.

7. 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.”*

The proposal is not expected to create an adverse impact on the environment.

8. Consistency with Purposes: *“Is consistent with: 1) the purposes of this Ordinance, particularly those set forth in Article 1 and Article 5; and 2) the purposes, provisions, and specific objectives applicable to the requested special permit with site plan review which may be set forth elsewhere in this Ordinance, such as, but not limited to, those at the beginning of the various sections.”*

The proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to promote 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 protect health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to avoid undue concentration of population; to conserve the value of land and buildings; to encourage the most appropriate use of land throughout the City; and to preserve and increase the amenities of the municipality.

9. Preservation of Landform and Open Space: *The Applicant has to ensure that “the existing land form is preserved in its natural state, insofar as practicable, by minimizing grading and the erosion or stripping of steep slopes, and by maintaining man-made features that enhance the land form, such as stone walls, with minimal alteration or disruption. In addition, all open spaces should be designed and planted to enhance the attractiveness of the neighborhood. Whenever possible, the development parcel should be laid out so that some of the landscaped areas are visible to the neighborhood.”*

The proposal will involve minimal grading and the quality of open space will be enhanced from its current state and will enhance the attractiveness of the neighborhood and will be visible to the neighborhood.

10. Relation of Buildings to Environment: *The Applicant must ensure that “buildings are: 1) located harmoniously with the land form, vegetation and other natural features of the site; 2) compatible in scale, design and use with those buildings and designs which are visually related to the development site; 3) effectively located for solar and wind orientation for energy conservation; and 4) advantageously located for views from the building while minimizing the intrusion on views from other buildings.”*

The proposal is designed at a scale that is compatible with the use and design of other buildings in the neighborhood.

11. Housing Impact: Will not create adverse impacts on the stock of existing affordable housing.

12. 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.

<i>SomerVision Summary</i>	<i>Existing</i>	<i>Proposed</i>
<i>Dwelling Units:</i>	2	3

III. RECOMMENDATION

SPECIAL PERMIT with SITE PLAN REVIEW (SZO §7.2) and SPECIAL PERMIT (SZO §9.13):

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 with SITE PLAN REVIEW and 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	<p>Approval is for the construction of a second principal structure to be used as a single family dwelling. This approval is based upon the following application materials and the plans submitted by the Applicant:</p> <table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>October 29, 2018</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>November 8, 2018 April 29, 2019</td> <td>Plans submitted to OSPCD (A-000, A-002, EX-100, A-011, A-101, A-102, A-300, A-301, and AV-01, AV-02)</td> </tr> <tr> <td>July 25, 2018</td> <td>Existing Conditions Plan</td> </tr> <tr> <td>November 7, 2018 May 2, 2019</td> <td>Landscape Plan</td> </tr> </tbody> </table> <p>Any changes to the approved site plan or elevations/use that are not <i>de minimis</i> must receive SPGA approval.</p>	Date (Stamp Date)	Submission	October 29, 2018	Initial application submitted to the City Clerk’s Office	November 8, 2018 April 29, 2019	Plans submitted to OSPCD (A-000, A-002, EX-100, A-011, A-101, A-102 , A-300, A-301, and AV-01, AV-02)	July 25, 2018	Existing Conditions Plan	November 7, 2018 May 2, 2019	Landscape Plan	CO / BP	ISD/PIng.	
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July 25, 2018	Existing Conditions Plan													
November 7, 2018 May 2, 2019	Landscape Plan													
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 proposed basement finished floor elevation shall not be less than is 1 foot above the Seasonal High Ground Water elevation. The seasonal high ground water elevation shall be determined by a Massachusetts certified soil evaluator and stated on a signed soil test pit log.	BP	Eng.											
4	The Applicant shall complete the Site Plan Review Checklist and supply the information to the Engineering Office. The plans must comply with the City’s Stormwater Management Policy.	BP	Eng.											

5	The applicant must comply with the Policy for new connections to and modifications to existing connections to the municipal sewer and drainage system stormwater management and infiltration/inflow mitigation. The Applicant shall work with Engineering to meet this condition and provide the required fees/mitigation.	CO	Eng.	
6	The Applicant must contact the Engineering Department to coordinate the timeline for cutting or opening the street and/or sidewalk for utility connections or other construction. There is a moratorium on opening streets from November 1st to April 1st and there is a list of streets that have additional opening restrictions.	BP	Eng	
6a	The Applicant shall conduct a survey of the houses of the abutting property owners prior to excavation of the site, and document their findings. These findings shall be submitted to the Planning Department as public record. The Applicant then shall survey any damage to the abutting property owner's houses after excavation and reimburse the property owners for any damages.	BP	Plng./ISD	
Construction Impacts				
7	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	Plng.	
8	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	
9	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				
10	Applicant shall provide final material samples for siding, trim, windows, and doors to Planning Staff for review and approval prior to construction.	BP	Plng.	
11	The exterior materials (siding, trim, windows, and doors) of the existing structure must be replaced with new materials to improve the aesthetics of the structure in a manner that distinguishes the two structures apart from one another. Planning Staff must review and approve the materials prior to construction.	BP	Plng.	
Site				
12	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD	
13	The proposed parking spaces shall be constructed of a permeable material.	CO	Plng.	

14	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	
Miscellaneous				
15	Gas and electric meters shall not be on the front of the structure. Gas and electric meters may be located on the side of the structure but shall be screened from the street by a hardy, staff approved evergreen planting. Utilities shall not be located adjacent to windows and shall not impact any parking, landscaping, or egress. The provisions of this condition may be waived by staff if the applicant submits a letter from the utility, signed by a utility representative, on utility letterhead, indicating that there is no feasible alternative to placing meters in violation of this condition.	CO	ISD	
16	Electrical conduits on the exterior facades of buildings shall be painted to match the wall material to which they are attached. Conduits are not allowed on the front of any structure.	CO	Plng.	
17	Granting of the applied for use or alteration does not include the provision for short term rental uses, such as AirBnB, VRBO, or the like. Separate approvals are needed for the aforementioned uses.	Ongoing	ISD / Plng.	
18	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	
Public Safety				
19	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
20	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				
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.	

