



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2017-11

Date: June 20, 2018

Recommendation: ~~Unable to Recommend~~
Conditional Approval

UPDATED PLANNING STAFF REPORT

Site: 24 & 28 Mount Pleasant Street

Applicant Name: Warren A. Chaille
Applicant Address: 15 Pinetree Drive, Saugus, MA 01906
Owner Name: Chaille Trust, Warren A. Chaille Trustee
Owner Address: 15 Pinetree Drive, Saugus, MA 01906
Agent Name: Richard G. DiGirolamo, Esq.
Agent Address: 424 Broadway, Somerville, MA 02145
Alderman: Matthew McLaughlin

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/Owner, Warren A. Chaille, Trustee of the Chaille Trust, seeks a Special Permit with Site Plan Review (SPSR) under Section 7.3 and Section 9.13 for parking relief of the Somerville Zoning Ordinance (SZO) to relocate, renovate, and construct an addition to the existing two-family dwelling to create a six-unit dwelling building. RB Zone. Ward 1.

Dates of Public Hearing: Zoning Board of Appeals – June 20, 2017

I. PROJECT DESCRIPTION

1. Subject Property: The locus is comprised of two parcels, 24 Mount Pleasant Street and 28 Mount Pleasant Street. For zoning purposes the two lots are considered as one lot since they are held under common ownership by the Chaille Trust. The locus contains a total of 9,535 square feet and a 2.5 story two-family dwelling.



2. Proposal: The proposal is to relocate the existing structure on the site a little further back from the street and closer to the right property line and then construct a large addition to the structure to make it a

six unit dwelling. The addition is proposed to add 6,091 net square feet to the structure. The proposal also includes a parking lot to the left of the structure for the required 11 parking spaces with landscaping surrounding the structure to the front, left, and rear.

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

4. Comments:

Historic Preservation: The existing structure is proposed to be relocated on the site in order to conform to setback requirements. Such activity required review from the Historic Preservation Commission (HPC). The HPC ultimately determined the structure to be preferably preserved on August 1, 2017. The nine-month demolition delay period has since expired and the Applicant and HPC have not reached a memorandum of agreement (MOA).

Historic Preservation Staff is of the opinion that the original fenestration pattern should be retained in the proposed redevelopment and the porch should be reconstructed to emulate that of a Classic Greek revival porch across front of the existing structure.

Ward Alderman: Alderman McLaughlin has been informed of this proposal. He conducted a neighborhood meeting and has no objections to the proposal.

II. FINDINGS FOR SPECIAL PERMIT with SITE PLAN REVIEW (SZO §7.3 and §5.2)

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 7: Permitted Uses

Section 7.3 states that, “in Residence B districts, the maximum number of dwelling units per lot shall be three (3) units.”

Section 7.3 continues to state that, “*In Residence A and Residence B districts, where developments include a minimum of twenty percent (20%) affordable housing units on-site, but in no case less than one (1) affordable unit, as defined by Section 2.2.4, the above standard may be waived by the SPGA through application for special permit with site plan review. In all cases, the minimum lot size, the minimum lot area per dwelling unit and other dimensional and parking requirements of Article 8 and Article 9 shall be met. No incentives for provision of additional affordable housing units as set forth under Article 13, § 13.5, shall be available for those applications requiring a special permit with site plan review under this section.*”

In this case the dimensional requirements of Article 8 and the parking requirements of Article 9 **are met will be met if the special permit for parking is granted**. Also, twenty percent of the proposed six units is 1.2; therefore the proposal includes one affordable housing unit and a payment of 0.2 units to the Affordable Housing Trust Fund.

Article 9: Off-Street Parking and Loading

A special permit for parking relief is not required as the site requires 11 spaces and 12 are proposed. Although the proposed parking area is designed to meet the zoning requirements, it is quite large. Staff would be supportive of the parking area being reduced to allow for the creation of additional landscaped area.

	<i>Existing</i>		<i>Proposed</i>	
Unit #1	2 BR	1.5 spaces	3 BR	2 spaces
Unit #2	3 BR	2 spaces	3 BR	2 spaces
Unit #3	-	-	3 BR	2 spaces
Unit #4	-	-	3 BR	2 spaces
Unit #5	-	-	2 BR	1.5 spaces
Unit #6	-	-	2 BR	1.5 spaces
Total	4 spaces (rounded up from 3.5)		11 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 conforming with respect to the number of required off-street parking spaces as four spaces are required, which the site provides. Normally a Variance is required for sites seeking parking relief that currently conform to parking requirements. However, according to SZO Section 9.13.g, projects incorporating inclusionary housing may reduce the total number of parking spaces with a special permit.

SZO §9.5 requires the Applicant to provide 11 spaces. The proposal includes a seven-car surface parking area, which provides a ratio of one per unit with one visitor space. Relief is being requested from providing the additional four parking spaces so that more landscaping could be incorporated in the site plan.

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”. The Board 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 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 prevent the overcrowding of land; 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; to protect and promote a housing stock that can accommodate the diverse household sizes and life stages of Somerville residents at all income levels, paying particular attention to providing housing

affordable to individuals and families with low and moderate incomes; and to preserve and increase the amenities of the municipality.

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 on the eastern side of Mount Pleasant Street. The neighborhood is residential in nature and is surrounded by single-, two-, and three-family dwellings. There are a series of row houses across the street.

Impacts of Proposal (Design and Compatibility):

Special Permits with Design Review and Special Permit with Site Plan Review applications must meet the design guidelines under SZO §5.1.5/5.2.4. 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 proposal is to construct a large addition to the existing structure. The design is articulated for it to appear as two buildings from the front and each section has a gable and porch to show the break in the massing.

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

The neighborhood currently has a lot of light colored vinyl siding. The proposal includes new cementitious siding that is articulated differently on the different portions of the structure. ~~Staff recommends a condition that the siding material on the existing structure be more representative to a Classic Greek revival structure.~~

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

The roofline and window sizes will match. ~~However, Staff recommends a condition that the fenestration pattern reverts back to a more spread-out arrangement to that of the original structure as recommended by Historic Preservation Staff.~~

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 addition emulates more of the form of the existing building.

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 addition will be oriented toward the street in the same orientation as the existing structure.

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.

Staff recommends a condition that the driveway width be reduced to 8 feet wide.

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.

Staff recommends a condition that the location of mechanical equipment shall be shown on the site plan and located in the rear.

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.

N/A

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

The proposal will be residential and the design of the site (parking area, path ways, decks, landscaping) would easily accommodate the proposed residential use. ~~Although the proposed parking area is designed to meet the zoning requirements, it is quite large. Staff would be supportive of the parking area being reduced to allow for the creation of additional landscaped 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 anticipated to have a negative impact on public utility systems.

7. 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 prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; to conserve the value of land and buildings; to preserve the historical and architectural resources of the City; to adequately protect the natural environment; to encourage the most appropriate use of land throughout the City; to protect and promote a housing stock that can accommodate the diverse household sizes and life stages of Somerville residents at all income levels, paying particular attention to providing housing affordable to individuals and families with low and moderate incomes; and to preserve and increase the amenities of the municipality.

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.” The proposed site is large enough that the proposed density would be compatible with the neighborhood.

8. Historic or Architectural Significance: *The project must be designed “with respect to Somerville’s heritage, any action detrimental to historic structures and their architectural elements shall be discouraged insofar as is practicable, whether those structures exist on the development parcel or on adjacent properties. If there is any removal, substantial alteration or other action detrimental to buildings of historic or architectural significance, these should be minimized and new uses or the erection of new buildings should be compatible with the buildings or places of historic or architectural significance on the development parcel or on adjacent properties.”*

The existing structure is proposed to be relocated on the site in order to conform to setback requirements. Such activity required review from the Historic Preservation Commission (HPC). The HPC ultimately determined the structure to be preferably preserved on August 1, 2017. The nine-month demolition delay period has since expired and the Applicant and HPC have not reached a memorandum of agreement (MOA).

Historic Preservation Staff is of the opinion that the original fenestration pattern should be retained in the proposed redevelopment and the porch should be reconstructed to emulate that of a Classic Greek revival porch across front of the existing structure. ~~The cladding material should also reflect more of a Classic Greek revival structure and differentiate from proposed addition.~~

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

The proposal will result in the creation of one affordable housing unit and a payment of 0.2 units to the Affordable Housing Trust Fund.

10. 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 areas in the SomerVision map that are designated as enhance and transform should most significantly contribute towards the SomerVision goals that are outlined in the table below. The areas marked as conserve are not expected to greatly increase the figures in the table since these areas are not intended for large scale change.*

<i>SomerVision Summary</i>	<i>Existing</i>	<i>Proposed</i>
<i>Dwelling Units:</i>	3	6
<i>Affordable Units:</i>	0	1.2

11. **Impact on Affordable Housing:** *In conjunction with its decision to grant or deny a special permit for a structure of four or more units of housing, the SPGA shall make a finding and determination as to how implementation of the project would increase, decrease, or leave unchanged the number of units of rental and home ownership housing that are affordable to households with low or moderate incomes, as defined by HUD, for different sized households and units.*

The proposal will result in the creation of one affordable housing unit and a payment of 0.2 units to the Affordable Housing Trust Fund. A condition of approval is that the Applicant will work with the OSPCD Housing Division on an Affordable Housing Implementation Plan (AHIP) to ensure that the proposed affordable unit is made available to households of low or moderate income in perpetuity.

III. RECOMMENDATION

Special Permit and Special Permit with Site Plan Review under §7.3 and, §5.2, and §9.13

Based on the materials submitted by the Applicant, the above findings and subject to the following conditions, the Planning Staff is **recommends** ~~UNABLE TO RECOMMEND~~ **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT** and **SPECIAL PERMIT with SITE PLAN REVIEW**. ~~because there are too many design specific conditions that should be reflected in an updated plan set that is presented to the Zoning Board of Appeals prior to a vote being taken.~~

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
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1	Approval is for the relocation of the existing structure and to construct an addition. In total there will be one large structure with six residential units. This approval is based upon the following application materials and the plans submitted by the Applicant:	CO / BP	ISD/Plng.			
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>January 25, 2018</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>October 20, 2017 July 10, 2018</td> <td>Modified plans submitted to OSPCD (A-000, C-1, A-020, EX-100, A-100, A-101, A-300, A-301, A-302, and AV-1)</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
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January 25, 2018	Initial application submitted to the City Clerk's Office					
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Affordable Housing/Linkage						
2	Affordable Housing Implementation Plan (AHIP) should be approved by the OSPCD Housing Division and executed prior to issuance of Building Permit. Affordable units shall be provided on-site.	BP	Housing			
3	Written certification of the creation of affordable housing units, any fractional payment required, or alternative methods of compliance, must be obtained from the OSPCD Housing Division before the issuance of a Certificate of Occupancy (C.O.). No C.O. shall be issued until the OSPCD Housing Division has confirmed that the Affordable Housing Restriction has been approved and recorded and the developer has provided the promised affordable units on-site.	CO	Housing			
4	No Certificate of Occupancy shall be issued until the OSPCD Housing Division has confirmed that: (for Condominium Projects) the Condominium Documents have been approved and the Developer has agreed to a form of Deed Rider for the Affordable Unit(s), or (for Rental Projects) the Developer has agreed to and executed a Memorandum of Understanding for Monitoring of the Affordable Unit(s).	CO	Housing			
5	Additional requirements for projects with current tenants: A Tenant Relocation Plan should be approved by the OSPCD Housing Division and executed prior to issuance of Building Permit.	BP	Housing			
6	Additional requirements for projects converting to condominiums or removing rental units from the market: If a rental unit is going to be removed as a result of this project, it must comply with City of Somerville Code of Ordinances Chapter 7, Article IV, Condominium Conversion and Removal of Rental Units prior to issuance of Building Permit. No Building Permit shall be issued until the OSPCD Housing Division has confirmed compliance.	BP	Housing			
7	The payment for 0.2 units will be required to be paid to the Somerville Affordable Housing Trust Fund before a CO is issued.	CO	Housing			
Pre-Construction						

8	The Applicant must contact the Engineering Department to obtain a street address prior to a building permit being issued.	BP	Eng	
9	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.	
10	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.	
11	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.	BP	Eng.	
12	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.	
13	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	
14	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	
Construction Impacts				
15	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.	
16	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	
17	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	

18	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.	During Construction	ISD	
Design				
19	Applicant shall provide final material samples for siding, trim, windows, and doors to Planning Staff for review and approval prior to construction.	BP	Plng.	
20	The siding material and window arrangement of the existing structure shall be reviewed and approved by Planning Staff	BP	Plng.	
Site				
21	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD	
22	A detailed landscape plan shall be submitted to Planning Staff for review and approval prior to the issuance of a Building Permit.	BP	Plng.	
23	New 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	
24	All new sidewalks will be installed by the Applicant in accordance with the specifications of the Highway Superintendent. Specifically, all driveway aprons shall be concrete;	CO	Plng.	
25	All new sidewalks will be installed by the Applicant in accordance with the specifications of the Highway Superintendent. Specifically, all driveway aprons shall be concrete;	CO	Plng.	
Miscellaneous				
26	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	
27	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.	
28	Garbage and recycling locations shall be clearly indicated on site plans. Storage areas shall be inside of the structure or shall be fully screened from view from both the public way and abutters by an appropriate material reviewed and approved by staff. The location shall not impact any parking, landscaping, or egress.	BP	Plng.	

29	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.	
30	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				
31	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
32	Any transformers should be located as not to impact the historic building or landscaped area, and shall be fully screened.	Electrical permits & CO		
33	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				
34	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.	

