



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2018-158

Date: May 1, 2019

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 111 Beacon Street

Applicant Name: 111 Beacon Somerville, LLC

Applicant Address:

Property Owner Name: Maryann Heuston

Property Owner Address: 115 Beacon Street, Somerville
MA

Agent Name: Richard DiGirolamo

Agent Address: 424 Broadway, Somerville, MA 02145

Ward Councilor: J.T. Scott



Legal Notice: Applicant, 111 Beacon Somerville, LLC, and Owner, Maryann Heuston, seek Special Permits and **Special Permit with Site Plan Review (SPSR)*** to increase the number of units from three to six by constructing a second principal structure at the rear of the site, increase the GFA by more than 25%. Parking relief for number of spaces and compact spaces. Articles 4, **5***, 7, 8, & 9 of the SZO NB zone. Ward 2.

Dates of Public Hearing: Zoning Board of Appeals – May 1, 2019

***A Special Permit with Site Plan Review (SPSR) is not needed to add a second principal structure on the same lot in the NB zone. Therefore, these highlighted portions of the legal ad are not applicable to this project.**

I. PROJECT DESCRIPTION

1. **Subject Property:** The locus presents an oddly-shaped “L”-form) lot with a three-family, triple decker residential structure at the front right corner of the property, fronting along Beacon Street. At the rear of the property is a cement block, multi-bay garage that takes up most of the length of the rear yard

along the rear property line. The lot size is 7,267 square feet in a zone where no lot size minimum is required. NB zone. Ward 2. An aerial view of the lot, roughly outlined, appears immediately below:



2. Proposal: Page A-020 of the plan set shows the lot for 111 Beacon Street¹ and the area to be developed for this address. The details of this project appear immediately below along with the triggers for special permitting:

- Increase the total number of units at the locus from three (3) to six (6) (*Special Permit*)
 - Retain and renovate the existing 3-unit, triple-decker structure
 - Construct 3-unit residential structure at rear back left of the property (complies with all required setbacks)
- Demolish multi-bay garage at rear of property
- Retain mature tree at left rear of property
- Provide 6 parking spaces (2 standard and 6 compact) (*Special Permit*²)
- Fractional payment into the affordable housing trust for .4 units (Article 13, Table 13.3.4.A)
- Increase the GFA on the side by more than 25% (*Special Permit*)
- Re-landscape site, increasing landscaping from 18% to 35%

3. Green Building Practices:

The application states that the project will not exceed the stretch code.

4. Comments:

Ward Councilor: J.T. Scott has sponsored two neighborhood meetings on this project. The Applicant team has also separately reached out to interested abutters.

¹ This lot, though owned in common with 115 Beacon Street to the left, is not considered merged with 115 Beacon Street for zoning purposes under law because there are structures extant on both lots. Therefore, the project at 111 Beacon must be considered separately from the project that is being proposed at 115 Beacon Street.

² Because a fractional payment is being paid into the Somerville Affordable Housing Trust under Article 13 of the SZO (the Inclusionary Housing Article), parking relief can be sought as Special Permit only).

Historic Preservation Commission (HPC): The demolition of the multi-bay, concrete block garage at the rear of the property was approved for demolition.

II. FINDINGS FOR SPECIAL PERMITS (SZO Articles 4, 7, 8, & 9)

In order to grant a special permit, the SPGA must make certain findings and determinations as outlined in §5.1.4 of the Somerville Zoning Ordinance (SZO). Also, 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 the relevant sections of the SZO in detail.

1. Information Supplied:

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.”*

Nature of Application:

Article 9 of the SZO

Section 9.13a of the SZO allows a Special Permit Granting Authority (SPGA), in this case, the ZBA, to grant relief from parking requirements under special permit when a project triggers Article 13 of the SZO, (inclusionary housing) as this one does. The total number of parking spaces of relief required for this proposal is six (6).

Dwelling Unit	Existing Bdrs.	Parking Req.	Dwelling Unit	Proposed Bdrs.	Parking Req.
Unit 1	2	1.5	Unit 1	2	1.5
Unit 2	2	1.5	Unit 2	2	1.5
Unit 3	2	1.5	Unit 3	2	1.5
Unit 4	n/a	n/a	Unit 4	3	2.0
Unit 5	n/a	n/a	Unit 5	3	2.0
Unit 6	n/a	n/a	Unit 6	3	2.0

Total: 5.0 (rounded from 4.5)

Total: 11.0 (rounded from 10.5)

Formula:

*new parking requirement – old parking requirement = # of spaces of relief needed**

11.0 spaces – 5.0 spaces = 6.0 spaces of relief ³

The Applicants proposal requires six (6) parking spaces of relief. This proposal is in-line with the ZBA’s preference for not over-parking a site and providing one parking space per swelling unit. This area is well-served by other modes of transportation: the 83 and 86 MBTA bus routes and a Hubway (bike exchange) station on nearby Kirkland Street.

³ When this result is a negative number or >1, no parking relief is needed.

In order to grant the parking relief, the following criteria must be assessed:

1. *Increase in traffic volumes*

While there may be some up-tick in construction traffic to and from the site during the construction phase of the project, Staff finds that such increase in traffic would diminish once the project is completed. It is possible that if each of the future residents park a car on-site, that there will be more traffic coming and going from the property than usual. However, as the times that people leave for/return from work and errands vary, there is no expectation of increased traffic volumes or queuing of vehicles at any point in the day.

2. *Increased traffic congestion or queueing of vehicles*

See item #1 above.

3. *Change in the types of traffic*

There will be more construction-type traffic during the construction phase of the project. Post-construction, the traffic to-and-from the site will be largely residential in nature.

4. *Change in traffic patterns and access to the site*

The traffic pattern in the area will not change. The site will be accessed from the same location as current.

5. *Reduction in on-street parking*

It is possible that granting relief for 6.0 parking spaces could create an increase in on-street parking in the area.

6. *Unsafe conflict of motor vehicle and pedestrian traffic*

As the location for vehicular entry/exit to the site will be the same as current, using the same curb cut, there is no anticipation of additional conflicts between vehicular and pedestrian traffic at this location.

§4.4.1 of the SZO

This portion of the SZO states that “[l]awfully existing nonconforming 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 nonconforming 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.”

Due to the construction of the second principal structure on the site and the renovation of the existing triple-decker, the GFA on this parcel will increase by more than 25% (from an existing GFA of 4,934 square feet to 9,960 square feet).

§7.11 of the SZO

This portion of the SZO provides a table that indicates the permitted uses in each zoning district. 7.11.1.c indicates that 4-6 residential units may exist in the NB district through the issuance of a Special Permit.

Beacon Street and the surrounding intersecting streets present a few single-family structures but are replete with two-, three-, and multi-unit buildings and mixed-use sites. The increase in the number of units on this site is consistent with the mixed density levels in the surrounding area.

Through the removal of the multi-bay garage at the rear of the property, the Applicant is able to open up sufficient space to construct a conforming second principal structure on the lot while also increasing the amount of green space available on the parcel. As the second principal structure will be sited near the left rear portion of the property, it will present minimal visual disruption to this portion of the Beacon Street streetscape from the abutting public sidewalk.

Staff also makes findings regarding the following:

Traffic volumes

Staff has already addressed this issue earlier in the report but reiterates its position here:

While there may be some up-tick in construction traffic to and from the site during the construction phase of the project, Staff finds that such increase in traffic would diminish once the project is completed. It is possible that if each of the future residents park a car on-site, that there will be more traffic coming and going from the property than usual. However, as the times that people leave for/return from work and errands vary, there is no expectation of increased traffic volumes or queueing of vehicles at any point in the day.

Traffic congestion

See “traffic volumes” immediately above.

Adequacy of municipal water supply and sewer capacity

As with all projects of this nature, the Applicant is required to submit their engineering plans to the Engineering Department for their review and approval (or modification). While any increase in the number of bedrooms can add additional burden to municipal systems, the Engineering Department will assess the impact that any of these new connections may have on municipal systems.

The scale of the landscaping being installed will increase the permeability of this parcel. It is unusual to have this amount of green space provided in the heart of a busy urban square. The amount of green space being opened up will allow more stormwater to percolate through the site rather than flow into the municipal system. Staff has also conditioned this report to further increase the permeability of the site by requiring the parking spaces to be constructed of pea stone or pervious paving rather than the asphalt proposed in the plan.

Noise, odor

The neighborhood can anticipate the additional noise and odor that goes hand-in-hand with construction projects such as this. In a densely-built urban environment, this may be particularly noticeable. However, any uptick in noise and/or odor(s) is expected to be temporary in nature and is expected to last only the duration of the construction portion of the project.

All Applicants are required to provide demolition and construction plans to the Inspectional Services Department (ISD) for their review and approval prior to the issuance of a building permit. Applicants will have to demonstrate how they will contain dust and debris associated with demolition and construction. Submission of a demolition plan to ISD is a condition attached to Staff’s recommendation for this project.

As in all situations, if abutters become concerned about noise, dust, debris, and the like, then they will need to contact ISD and/or 311 and register their concerns.

Scale

The Applicant proposes a second principal structure on the site that is subservient to the original triple-decker due to its proposed location and scale/massing. The new structure is proposed to be set back on the lot such that it does not visually distract from the existing triple-decker that sits along the street front.

On-street parking

The requested relief is for six (6) on-site parking spaces. By removing on-site parking spaces, the Applicant allows for a significant amount of green space to be opened up on this parcel – and this is a parcel that is in need of having its available surfaces opened to better-quality pervious area and landscaping. It is possible that occupants of the residential units may have more than one car for which parking will need to be found on surrounding streets or other private, individual parking accommodations will need to be made.

Shading

Regarding the existing triple-decker, there are no changes proposed that would increase shadowing of abutting properties. Regarding the new 3-unit structure, this building is flanked by a tall, mature tree which is already capable of casting significant shadow on abutting properties. It is possible that some shadowing of left-abutting properties will be created by this new structure during the winter months when this mature, deciduous tree is devoid of leaves.

Visual effects and neighborhood character

Staff finds that refurbishment of the existing triple-decker will have a positive visual impact on the character of the neighborhood and this portion of the streetscape when viewed from multiple locations along the public way. As noted earlier in this report, due to the siting of the new three-unit property on the site, its visual impact will be less significant. However, during the winter months when the large deciduous tree located on the property at 115 Beacon Street loses its leaves, this new building will be more visible. As this new building has been designed with the general aesthetics of the site and neighborhood in mind, this increased visibility is not seen as a negative impact on the site or neighborhood character, but an improvement to it.

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 is compatible with the purpose of the NB district which is: “[t]o establish and preserve areas for small-scale retail stores, services and offices which are located in close proximity to residential areas and which do not have undesirable impacts on the surrounding neighborhoods.”

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”.*

Staff has addressed this item already throughout the report.

5. 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.”*

Staff finds that the proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to, promot[ing] 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 protect health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; to conserve the value of land and buildings; 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.

6. SomerVision Plan:

The proposed project is consistent with SomerVision in the following manner(s):

- improves an existing property
- adds 3 new residential units to the City's housing stock
- creates meaningful green space in the center of a densely-built urban neighborhood
- provides a fractional payment into the Somerville Affordable Housing Trust

7. 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 not add to the City's affordable housing stock but it will provide a fractional payment into the Somerville Affordable Housing Trust fund.

IV. RECOMMENDATIONS

SPECIAL PERMITS (SZO Articles 4, 7, 8, 9)

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 PERMITS**.

These recommendations are 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 increase the total number of units on the site from 3 to 6 through the construction of a second principal structure containing 3 units. Increase the GFA by more than 25%, parking relief for 6 spaces.	CO / BP	ISD/Plng.							
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>November 1, 2018</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>February 6, 2019</td> <td>Updated plans submitted to OSPCD</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	November 1, 2018	Initial application submitted to the City Clerk's Office	February 6, 2019	Updated plans submitted to OSPCD
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Any changes to the approved site plan or elevations/use that are not <i>de minimis</i> must receive SPGA approval.										
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	Linkage payments will be required to be paid to the Somerville Housing Trust Fund before a CO is issued.	CO	Plng.							
Engineering										

8	The Applicant must contact the Engineering Department to obtain street addresses prior to a building permit being issued.	BP	Eng	
9	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.	
10	New sanitary connection flows over 2,000 GPD require a removal of infiltration and/or inflow by the Applicant. This will be achieved by submitting a mitigation payment, established by the City Engineers Office, to the City based on the cost per gallon of I/I to be removed from the sewer system and a removal ratio of 4:1. If a different ratio of removal or mitigation payment amount is adopted by the Board of Aldermen prior to the Applicant receiving a Certificate of Occupancy, payment will be adjusted to the BOA rate. The Applicant shall work with Engineering and meet this condition before a certificate of occupancy is issued.	CO	Eng.	
11	The Applicant shall submit a proposed drainage report to the City’s Engineering department (stamped by a registered PE if requested by the City Engineer) that demonstrates compliance with the City’s stormwater policy.	BP	Eng.	
12	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	
13	The Applicant shall 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 1 st to April 1 st and there is a list of streets that have additional opening restrictions.	BP	Eng.	
14	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.	
Construction Impacts				
15	The Applicant shall post the names and phone numbers of the contractors, including the general contractor, at the site entrance where it is visible to people passing by.	During Construction	ISD	
16	Approval is subject to the Applicant’s and/or successor’s right, title and interest in the property.	Cont.	Plng.	Deed submitted & application formed signed

17	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	
18	All construction materials and equipment shall be stored on-site. 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				
19	Applicant shall provide material samples for siding, trim, windows, and doors and the like to Planning Staff for their review and approval prior to construction. No vinyl, including PVC, shall be allowed. Preference given to natural materials.	BP	Plng.	
20	Any rooftop mechanical equipment shall be screened so as it is not visible at ground level.	CO	Plng.	
Site				
21	Landscaping shall be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD	
22	All materials to be used for hardscape shall first be supplied to Planning Staff for their review and approval prior to ordering and installation.	BP	Plng/ISD	
23	Any fencing and retaining wall materials shall first be supplied to Planning Staff for their review and approval prior to ordering and installation.	BP	Plng/ISD	
24	If the site needs to be serviced by a transformer, an updated landscaping and site plan shall be submitted showing the location thereof.	BP	Plng/ISD	
25	All trash, recycling, mechanicals, including transformers, shall be screened from the public way and from the view of abutting properties. All screening materials shall be submitted to Planning Staff for their review and approval prior to ordering and installation.	BP	Plng/ISD	
26	All utility/power lines to the new structure shall be buried.	CO	ISD/Plng/ Wiring- Electrical	
27	All parking spaces shall be constructed of permeable pavers or pea stone or similar and shall first be reviewed and approved by planning staff prior to installation	Prior to installation/ CO	ISD/Plng	
Miscellaneous				
28	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.	Perpetual	ISD	

29	The property shall be serviced by a snow removal contractor and all snow shall be carted off-site. That a snow removal contractor shall be engaged must be written into the condo docs.	CO	ISD	
30	There shall be no loitering by project workers on the project site. All personnel shall be respectful of abutting properties and shall not leave equipment or vehicles idling, shall not play loud music at the site, shall not engage in loud conversation prior to or after permitted working hours.	During construction	ISD	
31	All construction waste shall be stored neatly on-site and carted away on a regular basis.	During construction	ISD	
32	Food waste shall be removed from the site daily.	During construction	ISD	
33	Rodent baiting shall be performed as-necessary.	During construction	ISD	
34	Construction and construction-related activity shall occur between the hours of 7:30pm and 5:00pm Monday through Friday only. There shall be no construction or construction-related work occurring on weekends or holidays, including deliveries.	During construction	ISD	
35	All future occupants of the commercial space shall be subject to ISD and Planning Staff reviews to ensure compliance with all zoning a building code regulations. Zoning relief may also be necessary.	Perpetual	ISD/Planning	
36	All trash and recycling shall be removed from the premises through a private hauling company. This shall be written into the condo documents.	CO	ISD	
Public Safety				
37	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements including, but not limited to, sprinkling/fire suppression.	CO	FP	
38	The Applicant shall submit a construction traffic management plan to the Traffic and Parking division for their review and approval. Plan should include delivery locations, delivery windows, anticipated number of vehicles, parking proposals and the like. Traffic and Parking shall be responsible for reviewing (if necessary, amending), and signing off on the plan.	BP	T&P	
39	All exterior lighting shall be confined to the subject property, cast light downward and must not intrude, interfere or spill onto neighboring properties.	CO	Plng.	
40	Barbeques, grills, chimineas, and the like are not permitted on decks or porches per Somerville fire safety regulations.	Perpetual	ISD/Fire Prevention	
41	A full utility and electrical plan shall be submitted to the Lights and Lines, Wiring/Electrical Inspector for review and approval prior to the issuance of a building permit. Location of any transformers shall be subject to approval by Lights & Lines.	Electrical permits & CO	Lights and Lines/Wiring/electrical/ISD	
42	Utility meters shall not be installed on the front façade of either the existing triple-decker or the new, 3-unit structure	CO	ISD/Plng	
43	All venting and piping shall be wrapped or painted to match the color of the portion of the building from which they protrude.	CO	ISD/Plng	
Final Sign-Off				

44	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.	
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