



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2018-181
Date: March 20, 2019

Recommendation: Conditional Approval

PLANNING STAFF REPORT - ZBA

Site: 24 Garrison Avenue

Applicant Name: Lan Qin
Applicant Address: 17 Gibbs Street, Apt. 3, Brookline, MA
02446
Owner Name: Futureline Development, LLC
Owner Address: 12244 Main Campus Drive, Lexington, MA
02421

City Councilor: Katjana Ballantine



Legal Notice: Applicant, Lan Qin and Owner, Futureline Development, LLC, seek Special Permits under §4.4.1 to alter a non-conforming property and parking relief under Article 9*. RB zone. Ward 7.

Dates of Public Hearing(s): March 20, 2019 – ZBA

*Since the publication of this legal ad, the scope of the project has changed such that parking relief is no longer needed. The only special permitting needed for this project is to increase the GFA by more than 25%.

I. PROJECT DESCRIPTION

1. **Subject Property:** The locus presents a 2 ¾-story, three-family residential structure sited on a 5,000 square foot lot in the RB zoning district. The property currently presents a single-story, two-bay, cement-block garage at the left rear corner of the parcel.

2. **Proposal:** The Applicant proposes a complete interior overhaul of the property along with a rear addition. The currently-enclosed first story front porch will be opened up. The existing cement-block

garage will be demolished. As the number of bedrooms in the property will remain the same, therefore no parking relief is needed. The existing right elevation dormer will be removed and a cross-gable constructed in its place. Because the new cross gable will be outside of the setback, no zoning relief is required for its construction. The amalgam of rear additions and the rear deck will also be removed. Three surface parking spaces will be provided on-site, one space per residential unit. All bituminous material will be removed from the property and the entire site will be re-landscaped. The trigger for special permitting is as follows:

- Increase the GFA by more than 25% through the construction of a rear addition.

3. Green Building Practices:

There are no green building practices listed on the application.

4. Comments:

Ward Councilor: Councilor Katjana Ballantine is aware of this project and held a neighborhood meeting on March 6, 2019.

Historic Preservation Commission (HPC): The HPC has already signed off on the demolition of the cement block garage.

II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1 & Article 9):

In order to grant a special permit, the SPGA must make certain findings and determinations as outlined in §4.4.1 of the SZO. This section of the report goes through §4.4.1 in detail.

1. Information Supplied:

Staff finds that the information provided by the Applicant conforms to the requirements of §4.4.1 of the SZO.

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."*

Section 4.4.1 of the SZO

Section 4.4.1 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."

Increase in Gross Floor Area (GFA)

When an Applicant proposes increasing the GFA by more than 25%, a special permit is required. In the case of 24 Garrison Avenue, the Applicant proposes a rear addition to the property. The combined GFA from the construction of the basement, first, and second floors of the addition, results in a GFA increase of 39%.

The basement of the existing structure will remain unfinished and contain unit storage, common utilities and sprinkler tanks. The new basement for the proposed addition will contain a family room.

The Applicant has worked extensively with the staff planner over the last several months to alter the proposal to what the ZBA is currently reviewing. Where the initial proposal required multiple special permits and variances, the Applicant's project has now been altered such that the entire property is receiving an overhaul that is more in keeping with SomerVision goals and requires only a Special Permit to increase the GFA.

Other determinations

Garrison Avenue is lined mostly with 2 ½ and 2 ¾-story two and three family residential structures with the occasional interjection of a triple-decker. The proposed rear addition will be partially visible from the public way along the left elevation of the property and the left, right, and rear-abutting properties. The proposed cross-gable will be visible from the right elevation public way and the right abutting property.

Abutters can expect typical noises and odors associated with the construction phase of a project. There is also the possibility that there may be an up-tick in noise due to the ability for residents and their guests to congregate on the proposed rear deck.

The property is remaining a three-unit structure with the same number of bedrooms as current. Therefore, little-to-no-impact on the municipal water/sewer system is anticipated. The Applicant is still required to present their plans to the Engineering Division for their review and sign off, as-conditioned.

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."*

Staff finds that the proposal is consistent with the purposes of the RB zone which are "[t]o 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."

There is no part of this proposal, as conditioned, that Staff finds to be inconsistent with the purposes of the RB district.

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."*

Staff has addressed the question of site and area compatibility in a previous section. Staff has also conditioned the project to require a landscaping plan for the property and that the driveway will be re-done in pervious pavers.

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

The proposal will not add to the existing stock of affordable housing.

6. SomerVision:

The property is being improved such that all bituminous material is being removed to allow for improved percolation of storm water through the property. The property will be re-landscaped, thus providing a visual up-grade to the parcel. Lastly, the currently enclosed first story front porch will be opened in keeping with SomerVision goals of reducing visual massing at the front of properties and allowing for more interaction between private and public spaces.


III. RECOMMENDATION

Special Permit under §4.4.1

Based on the materials submitted by the Applicant, the above findings and subject to the following conditions, the Planning Staff recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT**.

The recommendation is based upon a technical analysis by Planning Staff of the application material based upon the required findings of the Somerville Zoning Ordinance, and is based only upon information submitted prior to the public hearing. This report may be revised or updated with new recommendations, findings and/or conditions based upon additional information provided to the Planning Staff during the public hearing process.

#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	Approval is for the increase in GFA of more than 25% through the construction of a rear addition.	BP/CO	ISD/PIng.							
	<table border="1"> <thead> <tr> <th>Date</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>December 3, 2018</td> <td>Application submitted to City Clerk's office.</td> </tr> <tr> <td>January 2, 2019</td> <td>Date of updated plans submitted to OSPCD</td> </tr> </tbody> </table>				Date	Submission	December 3, 2018	Application submitted to City Clerk's office.	January 2, 2019	Date of updated plans submitted to OSPCD
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<p style="color: red;">Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval. Whether or not a change is <i>de minimis</i> in nature must be determined by the Planning Office.</p>										
Engineering										
2	<p>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."</p> <p>The Applicant shall work with Engineering to meet this condition and provide the required fees/mitigation.</p>	BP	Engineering/ISD							

	The Applicant shall comply with all Engineering requirements pertaining to finishing basements. No portion of this structure, existing or proposed shall be raised further out of the ground in order to accommodate Engineering requirements pertaining to finished basements.	BP	Engineering/ISD	
Design				
3	The building shall be re-sided and trim replaced/repared along with the front porches. If original wood siding is extant on the building and is in good condition, it shall be retained.	CO	ISD/Plng	
4	<u>All materials, including, but not limited to windows, exterior finishes, siding, and similar shall be submitted to, reviewed and approved by Planning Staff prior to the issuance of a building permit. Vinyl-based products will not be considered.</u>	BP	ISD/Plng	
5	Existing exterior architectural details including, but not limited to, those indicated in the image associated with this condition shall be retained by the Applicant. 	BP/CO	ISD/Plng	
Construction Impacts				
6	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	
7	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/ISD	
8	<u>The name(s) and contact information of all entities working on the site shall be posted in an area easily-visible from the public way for the passing public to read from the public way.</u>	During Construction	ISD	

9	<u>Construction shall be limited to M-F 7:30am – 5:00pm. No weekend construction or construction-related work shall occur. This includes deliveries.</u>	During Construction	ISD	
10	<u>The Applicant shall leaflet immediately-abutting properties to inform them when construction work is to begin on the property at the outset of the project. This includes interior demolition work.</u>	Prior to Construction	ISD	
Site				
11	The property shall be re-landscaped. All hardscape materials, including, but not limited to walkways, park/drive areas, and fencing shall first be submitted to Planning Staff for their review and approval prior to installation.	BP/prior to installation	ISD/Plng	
12	All bituminous material shall be removed from the property. All cement shall be removed from the property.	CO	ISD/Plng	
13	All garbage and recycling shall be stored out-of-view of the public way and shall be screened with cedar fencing. Garbage/recycling areas shall be located at the rear of the property at the top of the driveway.	Perpetual	ISD/Plng	
14	If the AC condensers can be located behind the rear addition, they should be moved to that location. Cedar screening shall be required. If the AC condensers must remain as indicated on the plan set, cedar screening shall also be required with additional vegetation planted around that screening.	CO	ISD/Plng	
Public Safety				
15	The Applicant shall meet the Fire Prevention Bureau's requirements.	CO	FP	
16	All exterior lighting on the site shall be downcast and shall not cast light onto surrounding properties in any fashion.	CO	ISD	
17	The building shall be sprinkled.	CO	FP	
18	In accordance with City of Somerville ordinances, no grills, barbeques, chimineas or the like shall be allowed on decks and porches. This shall be written into any rental agreements or condo documents. Proof thereof shall be presented to Planning Staff/ISD prior to the issuance of a Certificate of Occupancy (CO)	CO/Perpetual	ISD/PlngFP	
Miscellaneous				
19	Venting and piping shall be painted the same color as the exterior of the house from which they protrude.	CO	ISD/Plng	
20	Utility meters shall not be installed on the front (Flint Street) façade of the structure.	CO	ISD/Plng	
21	The balusters for the front steps and front porch shall be vertically-oriented, not horizontal as currently proposed	CO	ISD/Plng	
Final Sign-Off				
22	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	ISD/Plng.	