



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2018-120
Date: October 24, 2018

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 108 Gilman Street

Applicant Name: Anthony J. Rossi, Trustee, of 108
Gilman Realty Trust

Applicant Address: 75 Williams Street, Chelsea, MA
02150

Owner Name: Anthony J. Rossi, Trustee, of 108 Gilman
Realty Trust

Owner Address: 75 Williams Street, Chelsea, MA 02150

Alderman: Matthew McLaughlin



Legal Notice: Applicant and Owner, Anthony J. Rossi, Trustee of 108 Gilman Realty Trust, seeks Special Permits under §4.4.1 of the SZO to alter a non-conforming property by increasing the GFA by more than 25% through the construction of a large addition intended to appear as a separate dwelling house, construction of front steps and new addition within the non-conforming front yard setback*. Special Permit under §7.11 of the SZO to increase the number of units from two to four. Special Permit under Article 9 of the SZO for parking relief.** BA zone. Ward 1.

Dates of Public Hearing(s): October 24, 2018 – ZBA

*Since the publication of this legal notice, it has been determined that special permitting is not needed for the construction of the new addition within the front yard setback or of front steps within the front yard setback because there is no front yard setback required in the BA zone. (Section 8.5.H of the SZO shows front yard setback in the BA zone as NA (not applicable).

**Since the publication of this legal notice, it has been determined that no parking relief is needed for this project. The explanation for this determination appears in the “proposal” section of this staff report.

I. PROJECT DESCRIPTION

1. **Subject Property:** The locus presents a 2-story, gable-fronted, two-unit residential structure located in the BA zone. The existing building is sited on a 3,920 square-foot lot and presents 1,367 square feet of living area.
2. **Proposal:** The Applicant proposes retaining and renovating the existing structure. A large addition will be added to this structure in the left side yard. Because this property is located in the BA zone, no minimum lot size, left or right side yard setbacks are required in this case. The new addition will present a “modern” design to contrast with the antique structure to which it is being attached. The new structure will maintain the existing, front yard setback of 0’0”, which helps to retain a consistent sight line along this portion of the street.

The number of units on the property will increase from one (1) to four (4). There are currently two (2) parking spaces on-site and the proposal will add two more for a total of four (4) parking spaces on the property. This equates to one parking space per residential unit.

Under existing conditions, 2.5 parking spaces are required. Under proposed conditions, 6.0 spaces are required. The Applicant proposes four on-site parking spaces. The formula for determining the number of spaces of relief needed is as follows:

*New parking requirement – Old parking requirement = # of spaces needed**

When the number of parking spaces of relief needed is less than 1.0 or a negative number, then no special permit for parking relief is required.

In the case of 108 Gilman Street: $6.0 - 2.5 = 3.5$

The Applicant proposes 4.0 on-site parking spaces. $4.0 - 3.5 = .5$ spaces. Because this number is less than 1.0, no parking relief is needed for this project.

The rear yard setback for the existing structure will remain at 8’8”. The rear yard setback for the new addition will conform at 15’ 8” (footnote 12 of Section 8.5.I of the SZO).

The following components of the project require special permits:

Gross Floor Area (GFA)

When an applicant requests to increase the Gross Floor Area (GFA) by more than 25%, a Special Permit is required. The Applicant proposes increasing the GFA of the property by 50% (from 945 square feet to 1,875 square feet).

Increase in number of dwelling units

Currently, two (2) dwelling units exist on the property. The Applicant proposes increasing the number of dwelling units from two (2) to four (4). The Use Table, specifically Section 7.11.c of the SZO requires that a Special Permit be granted in order for 4-6 units to exist on a site in the BA district.

3. **Green Building Practices:**

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

4. **Comments:**

Ward Alderman: Alderman McLaughlin is aware of this project.

Historic Preservation Commission (HPC): Earlier in 2018, 108 Gilman Street was brought before the Historic Preservation Commission (HPC) for full demolition. After following their two-step process to determine whether or not the building should be “preferably preserved” (not demolished), the HPC imposed a 9-month demolition delay period. During that period, the Applicant worked with Planning Staff to create a proposal that retained the historic building (which, in the determination of the Preservation Planners, is roughly from around 1820-1839) while allowing for a large addition in order to increase the number of units on the site. The Applicant then withdrew their request to demolish the existing 108 Gilman Street structure. The HPC accepted the Applicant’s withdrawal request.

II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1, §7.11):

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, generally, the information provided by the Applicant with regard to the interior arrangement of the structure and exterior elevations 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."

Regarding §4.4.1 and §7.11 of the SZO

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.”

Gross Floor Area (GFA)

A Special Permit is needed when an Applicant proposes increasing the Gross Floor Area (GFA) by more than 25%. The Applicant proposes an increase in GFA of 50%. This increase is created by the addition to the left of the existing structure.

This property is found in the BA zone, one of the more liberal zones in the City in terms of dimensional requirements (no minimum lot size, no side yard setbacks in certain cases, liberal rear yard setbacks, and no front yard setbacks).

Construction of two new dwelling units (§7.11 of the SZO)

As noted earlier in this report, to have 4-6 dwelling units in the BA zone requires that a Special Permit be granted. Staff finds that the inclusion of two more dwelling units will be beneficial to the available housing stock in the City. The proposal of four units on this site complies with the lot area per dwelling unit requirement for the BA zone. The Applicant's proposal will have 943 square feet of lot area per dwelling unit in a zone where only 875 square feet of lot area per dwelling unit is required.

Additional determinations

In addition to the considerations discussed above, Staff does not anticipate that this proposal will increase noises or odors in this neighborhood on an on-going basis. Regular construction-related noise can be expected on this site as the project is underway. However, this uptick in noises will be temporary in nature. Staff anticipates that any odors associated with this project will be construction-related and, post-construction, will be in keeping with those typically experienced by residents living in close proximity to each other.

Staff finds that the changes proposed to the existing two-unit structure currently extant on the property will improve the visual appearance of this site. The existing structure will be refurbished and a new addition has been designed to "read" as a separate building from many angles. Further, Staff finds that the proposal equates to a win-win situation: a very early dwelling house that has been determined to be historically-significant to the City is being retained and rehabilitated while two more dwelling units will be added to the City's housing stock through the construction of a large, new addition.

Lastly, impacts on municipal water supply and sewer capacity will be examined by the Engineering Department prior to the issuance of any building permit for this project. The Applicant is required to submit full engineering plans to the Engineering Department for their assessment and determination of approval, approval with conditions, or denial.

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 BA zone in that the proposal provides additional housing in the immediate area. The purpose of the BA zone is "[t]o establish and preserve business areas bordering main thoroughfares that are attractive to a wide range of uses, including retail business and services, housing, government, professional and medical offices, and places of amusement. While it is anticipated that most users will arrive by motor vehicle, it is intended that the area should be safe for and conducive to pedestrian traffic."

4. Site and Area Compatibility: *The Applicant has to ensure that the project "(i)s designed in a manner that is compatible with the characteristics of the built and unbuilt surrounding area, including land uses."*

The proposed upgrades to this property will visually improve the site from the public way. Gilman Street and the immediate-surrounding residential area consists of one-, two-, three-, and multi-family residential buildings of varying styles and sizes. The proposal maintains the gable-fronted two-family structure on the site, while visually-improving it from current conditions. The bulk of the changes to the site in terms of form and massing occur on the left side of the lot.

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 proposal will improve the visual appearance of an existing property, retains and rehabilitate a very early and historically-significant property to the City, and will add two more dwelling units to the City’s housing stock.

III. RECOMMENDATION

Special Permit under §4.4.1 and §7.11

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

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 to construct a large addition increasing the GFA by more than 25% and increasing the number of dwelling units from two to four.	BP/CO	ISD/PIng.	
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>August 27, 2018</td> <td>Application submitted to City Clerk’s office.</td> </tr> </tbody> </table> <p>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>			
Date (Stamp Date)	Submission			
August 27, 2018	Application submitted to City Clerk’s office.			
Design				
1	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.	BP	ISD/PIng	
Construction Impacts				
2	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	

3	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/ISD	
4	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 see.	During Construction	ISD	
5	<u>Construction shall be limited to M-F 7:30am – 5:00pm. ONLY. No weekend/holiday construction or construction-related work shall occur.</u>	During Construction	ISD	
6	Prior to the issuance of a building permit, the Applicant shall submit full engineering plans to the Engineering Department for their review and approval.	BP	ISD/PIng/Eng.	
7	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	Engineering/ISD	
Public Safety				
8	The Applicant or Owner shall meet the Fire Prevention Bureau’s requirements.	CO	FP	
9	All smoke detectors shall be hard-wired.	CO	Fire Prevention / ISD	
10	The building shall be sprinkled.	CO	Fire Prevention. ISD	
11	All exterior lighting on the site shall be downcast and shall not cast light onto surrounding properties in any fashion.			
12	In accordance with City of Somerville ordinances, no grills, barbeques, chimineas or the like shall be allowed on decks and porches. These requirements shall be written into any rental agreements or condo documents. Proof of the inclusion of this language shall be shown to Planning Staff prior to the issuance of a CO.	CO/Perpetual	ISD/PIngFP	
Site				
13	All plantings and their locations along with all hardscaping materials, design and location for driveways, walkways, fencing, etc., shall first be reviewed and approved by Planning Staff prior to the issuance of a building permit.	BP	ISD/PIng	
14	No vents shall exit on the Gilman Street façade of the structure. All venting, pipes, conduits and the like shall be painted the same color as the exterior of the structure from which they protrude.	CO	ISD/PIng	
15	Utility meters shall not be installed on the front façade of the building (Gilman Street facade).	CO	ISD/PIng	
16	All bituminous material shall be removed from the site. Bituminous material shall not be used for driveways, walkways or parking areas.	CO	ISD/PIng	

17	All materials for hardscaping shall be submitted to Planning Staff for their review and approval prior to the issuance of a building permit	BP	ISD/Plng	
18	Vinyl siding, trim, fencing, or decking material shall not be used on this site	CO	ISD/Plng	
19	All mechanicals shall be screened from view from the public way. All screening materials shall be reviewed and approved by Planning Staff prior to installation	CO	ISD/Plng	
20	The location of mechanicals (such as AC condensers) shall be first reviewed and approved by the Zoning Review Planner prior to their installation.	BP	ISD	
21	Garbage and recycling shall be stored out-of-view from the public way and shall be screened. Screening material and storage location shall first be reviewed and approved by Planning Staff	CO	ISD	
Utilities				
22	Utilities shall be buried unless ordered otherwise by Lights and Lines/Highways.	CO	Lights and Lines/Highways/ISD	
Final Sign-Off				
23	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.	