



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*

Case #: PB 2017-14
Date: July 13, 2017
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 654 Mystic Avenue

Applicant Name: Anthony Fava & Ryan Hunt
Applicant Address: 11 Elkins Street, #250, Boston, MA 02127
Property Owner Name: Fieldcom Realty Trust
Property Owner Address: P.O. Box 2307, Woburn, MA 01888
Agent Name: Gordon E. Meyer & Associates, P.C.
Agent Address: 8 Winchester Street, Boston, MA 02116-5424
Alderman: Tony Lafuente

Legal Notice: Applicants, Anthony Fava & Ryan Hunt, along with Property Owner, Fieldcom Realty Trust, seek Design and Site Plan Review per Section 8.8 and 5.4 of the SZO for lot splits to divide one lot into three lots. BB zone. Ward 4.

Date of Application: May 18, 2017

STAFF NOTE: The Planning Board approved this project in December, 2016 as a subdivision with Design & Site Plan Review in December, 2016. Since that time, it was brought to the Planning Division's attention that, in fact, the correct review to be requesting was for a "series of lot splits" and not a subdivision. The language in Chapter 6: Rules & Regulations Pertaining to Design & Site Plan Review was amended to allow for lot splits.

Since the December, 2016 Planning Board approval, the Applicant/Owners have made a few minor changes to the design of the building in order to ensure that it complies dimensionally as a "by-right" project. The plans are included in your packet along with a statement from the representing attorney.



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The purpose of 654 Mystic Avenue appearing before the Planning Board on July 13, 2017, is largely procedural in nature in order to ensure that the approvals given meet the language of the zoning code. The same conditions as those included in the December 2016 approval are included herein. The staff report remains the same as that of December, 2016 with the exception of the inclusion of the term “lot merger.”

I. PROJECT DESCRIPTION

1. **Subject Property:** The subject property is a 9,583 square foot lot containing an 830 square foot commercial structure formerly housing an auto garage. The subject property is covered with bituminous material (asphalt) and presents a retaining wall running along the rear length of the property. A shorter, stepped retaining wall runs along the Moreland Avenue frontage. Currently, there are three, large curb cuts providing access to the property from Mystic Avenue. For some time, a chain-link fence has run the length of the Mystic Avenue frontage. The property overlooks Mystic Avenue and I-93. The property is located in the BB zone, but the rear of the property abuts an RA zone.

Fig. , below: Aerial view of subject parcel.



Fig. 2, below: View of parcel from corner of Moreland looking toward Somerville



Fig. 3, below: Right corner of lot as it abuts Moreland Street.

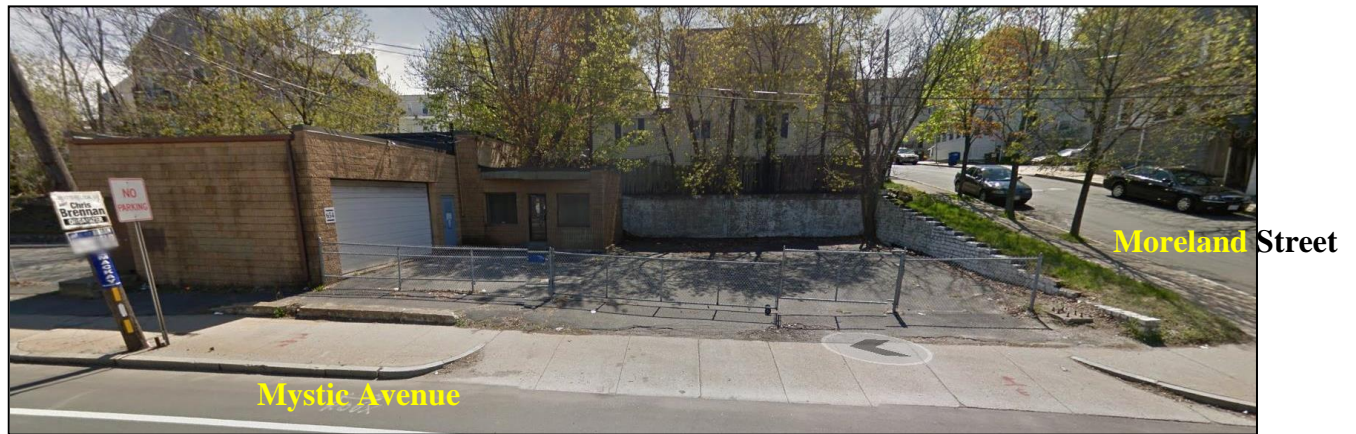


Fig. 4, below: Left corner of lot as it abuts 640 Mystic Avenue. The property at 640 Mystic Avenue (off-image, left) has been demolished since this google image was taken in spring, 2016)



2. **Proposal:** The Applicant proposes to sub-divide this parcel at 654 Mystic Avenue into three lots. Lot 1, which would abut Moreland Street, is proposed at ~3,178 square feet. Lot 2, to the left, is proposed at ~3,251 square feet. Lot 3, which would abut 640 Mystic Avenue, is proposed at ~3,316 square feet. Further, the Applicant proposes three (3) dwelling units on each lot for a total of nine (9) dwelling units across the original parcel.

Lot size/lot size per dwelling unit: Since the BB zone does not have a minimum lot size requirement all of the proposed lots are buildable lots. The current proposal presents each of the nine dwelling units with a minimum of 1,000 sf each. This amount is greater than the minimum required lot area per dwelling unit ratio of 875 square feet. At 1.43, 1.40, and 1.28, the proposed dwelling units are well under the maximum-allowed FAR of 2.0 in this zone.

Front, rear and side yards: There are no side yard minimums required for this project as the side yards of this BB lot do not abut a residential district. The rear yard, because it abuts an RA district line, must be no less than 15 feet deep as per *SZO §8.5.i footnote 12*. The proposal complies with this requirement.

Landscaping/pervious/ground coverage: The majority of the existing parcel is covered with bituminous material, leaving approximately 1% “landscaped” under current conditions. The Applicant’s proposal would bring 45% landscaping or more to each of the proposed parcels.

Section 8.5.g footnote 5 allows the reduction of front yard setbacks, but for those setbacks to be no less than 10 feet. The Applicant’s proposal allows for 10’ to 15’ front yard setbacks.

With regard to pervious material, overall ground coverage and landscaping, the Applicant does not create any new non-conformities and the proposal improves upon the existing conditions.

Building height: Normally, in the BB zone, buildings may have a maximum height of 50 feet and be up to four stories. However, in cases such as 654 Mystic where the property abuts an RA district line, any structure (or portion of a structure) within thirty feet of that district line shall be limited to three stories and forty feet in height. The design of the proposed residences causes the roofline to step down as the building reaches the rear of the lot. The front-most portion of the

building, which is 30-feet from the RA district line, is presented as 3 stories and 40 feet in height, complying with the district requirements.

II. RECOMMENDATION

Site Plan Approval under §5.4

Section 5.4.1(2) of the SZO allows the Planning Board to consider approval of subdivisions [lot splits] in all zoning districts.

- *SZO Section 5.4.4(C) indicates that the Planning Board “shall approve a submission in the form submitted or with reasonable conditions pertaining to the purpose of this Section 5.4 unless the Planning Board finds that:*

- 1. The submission is incomplete;*

Section 5.4.7 of the SZO states that a complete submission is as follows:

- 1) All plans shall be prepared by a registered architect, landscape architect, registered land surveyor, or professional engineer unless this requirement is waived by the Planning Board because a project is unusually simple and the use of a registered or licensed professional is not necessary to enable the Planning Board to make a decision that complies with the purposes of this section.**

Staff finds that the submission is complete:

Architect: Khalsa Design

Surveyors/Engineers: Design Consultants, Inc. : Civil Engineers and Land Surveyors

Landscape Architect: Blair Hines Design Associates, Landscape architects

- 2) A complete submission shall include all of the information and requirements set forth in the rules and regulations of the Planning Board for site plan approval and shall include, but not be limited to, information concerning property ownership, topography, drainage, existing and proposed utilities, soil data, transportation systems, parking plans, building plans, elevations, landscaping, sewerage, storm water disposal, erosion and sedimentation controls, lighting, recreation, signage and hydrogeologic evaluation.**

Staff finds that the Applicant has submitted documentation satisfying the requirements outlined in item 2 above via either/both application documents, architectural, landscaping, or engineering plans and related reports.

- 2. The imposition of reasonable conditions would not ensure that the project would conform to the standards and criteria set forth in Section 5.4.6; and*

Staff finds that the conditions outlined in the table at the end of this report to be reasonable and shall be implemented on this project. All future plans and associated documents that are submitted to the City of Somerville for review/approval/permitting henceforth regarding this project shall reflect these conditions.

3. *The project does not comply with other specifically applicable requirements of this Ordinance.*

Staff finds that the project proposal complies with the requirements of the SZO.

Based upon this standard and the above findings, the Planning Staff recommends **CONDITIONAL APPROVAL** of the requested **SITE PLAN APPROVAL**.

The Applicant has provided a complete application, reasonable conditions can be placed on the proposal to ensure that the project conforms to the standards and criteria set forth in Section 5.4, and the project complies with applicable requirements of the Somerville Zoning Ordinance.

The Rules and Regulations Chapter 6, Section 6.C. state that, “[w]hen an application is deemed generally acceptable, but is of a nature where specific approval of each standard or criteria of SZO Section 5.4.6 cannot be reached (such as in subdivision [lot splits], where all physical site development plans may not be finalized at the time of the plot recording), the Planning Board may attach a condition(s) requiring recordation of deed restrictions or covenants ensuring future compliance with specifically applicable standards of SZO section 5.4.”

#	Condition	Timeframe for Compliance	Verified (initial)	Notes
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1	<p>Approval is for the subdivision of parcel 46/C/1 into three lots of the following approximate dimensions: Lot One 3,178 ± sf; Lot Two 3,251 ± sf, Lot Three 3,316 ± sf.</p> <p><u>No building permit shall be issued until the plan set matches the renderings from December 6, 2016.</u></p> <table border="1" data-bbox="248 489 886 1029"> <thead> <tr> <th data-bbox="248 489 565 527">Date (Stamp Date)</th> <th data-bbox="565 489 886 527">Submission</th> </tr> </thead> <tbody> <tr> <td data-bbox="248 527 565 625">March 7, 2016</td> <td data-bbox="565 527 886 625">Initial application filed with City Clerk's Office</td> </tr> <tr> <td data-bbox="248 625 565 724">May 16, 2016</td> <td data-bbox="565 625 886 724">Updated plans submitted to OSPCD</td> </tr> <tr> <td data-bbox="248 724 565 823">October 14, 2016</td> <td data-bbox="565 724 886 823">Updated plans submitted to OSPCD</td> </tr> <tr> <td data-bbox="248 823 565 921">October 20, 2016</td> <td data-bbox="565 823 886 921">Final plans submitted to OSPCD</td> </tr> <tr> <td data-bbox="248 921 565 1029">December 6, 2016</td> <td data-bbox="565 921 886 1029">Updated renderings submitted to OSPCD</td> </tr> </tbody> </table> <p><u>ANY</u> changes to the approved plans shall be submitted to Planning Staff for their review prior to implementation of said changes. Planning Staff shall determine if the changes proposed are <i>de minimis</i> in nature or if the proposed changes require Planning Board review.</p>	Date (Stamp Date)	Submission	March 7, 2016	Initial application filed with City Clerk's Office	May 16, 2016	Updated plans submitted to OSPCD	October 14, 2016	Updated plans submitted to OSPCD	October 20, 2016	Final plans submitted to OSPCD	December 6, 2016	Updated renderings submitted to OSPCD	BP	Plng.	
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2	Trash and recycling storage for all 9 units shall be located inside of the structures.	Perpetual	Plng./ ISD													
3	For developments with 7 or more residential units or commercial development, the Owner/Applicant is required to hire a private company to remove trash and recycling on a regular basis.	Perpetual	ISD/Plan ning													
4	All snow shall be carted off-site.	Perpetual	ISD/Plan ning													
5	The Applicant shall submit to Planning Staff certified copies of the recorded/registered documents.	Building Permit	Plng.													
6	There shall be no parking in the front yard of any of the parcels. All front yards shall be landscaped/patio area and shall contribute to and not detract from landscaping and pervious surface calculations.	Perpetual	Plng./ ISD													
7	The Applicant shall present updated civil plans to the Planning Office and to the City's Engineering Department depicting how much fill will be added to the site, of what the fill is comprised, where the fill comes	BP/site prep	Plng/Eng ineering/ ISD													

	from, and detailing engineering renderings of what the actual finished grade will be. Planning and Engineering must sign off on these plans before any permits are issued for work on the site.			
8	The roof shall remain flat and there shall be no roof decks permitted on the site.	Perpetual	ISD/Planning	
9	Landscaping shall be installed exactly as rendered on the plans dated October 20, 2016. There shall be no reduction in plant count or changes in plant type without prior submission to and approval by Planning Staff	CO	Plng/ISD	
10	The applicant shall ensure that all landscape/pervious calculations match submitted plans.	BP	Plng/ISD	
11	<p>Prior to the start of construction, an engineering report shall be submitted on the retaining wall at the back of the lot. The engineering report shall:</p> <ul style="list-style-type: none"> • Present a plan for addressing the structural integrity of the existing retaining wall in relation to the proposed project; • Be presented to the City Engineer for review and sign off prior to the issuance of a building permit. • <p>Implementation of engineering plan:</p> <ul style="list-style-type: none"> • The engineering plan shall be followed exactly as signed off by the City Engineer • The City Engineer shall sign off on all work performed on the existing or new retaining wall. 	BP	Plng/Engineering	
12	All environmental reports and testing shall be submitted to Planning Staff as they are completed. Staff reserves the right to ask that these reports be "peer reviewed" by a city consultant at the cost of the Applicant.	BP	Plng/Engineering	
13	ALL materials proposed for the exterior of the new construction will be presented to Planning Staff for their review and approval PRIOR TO their installation	CO	Planning/ISD	
14	A new hydrant shall be installed on Ash Avenue. Said hydrant and its <u>exact</u> location shall be shown on revised civil plans.	BP	Fire Prevention/Planning/ISD	
15	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.	BP	Wiring Inspector/Electrical	
16	The Applicant shall meet all of Fire Prevention's requirements	CO	Fire Prevention	
17	ALL exterior lighting on ALL facades of the building shall be downcast and shall not cast light only any	CO/Perpetual	ISD/Planning	

	abutting properties.			
18	The Applicant shall consult with Lights and Lines to determine the need/location for transformers/conduits and the like on the property and/or the upgrade of any pole/line capacity.	BP	Lights & Lines	
19	The Applicant shall work with the Sustainable Neighborhoods Initiative coordinator to review air handling and filtration systems in the building. Air intakes shall not be located between the building and Mystic Avenue, shall provide adequate filtration systems to address the particulates that typically come off I-93. The final plan for particulate handling shall be submitted to Planning/ISD prior to the issuance of a building permit.	BP	ISD/Sustainable Neighborhoods/Planning	
20	The project shall be subject to the city stormwater policy, including the required removal of infiltration and/or inflow based upon providing either construction to reduce the inflow/outflow or a mitigation payment as established by the City Engineer's office.	BP	Engineering/Planning/ISD	
21	Any venting pipes shall be wrapped to match the color of the roofing material through which it protrudes or shall be painted to match the color of the siding through which it protrudes.	Perpetual	Planning/ISD	
22	There shall be no venting on the Mystic Avenue façade of the buildings.	Perpetual	Planning/ISD	
23	All greenery shall be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Planning/ISD	
24	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	Planning/ISD	
25	Storm water runoff shall not be routed into the City sewer system. Plans for such runoff must be approved by the Engineering Department and shall not create storm water maintenance issues for abutting properties or the City.	BP	Engineering	
26	The Applicant must provide an accessibility narrative prior to the issuance of a building permit.	BP	ISD/Plng.	
27	The Applicant shall provide notice of intent to strictly comply with applicable State and Federal regulations regarding air quality including without limitation continuous dust control during demolition and construction.	BP	Plng/OSE	
28	Notification must be made, within the time period required under applicable regulations, to the	BP	OSE/FP/BOH	

	Massachusetts Department of Environmental Protection (DEP) if there is any release of oil, hazardous materials, or regulated hazardous substances at the site. The City's OSE office, Fire Department and the Board of Health shall also be notified.			
29	Any new curb cuts shall be poured in accordance with the specifications of the Highway Superintendent	CO	Eng./Highways/Planning/ISD	
30	Venting from the garage shall be on the front of the building, and not adjacent to abutting properties at the side or rear	CO/Perpetual		
31	The design of the wall (required by condition #8) shall incorporate the design of the French drain that will collect water by the wall and discharge it.	BP/Perpetual	Eng./Planning/ISD	
32	The garage area in the back yard shall be covered by a minimum of 18 inches of dirt.	CO/Perpetual	Planning/ISD	
33	Each unit shall include two deeded parking spaces. The remaining two parking spaces in each garage shall be available to visitors of all three of the units that share the garage.	CO/Perpetual	Planning/ISD	
34	If granted access by the abutting rear property owner at 50 Ash Avenue, the applicant shall remove the fence that is on the 50 Ash Avenue property just beyond, but alongside the adjacent property line with this property. The applicant shall then clear the area between the fence and the property line, and then the applicant shall install a new fence along the entire rear property line. <u>Fence material and design shall be subject to Planning Staff review and approval prior to installation.</u>	CO	Planning/ISD	