



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2016-89
Date: October 27th, 2016
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 43-45 Oak Street

Applicant Name: We Close The Deal, LLC
Applicant Address: 320 Washington Street, Suite 3FF, Brookline, MA 02445
Owner Name: We Close The Deal, LLC
Owner Address: 320 Washington Street, Suite 3FF, Brookline, MA 02445
Agent Name: Richard DiGirolamo
Agent Address: 424 Broadway, Somerville, MA 02145
Alderman: Maryann Heuston

Legal Notice: (Case # **ZBA 2016-89**) Applicant/Owner, We Close The Deal LLC, seeks a Special Permit under SZO §4.4.1 to approve a renovation and expansion of a 2-story 4-unit residential building to 3-story 4-unit residential with finished basement and §9.5 for parking relief. RB Zone. Ward 2.

Dates of Public Hearing: November 2nd, 2016

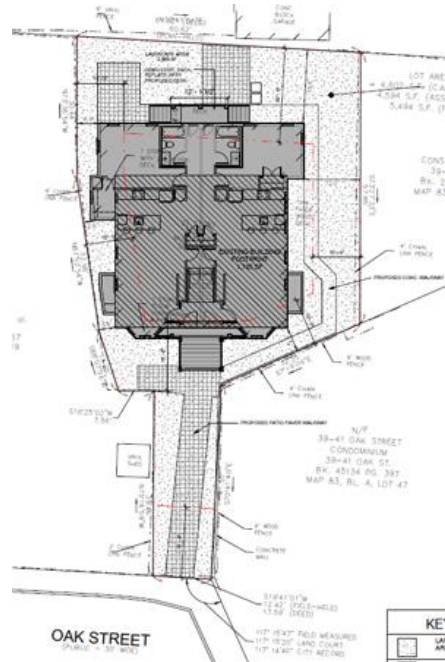
I. PROJECT DESCRIPTION

1. Subject Property: 43-45 Oak Street is a 4,602 sf lot that is zoned RB. The parcel is an irregular configuration with only 12.42' of frontage at the corner of Oak Street and stretches back approximately 40' before the lot begins to widen and is 60.62' at the rear property line. The existing 2-1/2 story wood-frame structure is setback approximately 52' from the front property line. The side yard dimensions vary between approximately 1 foot and 12' and the rear yard is approximately 16' deep.

The structure has 4 residential dwelling units each with 2 bedrooms and an unfinished basement. There is a small deck on the rear of the building, accessed from back doors in the ground floor units, with stairs to patios in the rear yard. The second floor has decks on the side of the building accessed from the kitchens



– one unit has a roof deck over a small first floor bathroom, and the other has a larger column-supported deck. There is no parking provided.



2. Proposal: The proposal includes an addition of a full third floor, partial finishing of the basement to include bedrooms, and a full renovation of the existing structure. The number of units remains the same (4) however the bedroom counts change to 2 2-bedroom units and 2 3-bedroom units.
3. Green Building Practices: None.
4. Comments:

Fire Prevention: This project is required to be fully sprinklered. It was also noted that the redesign of the window openings, including the window wells for basement egress, must be reviewed during the Building Permit application for opening sizes and proximity to adjacent/neighborhood structures.

Traffic & Parking: No comments at this time.

Wiring Inspection: The electrical service to the property will need to be upgraded and, therefore, the lines are required to be buried.

Lights and Lines: There is a concern that the existing power lines aerielly trespass over the adjacent property. This will be remedied when the upgraded service puts the lines underground.

Engineering: No comments at this time.

Historic Preservation: Not applicable.

Ward Alderman: No comments at this time.

II. FINDINGS FOR SPECIAL PERMIT (SZO §5.1):

In order to grant a special permit, the SPGA must make certain findings and determinations as outlined in §5.1.4 of the SZO. This section of the report goes through §5.1.4 in detail.

1. Information Supplied:

The Staff finds that the information provided by the Applicant conforms to the requirements of §5.1.2 of the SZO and allows for a comprehensive analysis of the project with respect to the required Special Permits.

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."*

Nature of Application: **6.1.2. RB - Residence Districts**

This alteration to a nonconforming structure requires the Applicant to obtain special permits under §4.4.1 of the Somerville Zoning Ordinance (SZO). The structure is currently nonconforming with respect to the following use / dimensional requirements:

Lot Area: the current size is 4,602 square feet which is under the required minimum of 7,500 s.f. The lot size is a result of the irregular shape of the lot and the non-conforming Street Frontage of 12.4' as opposed to the minimum 50' required in the RB zone.

Yards: the existing Front Yard, not including the narrow length of the entrance way is 5.4' at the shallowest point instead of the required 15'. (From the front property line at the street, including the narrow portion of the lot, the front of the structure is setback approximately 52'.) The Side Yards are approximately one foot on the left side while the right side yard is 12.2' and the requirements state a minimum of 8' one side and 17'.

Section 4.4.1 states that "[l]awfully existing one-and two-family dwellings which are only used as residences, which are nonconforming with respect to dimensional requirements, may be enlarged, extended, renovated or altered by special permit granted by the SPGA in accordance with the procedures of Article 5."

In considering a special permit under §4.4 or 4.5 of the SZO, Staff find the proposed renovation and alteration is not substantially more detrimental to the neighborhood than the existing nonconforming building. The building will not additionally impact traffic volumes or congestion, the adequacy of municipal water supply and sewer capacity, noise, odor, scale, on-street parking, shading, visual effects or neighborhood character.

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."*

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 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 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 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.”

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.

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."*

Surrounding Neighborhood: Oak Street is a residential area between Union Square and Inman Square (Cambridge). The neighborhood is made up of single-, two-, and three-family residential buildings, some of which have been converted to apartments. Most are wood-frame structures with siding that vary in height from 2-1/2 to 3 stories tall. Many have driveways for on-site parking as Oak Street is narrow and has parking only on one side.

Impacts of Proposal (Design and Compatibility): The Principal structure is in keeping with the surrounding structures. The property is located at a bend in the street which creates the irregular lot size and shape. Due to this irregularity, the principal structure seems visually large on the lot compared to the adjacent properties but the larger setback from the street helps reduce the sense of visual dominance.

Increasing the number of bedrooms in two of the units does not trigger additional parking requirements. However, as there is currently no on-site parking associated with the existing dwellings, the demand for on-street parking spaces will likely increase.

5. Adverse environmental impacts: *The proposed use, structure or activity will not constitute an adverse impact on the surrounding area resulting from: 1) excessive noise, level of illumination, glare, dust, smoke, or vibration which are higher than levels now experienced from uses permitted in the surrounding area; 2) emission of noxious or hazardous materials or substances; 3) pollution of water ways or ground water; or 4) transmission of signals that interfere with radio or television reception.*

Impacts of Proposal (Environmental): There are no adverse environmental impacts associated with this project.

6. Vehicular and pedestrian circulation: *The circulation patterns for motor vehicles and pedestrians which would result from the use or structure will not result in conditions that create traffic congestion or the potential for traffic accidents on the site or in the surrounding area.*

Impacts of Proposal (Circulation): There are no increases in pedestrian or vehicular circulation impacts associated with this project.

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

Impacts of Proposal (Housing): There are no changes in the stock of existing affordable housing associated with this project.

8. 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.*

<u>SomerVision Summary</u>	<i>Existing</i>	<i>Proposed</i>
<i>Dwelling Units:</i>	4	4
<i>Affordable Units:</i>	0	0
<i>Commercial Sq. Ft.:</i>	0	0
<i>Estimated Employment:</i>	0	0
<i>Parking Spaces:</i>	0	0
<i>Publicly Accessible Open Space:</i>	0	0

III. RECOMMENDATION

Special Permit under §5.1

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 full renovation including the addition of habitable space in the basement and a third floor. This approval is based upon the following application materials and the plans submitted by the Applicant: <table border="1" style="margin: 10px 0;"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>July 25th, 2016</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> </tbody> </table> Any changes to the approved site/building plans and elevations that are not <i>de minimis</i> must receive SPGA approval.	Date (Stamp Date)	Submission	July 25 th , 2016	Initial application submitted to the City Clerk’s Office	BP/CO	ISD/Plng	
Date (Stamp Date)	Submission							
July 25 th , 2016	Initial application submitted to the City Clerk’s Office							
Pre-Construction								

2	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.	
3	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	
4	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	
Construction Impacts				
5	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.	
6	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
7	The Applicant shall at their 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	
8	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	
Design				
9	An exterior light and electrical receptacle is required for or all levels of the decks.	Final sign off	Wiring Inspector	
10	As per sheet A-101 of the Special Permit Set dated 08/15/2016, the basement storage/mechanical space must remain as labeled and not occupied until such a time as the zoning may change or another Special Permit is granted.	Perpetual	Plng. / ISD	
Site				
11	All trash and recycling containers will be fully screened or stored out of view from the public right-of-way.	Perpetual	Plng. / ISD	

12	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards, and in accordance with SZO §10.2.2 and §10.6.2;	Perpetual	Plng. / ISD	
13	There shall be a minimum of one tree for each 1,000 sf of required landscaped area under SZO §10.3.			
14	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.	Installation of Utilities	Wiring Inspector	
Miscellaneous				
15	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				
16	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
17	Any transformers should be located as not to impact the building or landscaped area, and shall be fully screened.	Electrical permits &CO		
18	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.	
19	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.	CO	Plng/OS E	
Final Sign-Off				
20	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.	