



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
**JOSEPH A. CURTATONE**  
**MAYOR**

GEORGE J. PROAKIS  
EXECUTIVE DIRECTOR

**PLANNING DIVISION STAFF**

SARAH LEWIS, *DIRECTOR OF PLANNING*  
SARAH WHITE, *PLANNER & PRESERVATION PLANNER*  
ALEX MELLO, *PLANNER*  
MONIQUE BALDWIN, *ADMINISTRATIVE ASSISTANT*

**Case #:** ZBA 2018-145

**Date:** January 23, 2019

**Recommendation:** Conditional Approval

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**PLANNING STAFF REPORT - ZBA**

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**Site:** 28 Otis Street

**Applicant Name:** Gina D. Tauro & Jonathan M. Nascimento

**Applicant Address:** 1060 Franklin Street,  
Melrose, MA 02176

**Owner Name:** Gina D. Tauro & Jonathan M. Nascimento

**Owner Address:** 1060 Franklin Street, Melrose,  
MA 02176

**Alderman:** Matthew McLaughlin



**Legal Notice:** Applicants and Owners, Gina D. Tauro & Jonathan M. Nascimento, seek to alter a non-conforming property under §4.4.1 of the SZO. Parking relief under Article 9 of the SZO. RB zone. Ward 1.

**Dates of Public Hearing(s):** January 23 – ZBA

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## **I. PROJECT DESCRIPTION**

1. **Subject Property:** The locus presents a 2 ½-story, gable-fronted structure with attached one-car garage. The use is residential with the structure currently presenting two dwelling units. Lot area is 4,532 square feet and the property is located in the RB zoning district. The attached garage and associated storage area is part of a large addition at the rear of the property. In total, the combined structure takes up

most of the land area on the site, save for the driveway and a small patch for landscaping between the front facade of the house and the public sidewalk. Three parking spaces are currently provided: one parking space within the garage and two parallel spaces along the right side of the driveway.

**2. Proposal:** Through the construction of a two-bedroom addition over a portion of the existing garage, the Applicant proposes adding one unit to the property. The two existing units on the property will not be renovated as a part of this proposal.

The additional unit is proposed to be set in from the right and left property lines such that the left façade of the addition terminates twelve (12) feet from the property line and the right façade of the building terminates eight feet seven inches (8' 7") from the property line.

#### Parking

The only special permit needed for this project is for one (1) space of parking relief.

### **3. Green Building Practices:**

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

### **4. Comments:**

Ward Alderman: Alderman McLaughlin is aware of this project.

## **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."*

**Article 9 of the SZO**

Section 9.13 of the SZO addresses parking requirements per dwelling unit and provides a mechanism for relief from providing the required number of parking spaces on a property if the Special Permit Granting Authority (SPGA) determines that certain thresholds are met. The breakdown for parking relief for 28 Otis Street appears immediately below:

Dwelling Area	Existing Bdrs.	Parking Req.	Dwelling Area	Proposed Bdrs.	Parking Req.
Unit 1	2	1.5	Unit 1	2	1.5
Unit 2	4	2.0	Unit 2	4	2.0
Unit 3	n/a	n/a	Unit 3	2	1.5
<b>Total: 3.5 (rounded to 4.0)</b>			<b>Total: 5.0</b>		

Formula:

$$\text{new parking requirement} - \text{old parking requirement} = \# \text{ of spaces of relief needed}^*$$

$$5.0 \text{ spaces} - 4.0 \text{ spaces} = 1.0 \text{ space}$$

*\*When this result is a negative number or >1, no parking relief is needed. The result of this formula is then compared against the number of spaces that the applicant proposes to provide on the site. If this number is greater than the number of spaces of relief needed, then no special permit for parking relief is required.*

Under existing conditions, the property provides three (3) parking spaces: one in the garage and two, legal-sized parallel parking spaces in the driveway. Though one of the parallel spaces terminates in front of the front plane of the residential structure, this is considered an existing, non-conforming front yard parking space.

Staff finds that providing relief for one parking space would not impose an undue burden on the surrounding neighborhood. Staff has conditioned this report to require that the Applicant assign one parking space to each unit and that this should be put in either rental agreements or condo documents.

***Pursuant to Section 9.13 of the SZO, Staff provides the following assessment of this project against the following categories:***

***1. Increase in traffic volumes***

The density on this site will increase from two residential units to three residential units. There exists the possibility of additional vehicles using this site and surrounding streets to enter and exist the property once the project is complete. Taken independently, an increase of one residential unit and a minimum of one car associated with each, Staff does not find would constitute any significant increase in traffic volumes.

***2. Increased traffic congestion or queuing of vehicles***

As noted above, Staff does not find that the increase of one residential unit on the site will create traffic congestion or queuing of vehicles – either entering or existing the site or the immediate area. People leave and return for work and errands at different times during the day.

***3. Change in the type(s) of traffic***

As the use of the property is remaining residential, a change in the types of traffic is not anticipated. The neighborhood can expect some up-tick in construction-related traffic during the active construction period on the site. However, this type of traffic will be limited to the project duration

4. Change in traffic patterns and access to site

The traffic pattern on Otis Street will remain as it does today. Access to the site will be from the same direction as current.

5. Reduction in on-street parking

Because one additional residential unit is being added to the property, it is fair to say that there may be an increase in the number of vehicles used by residents of the site and, consequently, there may or may not be a need for some of the residents and their guests to use on-street parking.

6. Unsafe conflict of motor vehicle and pedestrian traffic

Staff anticipates that the traffic volume entering and leaving this property will remain largely the same, despite the increase of one residential unit on the property.

**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." The two-to-three unit proposal is consistent with what is allowed in the RB zone from a site density perspective.

**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 proposal, as conditioned, will provide visual upgrades to this property both on the house and in terms of landscaping. Of further benefit is that a condition of this approval requires the removal of all bituminous material and concrete from the site and its replacement with pervious material. This will significantly improve the permeability of the parcel which, as stated earlier, is nearly completely covered by the connected house and garage.

**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 and will add one more dwelling units to the City's housing stock. The permeability of the parcel will also be improved.

### **III. RECOMMENDATION**

**Special Permit under §4.4.1 and Article 9**

Based on the materials submitted by the Applicant, the above findings and subject to the following conditions, the Planning Staff recommends is **TO RECOMMEND CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT** at this time due to insufficient information.

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 one (1) parking space of relief.	BP/CO	ISD/Plng.	
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>October 28, 2019</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			
October 28, 2019	Application submitted to City Clerk's office.			
<b>Engineering</b>				
2	The Applicant/Owner must obtain a street address for the new unit from the Engineering department prior to the issuance of a building permit	BP	ISD/Engineering	
3	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/Plng/Eng.	
4	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	
<b>Design</b>				
5	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/Plng	
6	Existing vinyl trim shall be removed. Any wood trim extant under the vinyl shall be used if in good repair. If not in good repair, wood (not pine) or composite trim shall be installed. Modern soft woods such as pine should be avoided due to its poor quality and lack of longevity.	CO	ISD/Plng	
7	If retained, the existing siding shall be repainted.			
<b>Construction Impacts</b>				
8	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	

9	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	
10	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.	During Construction	ISD	
11	Construction shall be limited to M-F 7:30am – 5:00pm. No weekend construction or construction-related work shall occur.	During Construction	ISD	
<b>Public Safety</b>				
12	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
13	All exterior lighting on the site shall be downcast and shall not cast light onto surrounding properties in any fashion.			
14	In accordance with City of Somerville ordinances, no grills, barbecues, 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/Perpetua l	ISD/PIngr P	
<b>Site</b>				
15	The small area of land between the front façade of the house and the sidewalk shall be re-landscaped. A complete landscaping plan that includes plant types, number, and their locations shall be submitted to Planning Staff for their review and approval prior to the issuance of a Building Permit. The plan shall ensure that the concreted foundation and front stoop are masked with year-round greenery.	BP	ISD/PIngr	
16	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/PIngr	
17	The cement front sidewalk shall be removed and pervious material shall be installed (see other conditions relating to Staff review of materials).	CO	ISD/PIngr	
18	No vents shall exit on the Otis 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/PIngr	
19	Utility meters shall not be installed on the front façade of the building (Otis Street façade).	CO	ISD/PIngr	
20	All bituminous material shall be removed from the site.	CO	ISD/PIngr	
21	The driveway shall be re-constructed using pervious pavers, brick, or similar per the review and approval of Staff.	CO	ISD/PIngr	
22	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/PIngr	
23	Vinyl siding, trim, fencing, or decking material shall not be used on this site	CO	ISD/PIngr	
24	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/PIngr	

25	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	
26	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	
27	The existing fence along the Otis Street frontage shall be removed. A new fence shall be installed such that it terminates no higher than 3 ½ feet off of grade, as per zoning requirements for front yard fences. To achieve this, the concrete curbing separating the front of the parcel from the sidewalk may need to be removed.	CO	ISD/Plng	
<b>Miscellaneous</b>				
28	The Applicant shall assign one parking space per unit. This assignment shall be placed in rental agreements or condo docs. Proof thereof shall be uploaded to CitizenServe for review prior to the issuance of a Certificate of Occupancy.	CO	ISD/Plng	
<b>Final Sign-Off</b>				
29	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.	