



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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**Case #:** ZBA 2018-156  
**Date:** February 20, 2019

**Recommendation:** Conditional Approval

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**PLANNING STAFF REPORT - ZBA**

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**Site:** 13 Quincy Street

**Applicant Name:** Hudson Santana/North America Development, LLC  
**Applicant Address:** 93 Broadway, Somerville, MA 02145  
**Owner Name:** Ilidio N. Pina/Pina Family Realty Trust  
**Owner Address:** 6B Rock Marsh Road, Wareham, MA 02571

**City Councilor:** J.T. Scott

**Legal Notice:** Applicant, Hudson Santana/North America Development, LLC, and Owner, Ilidio N. Pina, Pina Family Realty Trust, seek Special Permits under §4.4.1 of the SZO to alter a non-conforming property including the rear yard setback by creating an upward extension of this non-conformity. The number of units is proposed to increase from 2 to 3. Parking relief under Article 9 of the SZO. RB zone. Ward 2.



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

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**I. PROJECT DESCRIPTION**

1. **Subject Property:** The locus presents a 2 ½-story, two-family residential structure with attached former carriage barn. Because this former carriage barn is already attached to the dwelling house, the barn

is not considered an accessory structure. The connected structure forms a large, L-shaped building across the east and south elevations of the property. The building is situated on a 5,400 square foot lot and located in the RB zone.

**2. Proposal:** The entire property will be overhauled. Included in the renovation of the property is the conversion of the attached, former carriage barn into a third unit. The Applicant proposes raising the roofline of the former carriage barn and adding a dormer to the rear. Existing, individual gabled dormers on the left roof plane of the main house will be removed and a shed dormer located further toward the back of this roof plane will be constructed. Additional façade changes are proposed along the left rear portion of the existing structure. An areaway is proposed along the right elevation of the attached carriage barn for egress from the basement area. One parking space per residential unit is proposed. The property will be re-landscaped and all bituminous material removed from the parcel.

Left side yard setback

The left side yard setback is currently 2'8" feet from the property line. There are two individual gabled dormers already located on the left roof plane. These two individual dormers will be removed and a shed dormer constructed toward the back of this roof plane.

Rear yard setback

The rear yard setback is 1'9" from the property line. The roof of the connected carriage barn will be raised, creating an upward extension of the non-conforming rear yard setback. The Applicant also proposes constructing a shed dormer that is 50% or less of the rear roof plane to which it will be attached. Additionally, this dormer will terminate few feet back from the rear façade of the house, therefore improving the rear yard setback.

Parking

The property is non-conforming with regard to legal parking spaces. The Applicant proposes one parking space per unit. A total of two (2.0) parking spaces of relief is needed.

**3. Green Building Practices:**

The application states the following: "Limitation of demo material, recycling where possible to reduce solid waste disposal. Use of water saving plumbing fixtures. Use of energy efficient lighting. Reduction of non-permeable asphalt paving. Addition of non-invasive species landscape planting."

**4. Comments:**

Councilor Scott is aware of this project and sponsored a neighborhood meeting.

**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."*

**Left side yard setback**

The RB zone requires a left yard setback of 8 feet. The existing setback is non-conforming at at 2'8" from the property line. As noted in the proposal section above, the Applicant proposes removing two existing, single dormers from the left roof plane. The applicant proposes creating a shed dormer further back along this roof plane. As the location of the shed dormer will be set back a few feet from the eave edge, the left side yard setback will be slightly improved. It should be noted, however, that due to the proximity of 13 Quincy and the left-abutting building to their left and right property lines respectively, there could be some privacy concerns for residents of both structures.

**Rear yard setback**

The RB zone requires a rear yard setback of 20 feet. This property is already non-conforming with a rear yard setback of 1'9" from the rear property line. As proposed, the rear yard setback will not be further reduced. The Applicant proposes constructing a dormer within the rear yard setback that is set back a few feet from the eave edge, improving the rear yard setback in this particular location.

**Parking**

Staff noted in the "Proposal" section of this report that the property is already non-conforming with regard to legal parking spaces. The Applicant proposes that the property continue to be non-conforming with regard to parking. The assessment regarding relief for number of parking spaces appears below:

Unit #	Existing BDR	Existing Req. Pkg.	Proposed BDR	Proposed Req. Pkg.
1	2	1.5	3	2.0
2	5	2.0	3	2.0
3	n/a	n/a	3	2.0

**TOTAL: 3.5 (rounded to 4.0)**

**TOTAL: 6.0**

**Formula:** *new parking requirement – old parking requirement = # additional spaces needed*

**13 Quincy: 6.0 – 4.0 = 2.0 spaces of relief needed**

**Other determinations**

Bounded by Somerville Avenue across from the Market Basket, and Summer Street, Quincy Street presents a variety of housing styles and residential structures of varying massing. Several older, large,

multi-unit residential buildings dot the street, including the left-abutting property to 13 Quincy. A Mansard row house is found across the street from the project site. Several gable-fronted, 2 ½-story residential structures are also present. Just down the street from the project site a publicly-accessible open space known as the Quincy Street Open Space.

Abutters can expect typical noises and odors associated with the construction phase of a project.

Due to the renovation of the existing two-family structure and the introduction of another residential unit on the site, the inclusion of additional bathrooms and added persons living on the parcel, there will be more demand placed on the City's water supply and sewer system. Because this project will need to be reviewed by the Engineering Department prior to the granting of a building permit, they will determine if any measures need to be taken by the Applicant to address any impacts.

Lastly, the property is converting from a two-family to a three-family. In general, taken independently, the increase of one residential unit, even one with one or more vehicles associated with it, would not substantially increase the traffic volume in the immediate area. Due to residents coming and going from any property at staggering times, additional traffic congestion is not anticipated.

**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.

**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 add one residential unit to the City's available housing stock.

### **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 **CONDITIONAL APPROVAL** of the 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 increase the number of dwelling units from one to three, parking relief, upward extension of the rear yard setback, construct dormers within the left and rear yard setbacks.	BP/CO	ISD/PIng.									
	<table border="1"> <thead> <tr> <th>Date</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>November 8, 2018</td> <td>Application submitted to City Clerk’s office.</td> </tr> <tr> <td>January 30, 2019</td> <td>Updated plans submitted to OSPCD</td> </tr> <tr> <td>February 18, 2019</td> <td>Updated sheet AX2.1 submitted to OSPCD</td> </tr> </tbody> </table>				Date	Submission	November 8, 2018	Application submitted to City Clerk’s office.	January 30, 2019	Updated plans submitted to OSPCD	February 18, 2019	Updated sheet AX2.1 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>												
<b>Engineering</b>												
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 including, but not limited to I/I payments.</p>	BP	Engineering/ISD									
3	The Applicant must comply with all Engineering requirements pertaining to finishing basements.	BP/CO	Engineering/ISD									
<b>Design</b>												

4	<b><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></b>	BP	ISD/Plng	
<b>Construction Impacts</b>				
5	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	
6	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	
7	<b><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.</u></b>	During Construction	ISD	
8	<b><u>Construction shall be limited to M-F 7:30am – 5:00pm. No weekend construction or construction-related work shall occur.</u></b>	During Construction	ISD	
<b>Site</b>				
9	The driveway and parking area shall be constructed of permeable pavers or pea stone.	BP	ISD/Plng	
10	All hardscaping to be used on the property shall first be reviewed and approved by Planning Staff prior to the issuance of a building permit.	BP	ISD/Plng	
11	All bituminous material and/or cement used for driveways, walkways, parking areas, patios, and the like shall be removed from the property.	CO	ISD/Plng	
12	All garbage and recycling shall be stored out-of-view of the public way and shall be screened.	Perpetual	ISD/Plng	
<b>Public Safety</b>				
13	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
14	All exterior lighting on the site shall be downcast and shall not cast light onto surrounding properties in any fashion.	CO	ISD	

15	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	
<b>Miscellaneous</b>				
16	Venting and piping shall be painted or wrapped the same color as the exterior of the house from which they protrude.	CO	ISD/Plng	
17	Utility meters shall not be installed on the front façade of the structure.	CO	ISD/Plng	
18	All new or enlarged window openings that are located 3 feet or less from a property line are required to be fire-rated, inoperable per building code. The Applicant shall work with ISD to ensure compliance.	CO	ISD	
<b>Final Sign-Off</b>				
19	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.	