



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

MICHAEL F. GLAVIN
EXECUTIVE DIRECTOR

PLANNING DIVISION STAFF

GEORGE PROAKIS, *DIRECTOR OF PLANNING*
SARAH LEWIS, *SENIOR PLANNER*
SARAH WHITE, *PLANNER / PRESERVATION PLANNER*
ALEX MELLO, *PLANNER*
DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*

Case #: ZBA 2017-70
Date: September 27, 2017

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 130 Walnut Street

Applicant Name: David Einis
Applicant Address: 47 Hillcrest Road, Weston, MA 02493

Owner Name: Garrett Realty, LLC
Owner Address: 47 Hillcrest Road, Weston, MA 02493

Alderman: Tony Lafuente

Legal Notice: Applicant, David Einis, and Owner, Garrett Realty, LLC, seek Special Permits under §4.4.1 and §8.5 of the SZO for: the upward extension of the non-conforming right side yard setback by raising the rear portion of the existing structure to a height of 30' 10 ¼ inches; constructing dormers within the right side yard setback; increasing the FAR by more than 25% by adding a large addition to the rear of the structure; Special Permits under §7.11 to increase the number of units from two to three; Special Permits under §9.13 for parking relief. RB zone. Ward 4.



Date of Hearing: September 27, 2017 – ZBA

Top: Front façade of the subject property as seen from Walnut Street.

Bottom: 130 Walnut Street as seen in May, 2016, from Radcliffe Street. Since the property was purchased in 2017, mature trees have been removed from the yard. Staff notes that the tree in the lower right corner of the bottom photo did appear challenged at the time of its removal.



I. PROJECT DESCRIPTION

1. **Subject Property:** The subject property is a gable-fronted, 2 ½-story, two-family residential structure located in the RB zone. The parcel is located at the corner of Walnut and Radcliffe Streets with the front façade of the dwelling facing Walnut Street. The right side of the structure is situated nearly on the lot line with the distance from house façade to property line varying from 0.4 feet to 1.4 feet. The lot area measures 5,322 square feet which is undersized for the RB zone. The property currently contains two sets of tandem parking spaces. Though the application claims that this amounts to 4 parking spaces, but, under Somerville zoning ordinances, they only count as 2 spaces.

2. **Proposal:** Key components of the Applicant's proposal include installing three individual gabled dormers on the left and right elevations of the main roof of the existing house. A third unit is proposed which would be constructed at the rear of the existing structure in a cross-gable fashion. The ridge line of the main house will be extended toward the back of the property to create additional, usable space on the third floor. The general, final appearance of the property post-construction is L-shaped. A proposal to lengthen the curb cut by 12 feet is currently under coordinated consideration by Engineering, Planning, and Highways. The Applicant proposes three on-site surface parking spaces along the Radcliffe side of the property. Two spaces will be drive-in and the third space will run parallel to the building.

Staff's description of key elements of this project proposal that trigger the request for Special Permits appear immediately below:

Right side yard setback:

The right side yard setback measures at only 0.4 inches from the property line. The Applicant proposes an upward extension of this non-conformity by constructing three individual, gabled dormers on this elevation.

The Applicant also proposes constructing a rear addition on the structure that will house the new, third unit. The inclusion of this addition will also upwardly extend the right side yard setback.

FAR:

The current FAR for the existing property is .46 in a zone (RB) where an FAR of up to 1.0 might be allowed. The proposal before the ZBA calls for increasing the FAR by more than 25%, which triggers the need for a Special Permit.

Parking:

Existing conditions on the property present an asphalt parking pad on which four cars can park in a two-and-two tandem scenario. However, according to Somerville zoning ordinances, tandem spaces only count as one space each. Thus, current conditions present a total of two parking spaces according to the SZO. The existing condition is that of front yard, non-conforming parking. The Applicant proposes retaining this existing non-conformity and to add a third space in the same non-conforming location.

Each of the units in the proposed plans contains three bedrooms. The Applicant proposes to provide three surface parking spaces on the project parcel. The total parking relief requested is for 1.5 spaces. The calculations for this appear under the discussion of SZO §9.13 in the staff report.

Dwelling Units:

The Applicant proposes to increase the number of residential units on the site from two to three

through the construction of a large, rear addition.

3. Green Building Practices:

The application states that the project will be built to code.

4. Comments:

Staff Comments:

Ward 4 Alderman, Tony Lafuente was involved in setting up a neighborhood meeting for this project. Though the Alderman was unable to attend, Planning Staff was present at the neighborhood meeting which took place on the project site on Monday, September 25, 2017 at 6:00pm. A total of nine noticed abutters attended the meeting.

While the attendees had general questions surrounding the nature of the project (number of units, location of addition, number of bedrooms, potential future selling price and whether the Applicant would be living at the residence), the two concerns consistently observed by Staff present were:

1. The condition in which the property had been kept since the sale of the house. Of particular concern was the overgrown grass and extensive weeds on the side yard. Also of note was the construction debris, particularly the bathtub left on the front porch and the full-size refrigerator left dismantled and standing in the rear portion of the yard in view from Radcliff and Walnut Streets.
2. The removal of a mature magnolia tree and of a second, much larger - though challenged - tree at the front right corner of the property.

Staff informed the attendees that conditions would be added to this staff report regulating the condition of the project site before and during the construction period. Staff also advised the Applicant that the yard from all perspectives needed to be cleaned up imminently. Staff also advised the attendees that ISD should be their point-of-contact at all times regarding any issues that they had with the condition of the property as well as any other issues related to construction personnel, construction traffic, parking, idling vehicles, comportment of construction personnel at the site, etc. Staff encouraged attendees to engage with ISD as the project moved forward. To the Conditions section of this report, Staff has included both standard conditions that govern management of the construction site as well as additional conditions designed to address the specific concerns of these abutters.

II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1, §9.13, & §7.11):

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

1. Information Supplied:

Staff finds that the information provided by the Applicants conforms to the requirements of §4.4.1, §9.13, and §7.11 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.”*

Under SZO §4.4.1

Section 4.4.1 states that “[l]awfully existing non-conforming 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 non-conforming 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.”

Dormers:

The project components triggering the need for special permits under SZO §4.4.1 are the upward extension of the right side yard setback as concerns the inclusion of three individual, gabled dormers and a rear addition to house a third unit.

Staff acknowledges that the right side yard setback is exceedingly close to the lot line. The initial rounds of proposals from the Applicant included shed dormers that were at least 50% of the roof plane to which they would be attached. Initial proposals also included filling in the right side of the front porch, creating a further wall of massing along the right side yard and the front of the house. Moreover, these initial rounds of designs from the Applicant included raising the roof height of the existing structure and pulling the entirety of the right side bulk all the way to within 0.4 feet of the property line.

Thus, after significant work on the part of both Planning Staff and the Applicant, the initial proposals for this property outlined in the paragraph above have all been abandoned by the Applicant. The final proposal for this original portion of the house is to build three individual, gabled dormers along the right roof, with all three dormers totaling y 50% or less of the length of the roof plane to which they will be attached. The remainder of the massing at this portion of the building will remain the same and the roof height also will not change.

Staff finds that these proposed dormers themselves, as upward extensions of an existing non-conformity, are not alterations that would be negatively impactful on the City sewer capacity, traffic volume, traffic congestion, noise, odor, on-street parking, shading, visual effects on the property or neighborhood character. Staff finds that the proposed dormers would not be substantially more detrimental to the existing structure than the conditions currently present on the lot and will allow the Applicant to create more livable space in the gabled ½ story of the structure.

Rear addition:

As with the dormers above, initial rounds of design submissions from the Applicant included several design, massing, and programmatic items that Planning Staff could not support. For example, initially the roofline of the rear addition was proposed to rise higher than an elevated

roofline of the existing structure. Initial window arrangements and dormer lengths were also presented at dimensions Staff could not support. Further, initial window renderings were misaligned, of multi-varying sizes, and designed in a manner such that a significant amount of the building façade as broad, blank planes lacking visual interest. Moreover, the Applicant initially proposed a street-facing garage positioned underneath the new addition, which also was rejected by Staff. This is the genesis of the proposal before the ZBA on September 27th.

Under the revised proposal that is currently in front of the ZBA, the only aspect of the proposed rear addition that requires a special permit is the upward extension of the right side yard setback. Staff finds that the right elevation bulk of the existing house and corresponding additions run along this same right side yard dimension. The rear addition will increase the length of the entire structure by 18 feet. Despite the increase in the length of the house, the Applicant’s proposal still meets the required rear yard setback. The Applicant has been advised that along this right elevation of the house, all new window openings must be filled with fire-rated, inoperable windows per the specifications of ISD.

Staff finds that the upward extension of the right side yard setback created by the rear addition will not be negatively impactful on the City sewer capacity, traffic volume, traffic congestion, noise, odor, on-street parking, shading, visual effects on the property or neighborhood character. Staff finds that, though the addition will take up more open space on the lot, Staff has added conditions surrounding landscaping and hardscape that are intended to mitigate some of this impact.

Under SZO §7.11

130 Walnut Street is located in the RB zoning district which allows one-two- and three-family dwellings. Currently, the property contains two dwelling units. The Applicant proposes increasing the number of units on the property from two to three units. Because the property is legally only a two-family dwelling, a special permit is needed to increase the number of units to three. The RB zone requires a minimum of 1,500 square feet of lot area per dwelling unit. As a proposed three-unit building, the property would comply with this dimensional requirement as it provides 1,774 square feet of lot area per d.u.

The surrounding neighborhood on Walnut and Radcliffe Streets contains a mixture of one-two- and three-family residential structures of varying architectural styles.

Staff finds that increasing the number of units on the property from two to three is consistent with the RB district.

Under SZO §9.13

Staff worked with the Applicant to ensure that only one parking space per dwelling unit was provided on-site. Neither Staff nor the ZBA have been supportive of over-parking properties requiring zoning relief, weighing the importance of accessible, green, outdoor space and pervious area on a parcel over amenity parking. 130 Walnut Street will require parking relief for 1.5 spaces. The formula for determining the amount of parking relief needed appears below:

Unit	Existing Bdr	Parking Req	Proposed Bdr	Parking Req
Unit 1	1	1.5	3	2.0
Unit 2	2	1.5	3	2.0
Unit 3	None	None	3	2.0

Formula:

(New parking requirement – old parking requirement) = # new spaces required

When the required parking is less than 1.0 (fractional or a negative number), then no parking relief is needed.

Current conditions require 3 parking spaces on-site but only 2 on-site spaces are provided.

Proposed conditions require 6 total spaces. The Applicant is providing 1 (one) additional parking space on-site. Thus, the parking formula is as follows:

$$6.0 - 3.0 = 3.0$$

1.0 additional spaces are provided, reducing the total number of parking spaces requiring relief is 2.0

Staff finds that providing three-onsite, surface parking spaces is a sufficient amount of parking for this parcel: one space per dwelling unit. In a City where studies consistently show we are over-parked, relieving the Applicant from providing further amenity parking so that the remaining space on the parcel can be left open for green space is a good trade-off to make in this instance.

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, as conditioned, is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to promoting the health, safety, and welfare of the inhabitants of the City of Somerville; to secure safety from fire, panic and other dangers; and to encourage the most appropriate use of land throughout the City.

4. Purpose of District: *The Applicant has to ensure that the project “is consistent with the intent of the specific zoning district as specified in Article 6”.*

Staff finds that the proposed project, as-conditioned, is consistent with the intent of the RB zoning 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.”

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 the City’s affordable housing units.

6. 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.*

Staff finds that the proposed project complies with the purposes of SomerVision in that it will add one additional dwelling unit to the City’s housing stock.

III. RECOMMENDATION

Special Permits under §4.4.1, §9.13, 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 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 for the increase in FAR, upward extension of right side yard non-conforming setback through the construction of three individual, gabled dormers, upward extension of the side yard setback through the inclusion of a rear addition, increasing the number of units from two to three, and parking relief for 2 parking spaces (three surface spaces shall be provided on the lot as rendered in the final plan set below).	BP/CO	ISD/PIng.									
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>June 19, 2017</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>August 27, 2017</td> <td>Updated plans submitted to OSPCD</td> </tr> <tr> <td>September 17, 2017</td> <td>Final plans emailed to OSPCD.</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	June 19, 2017	Initial application submitted to the City Clerk’s Office	August 27, 2017	Updated plans submitted to OSPCD	September 17, 2017	Final plans emailed to OSPCD.
	Date (Stamp Date)				Submission							
	June 19, 2017				Initial application submitted to the City Clerk’s Office							
August 27, 2017	Updated plans submitted to OSPCD											
September 17, 2017	Final plans emailed to OSPCD.											
<p><u>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.</u></p>												
Pre-Construction & 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	The Applicant shall post the name and phone number of the general contractor, owner, and all sub-contractors at the site entrance where it is visible to people passing by.	During Construction	PIng./ISD									

4	As a portion of the proposal is predicated on an enlarged curb cut, the Applicant shall first receive approvals for said curb cut prior to the issuance of a Building Permit	BP	Plng/ISD/ Highways/ Engineering	
5	Approval is subject to the Applicant's and/or successor's right, title and interest in the property.	Cont.	Plng./ISD	Deed submitted & application form signed
6	All construction materials and equipment shall 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	
7	<u>Construction shall occur from 7:30am – 5:00pm Monday-Friday ONLY. There shall be no construction or construction-related work allowed on the weekends or holidays.</u>	During Construction	ISD	
8	The Applicant shall ensure that all food waste associated with construction personnel be removed from the premises at the end of each work day.	During Construction	ISD	
9	The Applicant shall, throughout the construction process, ensure that the project site remains as follows: <ul style="list-style-type: none"> - <u>ALL</u> construction-related debris shall be placed in dumpsters or similar at the end of <u>EACH</u> day; - Items removed from the existing building as part of the project process shall be disposed of in dumpsters <u>at the end of each day</u> and/or placed in storage off the premises. These items may include, but are not limited to: mechanicals, pipes, vents, household appliances, toilets, bathtubs, refrigerators, etc. - <u>Under no circumstances</u> shall debris from demolition, construction waste, or the like fall upon, be placed upon or otherwise encroach on abutting properties or the public way. - <u>ALL</u> hazardous material including, but not limited to, asbestos (siding, pipe wrap, insulation, etc.), oil tanks, etc., shall be removed by a licensed, insured, and qualified specialist. 	Pre-Construction & during construction process	ISD/Plng	
10	Grass shall be cut/weed-wacked on a regular basis throughout the summer, fall, and spring seasons of the construction process.	During Construction	ISD	
11	During the construction process, all snow shall be removed from the driveways, parking spaces, walkways and abutting sideways. All such snow shall be removed from the site and not piled on the parcel in any manner.	During Construction	ISD	
12	Deliveries to the construction site shall only occur during 9am and 3pm Monday through Friday. No deliveries to the construction site shall occur on weekends or holidays.	During construction	Traffic & Parking/ISD	

13	Construction and construction-related personnel shall NOT arrive at the job site before 7:30 am. Construction-related vehicles shall not be left to idle on or near the property and site personnel shall be mindful of surrounding property owners by not playing music, engaging in loud conversations, and the like before, during, or after the work day.	During construction	ISD	
14	The Applicant shall submit a proposed drainage report, stamped by a registered PE in Massachusetts that demonstrates compliance with the City's stormwater policy.	BP	ISD/Plng/Engineering	
15	The Applicant shall 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 1 st to April 1 st and there is a list of streets that have additional opening restrictions.	BP	ISD/Engineering	
16	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	
Design				
17	The Applicant shall provide final material samples for siding, trim, windows, and doors to Planning Staff for review and approval prior to construction. There shall be no vinyl used on this property for siding, trim, doors or the like. Windows shall be aluminum clad. Wood or cementitious material shall be used for trim, siding, decking and the like. Windows shall have muntins (grids) applied to the glass. No between-the-glass grids shall be allowed. Windows shall not be tinted nor shall they convey any reflective or mirrored quality.	BP	Plng/Zoning Review Planner	
18	The open front porch and associated support columns and decorative fretwork shall be retained and refurbished in their original location.	CO	ISD/PLNG	
Site				
19	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	ISD	

20	<p>The Applicant shall present a landscaping proposal for the front yard to Planning Staff for their review and approval. All landscaping materials screening materials and materials used for parking/driveway area shall first be reviewed and approved by Planning Staff prior to their installation and again prior to final sign-off.</p> <p>A minimum of three trees with a minimum 4-inch caliper, and of species native to this area shall be planted. All tree proposals shall first be presented to Planning Staff for their review and approval prior to installation.</p>	CO	Plng/ISD	
21	<p>Garbage and recycling containers shall be stored out-of-view of the public way. All such containers and container areas shall be screened with either evergreen plantings (no arborvitae) or wood screening. Locations for containers shall be indicated on the final plan set submitted to ISD for building permits. Screening material shall be reviewed and approved by Planning Staff prior to installation.</p>	<p>Screening material: BP</p> <p>Installation of container site and screening: CO</p>	Plng/ISD	
22	<p>All bituminous material shall be removed from the site. Pervious pavers, peastone, brick, or some combination thereof shall be installed for the parking area along the Radcliffe frontage of the property. Planning Staff shall review and approve all such materials prior to their installation.</p> <p>Only sand or stone dust shall be used between the bricks/pavers. There shall be no cement or similar material of any kind used on this site where landscaping or pervious material is to be installed.</p>	CO	Plng/ISD	
23	<p>All materials used for any hardscaping (walkways, parking areas, landscaping walls, and similar) shall first be presented to Planning Staff for their review and approval prior to installation.</p>	CO	Plng/ISD	
Miscellaneous				
24	<p>Gas and electric meters shall not be located on the front facades of the structure (Walnut or Radcliffe). Gas and electric meters may be located on the side of the structure but shall be screened from the street by a hardy, staff-approved evergreen planting.</p> <p>Utilities shall not be located adjacent to windows and shall not impact any parking, landscaping, or egress. The provisions of this condition may be waived Staff if the applicant submits a letter from the utility, signed by a utility representative, on utility letterhead, indicating that there is no feasible alternative to placing meters in violation of this condition.</p>	CO	Plng/ISD	
25	<p>Electrical conduits on the exterior of buildings shall be painted to match the color of the wall material to which they are attached. Conduits are not allowed on the front of any structure.</p>	CO	Plng/ISD	
26	<p>Exhaust/venting pipes protruding from the roof shall be wrapped or painted to match the color of the shingling.</p>	CO	Plng/ISD	

27	There shall be no vents or exterior pipes located on the front façade of the building. All vents and exterior pipes shall be painted or wrapped to match the color of the structure from which they protrude.	CO	Plng/ISD	
Public Safety				
28	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
29	All lighting shall be downcast and shall not spill onto the public way or onto neighboring properties in any fashion.	CO	ISD	
30	The Applicant shall maintain a 20-foot drive aisle between the garage and the rear egress stairs of the residential dwelling.	CO	Plng/ISD	
31	Per City of Somerville fire prevention regulations, grills, barbeques, chimineas or similar shall not be used or stored on porches or decks. The Applicant shall write such specifications into any condo docs and/or rental agreements. The Applicant shall provide the City proof of such inclusion prior to the receipt of a Certificate of Occupancy	CO	Plng/ISD	
Final Sign-Off				
32	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.	