



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

PLANNING DIVISION

PLANNING BOARD MEMBERS

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JOSEPH FAVALORO, *CLERK*
ELIZABETH MORONEY
JAMES KIRYLO
MICHAEL A. CAPUANO, ESQ.
ELIZABETH MORONEY

Case #: PB 2012-04
Site: 280 Broadway
Date of Decision: April 19, 2012
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: April 24, 2012

PLANNING BOARD DECISION

Applicant Name:	Amos G. Winter
Applicant Address:	49 Roseland Street, Apt. 6, Cambridge, MA 02139
Property Owner Name:	Fred Camarto
Property Owner Address:	342B River Street, Newton, MA 02465
Agent Name:	Anthony Impemba
Agent Address:	1 Washington Street, Cambridge, MA 02138

Legal Notice: Applicant Amos G. Winter and Owner Fred Camerato, seek a Special Permit under SZO §7.13. Use Cluster E to establish a single dwelling unit in the rear building and a Special Permit under SZO §6.1.22.D.5.a to alter the façade of the rear building to install a second egress.

<u>Zoning District/Ward:</u>	CCD 55 zone/Ward 4
<u>Zoning Approval Sought:</u>	§7.13 & §6.1.22.D.5.a
<u>Date of Application:</u>	March 6, 2012
<u>Date(s) of Public Hearing:</u>	4/5 & 4/19/12
<u>Date of Decision:</u>	April 19, 2012
<u>Vote:</u>	4-0

Appeal #PB 2012-04 was opened before the Planning Board at Somerville City Hall on April 5, 2012. Notice of the Public Hearing was given to persons affected and was published and posted, all as required by M.G.L. c. 40A, sec. 11 and the Somerville Zoning Ordinance. After two hearings of deliberation, the Planning Board took a vote.



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DESCRIPTION:

The Applicant is proposing to renovate the existing rear, two unit commercial condominium building into one residential dwelling unit which he would occupy. The first floor of the structure would remain as is with two garaged parking spaces and the living space would all be located on the second floor. The new residential dwelling unit would have two bedrooms, a living room, a dining room, a kitchen, an office, two bathrooms, and a laundry area. The exterior of the structure would remain the same with the exception of a new egress door proposed from the second floor on the left side of the structure. This door would open out to a steel stairway that would descend down along the left side of the building and wrap around to the back of the structure where it would meet the ground. The stairs would be four feet wide which would still leave three feet of space for access around the left side of the building. The Applicant is not proposing any other changes to the exterior of the structure, nor any changes to the existing six unit residential building at the front of the lot.

FINDINGS FOR SPECIAL PERMIT (SZO §5.1, §6.1.22.D.5, §7.13. Use Cluster E):

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 Board 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."

In considering a Special Permit under §6.1.22.D.5.a of the SZO, the Board finds that the proposed alterations would not be substantially more detrimental to the neighborhood than the existing structure. The proposed exterior changes to the rear building would be a new egress door on the left side of the structure and a new steel stairway to provide a second means of egress from the proposed dwelling unit. The stairway would descend down the left side of the structure and then wrap around to the rear of the building where it will meet the ground. The building will remain a two-story structure and its conversion from two commercial condominiums to one residential unit is consistent with the existing property and the surrounding neighborhood, especially those properties that abut the subject property to the rear.

In considering a Special Permit under §7.13. Use Cluster E of the SZO, the Board finds that the proposed use would not be substantially more detrimental to the neighborhood than the existing use. The proposal would take two commercial condominiums that are entirely surrounded by residential uses and convert them into a single residential unit at the rear of the subject property. All changes to the structure would be interior with the exception of a new door and rear egress stairway that would be located on the left side of the structure. The stairway would descend down the left side of the structure and then wrap around to the rear of the building where it will meet the ground. This proposed single residential dwelling unit would fit well with the characteristics of the existing neighborhood as the subject property already contains six existing dwellings units in the principal structure at the front of the lot. Additionally, having a single unit residential use at the rear of the property is consistent with the properties that abut the subject property in the rear. The abutting properties contain two-, three-, and multi-family dwelling units. The building will remain a two-story structure and its conversion from two commercial condominiums to one residential unit is consistent with the existing property and the surrounding neighborhood, especially those properties that abut the subject property to the rear. Therefore, there are no anticipated negative impacts from the proposal.

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."



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The proposal 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 provide for and maintain the uniquely integrated structure of uses in the City; to protect health; to secure safety from fire, panic and other dangers; to prevent the overcrowding of land; to conserve the value of land and buildings; to encourage the most appropriate use of land throughout the City; and to encourage housing for persons of all income levels.”

The proposal is also consistent with the purpose of the CCD district (6.1.22. Corridor Commercial Districts (CCDs)), which is, to “promote appropriate infill development along heavily traveled transportation corridors, especially where those corridors meet at named Squares. The district recognizes that such corridors present opportunities for an active mix of uses while also addressing development challenges posed by smaller lots and nearby existing residential development and the need to be accessible by multiple modes of transportation. The major objectives of the districts are to:

1. Encourage active mid-rise commercial and residential uses that contribute to a multi-modal-friendly street;
2. Increase commercial investment in high-profile, accessible areas including retail that is largely neighborhood-serving in multi-tenant, mixed use buildings;
3. Preserve and complement historic structures;
4. Discourage inappropriate auto-oriented, significant trip-generating uses along transit corridors; and,
5. Promote pedestrian and bicycle activity.”

The proposal is consistent with the purpose of the district and encourages an active mid-rise residential use in the district as well.

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 is designed to be compatible with the characteristics of the surrounding area and is consistent with the design guidelines in the CCD as laid out in SZO §6.1.22.H. as follows:

1. The proposed façade alterations to the rear building on the lot will not alter the existing streetwall situation along Broadway in any way. The rear building is over 140 feet from the Broadway right-of-way and will not impact the existing six unit residential structure at the front of the lot that sits right up on the Broadway streetscape.
2. The massing and height of the both the structures on the subject property will not change as part of this proposal.
3. The proposal will not change the existing height of either of the buildings on the lot in any manner. The changes to the rear structure at the back of the lot only involve adding a new egress door on the second floor and an egress stairway made of steel on the left side of the building.
4. The Applicant will be maintaining all facades on the building located at the front of the subject property along Broadway as part of this proposal. The changes to the rear structure only involve adding a new door and egress stairway on the left side of the building. This rear building is over 140 feet from the Broadway right-of-way.
5. The Applicant is not proposing any changes to the exterior façade of the rear building with the exception of the new secondary egress door on the left side of the second floor and the steel stairway that leads down from the new door and wraps around to the back.
6. The rear building has no side or rear facades that are visible and the front façade of the building is not being altered in any way. The only change to the façade of the rear building will be the addition of an egress door on the left side of the second floor and the implementation of a steel stairway that will descend down the left side



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of the building and wrap around to the rear. Additionally, the rear building is over 140 feet from the Broadway right-of-way, making it almost an after thought of the Broadway streetscape.

7. There is no signage being proposed as part of this project. The project will take the two existing commercial condominium units at the rear of the property and convert them into a single dwelling unit making all the structures at the property residential in nature.
8. The Applicant is not proposing to make any changes to the ground floor of the rear building at the property. Currently there are two garage doors on either side of the main entrance to the building at the rear of the lot. The Applicant is not proposing to change this in any way, nor alter the façade or uses on the ground floor of the principal structure at the front of the lot.
9. Artist Live/Work Spaces do not relate to this proposal.
10. The proposed new residential dwelling unit on the site would contain two bedrooms and have approximately 2,000 square feet of living space, which is well over the recommended dwelling unit size of 1,000 square feet in the CCD district.
11. The Applicant is not proposing to change the width of the sidewalk as part of this proposal as the front building location and depth of the façade from the sidewalk is not changing. The sidewalk width along the Broadway frontage for this property will remain the same.

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.

No adverse environmental impacts are anticipated from this proposed new use. No new noise, glare, smoke, vibration, nor emissions of noxious materials nor pollution of water ways or ground water nor transmission of signals that interfere with radio or television reception are anticipated as part of the proposal. The rear building will remain a two-story structure and its conversion from two commercial condominiums to one residential dwelling unit is consistent with the existing property and the surrounding neighborhood, especially those properties that abut the subject property to the rear.



DECISION:

Present and sitting were Members Kevin Prior, Elizabeth Moroney, Joseph Favaloro and James Kirylo with Michael Capuano absent. Upon making the above findings, Kevin Prior made a motion to approve the request for the special permits. James Kirylo seconded the motion. Wherefore the Planning Board voted **4-0** to **APPROVE** the request. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes																				
1	Approval is to establish a single dwelling unit in the rear building under SZO §7.13. Use Cluster E and to alter the façade of the building under SZO §6.1.22.D.5.a. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/PIng.																					
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>(March 6, 2012)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>June 23, 2010 (March 27, 2012)</td> <td>Amended Site Plan</td> </tr> <tr> <td>April 20, 2010 (March 27, 2012)</td> <td>Units Plan (Units 1, 2, 3, 4, 5, 6, 7, & 8)</td> </tr> <tr> <td>May 11, 2011 (March 27, 2012)</td> <td>Units Plan (Units 7 & Unit 8)</td> </tr> <tr> <td>(March 27, 2012)</td> <td>First Floor Plan</td> </tr> <tr> <td>(March 27, 2012)</td> <td>Second Floor Plan (Demo Plan)</td> </tr> <tr> <td>(March 27, 2012)</td> <td>Second Floor Plan (New Floor Plan)</td> </tr> <tr> <td>(March 27, 2012)</td> <td>Egress Plan</td> </tr> <tr> <td>March 15, 2012 (March 27, 2012)</td> <td>Left Side Elevation, Rear Elevation, and Isometric View (Sheets 1, 2, and 3)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	(March 6, 2012)	Initial application submitted to the City Clerk's Office	June 23, 2010 (March 27, 2012)	Amended Site Plan	April 20, 2010 (March 27, 2012)	Units Plan (Units 1, 2, 3, 4, 5, 6, 7, & 8)	May 11, 2011 (March 27, 2012)	Units Plan (Units 7 & Unit 8)	(March 27, 2012)	First Floor Plan	(March 27, 2012)	Second Floor Plan (Demo Plan)	(March 27, 2012)	Second Floor Plan (New Floor Plan)	(March 27, 2012)	Egress Plan	March 15, 2012 (March 27, 2012)	Left Side Elevation, Rear Elevation, and Isometric View (Sheets 1, 2, and 3)
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Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.																								



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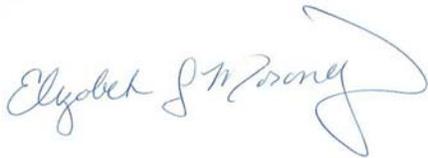
2	The Elevations and Isometric View (Sheets 1, 2, and 3) listed in Condition #1 for the second means of egress from the second floor shall only be permitted to be constructed if the Applicant receives the required Variance from the Zoning Board of Appeals.	BP	Plng.	
3	Applicant shall comply with Fire Prevention Bureau's requirements.	CO	FP	
4	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 or the night sky.	CO	Plng.	
5	The Applicant or Owner shall remove the pavement markings for the parking spaces numbered 10, 11, 14, 15, and 16 as shown on the Amended Site Plan.	CO	Plng.	
6	The Applicant or Owner shall ensure that the areas on the left side, right side, and rear of the structure that will contain the new dwelling unit will all meet the definition of "Landscaping" under Section 2.2.81 of the Somerville Zoning Ordinance. This can be achieved by completing the work prior to the Certificate of Occupancy or by providing a bond and/or development agreement satisfactory to the City Solicitor to ensure that the work will be completed.	CO	Plng.	
7	No vehicles shall be parked outside of the designated parking spaces on the lot or in the garages.	Perpetual	ISD	
8	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.	



Attest, by the Planning Board:



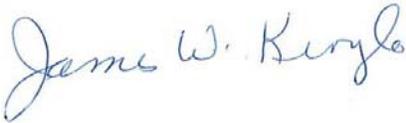
Kevin Prior, Chairman



Elizabeth Moroney



Joseph Favaloro



James Kirylo

Copies of this decision are filed in the Somerville City Clerk's office.
Copies of all plans referred to in this decision and a detailed record of the
SPGA proceedings are filed in the Somerville Planning Dept.



CLERK'S CERTIFICATE

Any appeal of this decision must be filed within twenty days after the date this notice is filed in the Office of the City Clerk, and must be filed in accordance with M.G.L. c. 40A, sec. 17 and SZO sec. 3.2.10.

In accordance with M.G.L. c. 40 A, sec. 11, no variance shall take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title.

Also in accordance with M.G.L. c. 40 A, sec. 11, a special permit shall not take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and either that no appeal has been filed or the appeal has been filed within such time, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The person exercising rights under a duly appealed Special Permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone.

The owner or applicant shall pay the fee for recording or registering. Furthermore, a permit from the Division of Inspectional Services shall be required in order to proceed with any project favorably decided upon by this decision, and upon request, the Applicant shall present evidence to the Building Official that this decision is properly recorded.

This is a true and correct copy of the decision filed on _____ in the Office of the City Clerk, and twenty days have elapsed, and

FOR VARIANCE(S) WITHIN

_____ there have been no appeals filed in the Office of the City Clerk, or
_____ any appeals that were filed have been finally dismissed or denied.

FOR SPECIAL PERMIT(S) WITHIN

_____ there have been no appeals filed in the Office of the City Clerk, or
_____ there has been an appeal filed.

Signed _____ City Clerk Date _____



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