



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA # 2012-17
Site: 57 Pitman Street
Date of Decision: June 20, 2012
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: June 26, 2012

ZBA DECISION

Applicant Name:	Pitman Property Group, LLC
Applicant Address:	57 Mill Street, Woburn, MA 01801
Property Owner Name:	Pitman Property Group, LLC
Property Owner Address:	57 Mill Street, Woburn, MA 01801
Agent Name:	Richard G. DiGirolamo, Esq.
Agent Address:	424 Broadway, Somerville, MA 02145

Legal Notice: Applicant and Owner Pitman Property Group, LLC, seeks a Special Permit with Site Plan Review under SZO §7.11.1.c to establish a seven unit residential use and a Variance under SZO §5.5 from the parking requirements of SZO §9.5 for relief from two required off-street parking spaces.

<u>Zoning District/Ward:</u>	BA zone/Ward 3
<u>Zoning Approval Sought:</u>	§7.11.1.c, §5.5 & §9.5
<u>Date of Application:</u>	March 1, 2012
<u>Date(s) of Public Hearing:</u>	4/4, 4/18, 5/2, 5/16, 6/6 & 6/20/12
<u>Date of Decision:</u>	June 20, 2012
<u>Vote:</u>	5-0 (Special Permit with Site Plan Review) 5-0 (Variance)

Appeal #ZBA 2012-17 was opened before the Zoning Board of Appeals at Somerville City Hall on April 4, 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 one hearing of deliberation, the Zoning Board of Appeals took a vote.



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DESCRIPTION:

The proposed project would demolish the old, single story former auto repair shop building and replace it with two, 3 story (31 feet high) residential structures with seven (7) total dwelling units. The structure on the left would contain four (4) rental units and the one on the right would contain three (3) rentals. Unlike the existing structure on the lot, the two new buildings would be situated right up along the front lot line with very small recessed porch areas. An 18 foot wide curb cut would provide access to the ten (10) on-site parking spaces on a stamped bituminous concrete surface which would be situated between the two buildings. Private and common patios with heavy landscaping would be located behind each building and the condenser units would be located between each building and the side property lines. The project's bike racks, transformer, and trash area would all be located in the rear center portion of the site up against the ledge rock wall that extends from the grade level of Pitman Street upward to the grade level of Belmont Terrace to the north (approximately 20 feet of elevation change). Along the front of the site between the two buildings a four foot high wood picket fence and landscaping would help to additionally screen the parking area from Pitman Street.

The four (4) unit building on the left would have one unit on the first floor, two units on the second floor, and one unit on the third floor. The first and third floor units would have two bedrooms, two full bathrooms, a kitchen, a living room, and a study. The third floor unit would also have a dining room. The two second floor units would be mirror images of each other with one bedroom including a walk-in closet, a bathroom, a kitchen, and a living room. In the three (3) unit building each of the units would have two bedrooms, a kitchen, and a living area. However, the second and third floor units would each have two full bathrooms while the first floor unit would only have one full bathroom. The two buildings would have a total of 6,906 square feet of living space. Most of the windows on each building would be double hung vinyl ones with the exception of those facades which faced the properties on either side of Pitman Street, where smaller, square windows would be used. The siding on each of the buildings would be a six inch exposure hardi panel clapboard or composite siding.

FINDINGS FOR SPECIAL PERMIT WITH SITE PLAN REVIEW (SZO §5.2, §7.11.1.c):

In order to grant a Special Permit with Site Plan Review, the SPGA must make certain findings and determinations as outlined in §5.2.5 of the SZO. This section of the report goes through §5.2.5 in detail.

1. Information Supplied: The Board finds that the information provided by the Applicant conforms to the requirements of §5.2.3 of the SZO and allows for a comprehensive analysis of the project.

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 with site plan review.”

In considering a Special Permit with Site Plan Review under §7.11.1.c of the SZO, the Board finds that the use proposed would not be substantially more detrimental to the neighborhood than the existing (or last previous) use as an auto repair shop. The Applicant is meeting all dimensional requirements of Article 8 for a project of this size and the project also complies with the lot area per dwelling unit requirements for seven residential units in a BA District.

3. 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.”

The proposal is also consistent with the purpose of the district (6.1.6. BA - Commercial Districts), which is, “To establish and preserve business areas bordering main thoroughfares that are attractive to a wide range of uses, including retail business and services, housing, government, professional and medical offices, and places of amusement. While it is anticipated that most users will arrive by motor vehicle, it is intended that the area should be safe for and conducive to pedestrian traffic.”



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4. Site and Area Compatibility: The Applicant has to ensure that the project “is designed in a manner that is compatible with the existing natural features of the site and is compatible with the characteristics of the surrounding area, and that the scale, massing and detailing of buildings are compatible with those prevalent in the surrounding area.”

The proposed seven unit residential use would be compatible with the residential uses of the surrounding neighborhood. The property is located in a BA (Commercial District) zoning district that runs primarily along the northern side of Somerville Avenue. Immediately north of this property are RA and an RB zoning districts. There are a number of commercial uses in the area along Somerville Avenue, however, as one moves north from Somerville Avenue the neighborhood turns exclusively residential with single-, two-, three-, and multi-family dwellings. For the most part, all of the structures in the area are between 2 and 3 stories. While this entire project contains more dwelling units than most of the properties in the area with seven, the units are spread across two building which are both 3 stories in height. This makes the project site feel as if the two buildings are acting independently of one another. In proposing a design with two structures, the size and massing of the development remains greatly in context with the existing residential structures in the surrounding neighborhood. Additionally, by pulling the buildings right up against Pitman Street and separating them by locating the parking in the middle of the lot, the project helps to maintain much of the existing streetscape rhythm that can be found along Pitman Street already. The location of the property only a block off of Somerville Avenue and $\frac{3}{4}$ of a mile from the Porter Square Red Line Station also make it a high quality location to allow residents to take advantage of the multiple modes of public transportation available in the city. Furthermore, the design of the project will help to embrace the natural ledge rock outcropping that can be found at the rear of the property. The layout of the site allows for this rock wall to be incorporated directly into the landscaping at the site and to enhance the living environment for residents of each building.

5. Functional Design: The project must meet “accepted standards and criteria for the functional design of facilities, structures, and site construction.”

The site meets the accepted standards for a functional design. The new structures will sit right up against Pitman Street maintaining the streetscape rhythm and building massing that already exists in the neighborhood. There is currently no curb along the entire front lot line of the property along Pitman Street. The proposed project’s site layout would help to bring organization and order to a somewhat chaotic parking and traffic situation on Pitman Street. With no curb it is currently unclear where residents are able to park their vehicles and it is difficult to determine what areas are for parking and which are for traveling. The proposed project will define the street edge along the entire length of the property through the implementation of curbing, fencing, landscaping, and the front edge of the buildings. When construction is complete, the subject property will have one curb cut that will provide access to the ten off-street parking spaces. The proposed structures at the site are well within the dimensional requirements for the BA District, including being an entire story underneath the permitted height limit for the zoning district. The Applicant will also need to confirm with the City Engineer that the drainage system is acceptable, as conditioned.

6. Impact on Public Systems: The project will “not create adverse impacts on the public services and facilities serving the development, such as the sanitary sewer system, the storm drainage system, the public water supply, the recreational system, the street system for vehicular traffic, and the sidewalks and footpaths for pedestrian traffic.”

The approval of the Special Permit with Site Plan Review shall be contingent upon the City Engineer’s determination that no adverse impacts on public systems will result from the development. The previous use at the site was an auto repair facility and the establishment of these seven residential units will not adversely impact the public services, street system, or sidewalks. The Board, per a request from the Department of Public Works, has included a condition that the Applicant shall install handicap accessible pads on either side of Pitman Street where Pitman Street intersects Belmont Street. These two (2) accessible pads should meet accessibility code requirements. The Applicant has also submitted a Parking Memorandum that states that the proposed project will only have a negligible impact on the surrounding neighborhood’s on-street parking supply.



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7. Environmental Impacts: The Applicant has to ensure that the project “will not create adverse environmental impacts, including those that may occur off the site, or such potential adverse impacts will be mitigated in connection with the proposed development, so that the development will be compatible with the surrounding area.”

Due to the residential nature of the proposed structures, no environmental impacts are foreseen as a direct result of this development. No new 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. There may be some additional noise added at different times of the day to the neighborhood with the addition of seven new residential units, but the surrounding area is also predominantly residential.

8. Consistency with Purposes: The Applicant has to ensure that the project "is consistent with (1) the purposes of this Ordinance, particularly those set forth in Article 1 and Article 5; and (2) the purposes, provisions, and specific objectives applicable to the requested special permit with site plan review which may be set forth elsewhere in this Ordinance, such as, but not limited to, those at the beginning of the various sections.”

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 lessen congestion in the streets; to protect health; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; 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 district (6.1.6. BA - Commercial Districts), which is, “To establish and preserve business areas bordering main thoroughfares that are attractive to a wide range of uses, including retail business and services, housing, government, professional and medical offices, and places of amusement. While it is anticipated that most users will arrive by motor vehicle, it is intended that the area should be safe for and conducive to pedestrian traffic.” The proposed project is not only consistent with the purpose of the district, but it also helps the area transition from the commercial and auto oriented environment of Somerville Avenue up into the Spring Hill residential neighborhood.

9. Preservation of Landform and Open Space: The Applicant has to ensure that “the existing land form is preserved in its natural state, insofar as practicable, by minimizing grading and the erosion or stripping of steep slopes, and by maintaining man-made features that enhance the land form, such as stone walls, with minimal alteration or disruption. In addition, all open spaces should be designed and planted to enhance the attractiveness of the neighborhood. Whenever possible, the development parcel should be laid out so that some of the landscaped areas are visible to the neighborhood.”

At this site there is not much of an existing land form to speak of with the exception of the ledge outcropping that is found along the rear of the property and in the right rear corner of the site. The design of the project embraces these existing natural ledge rock outcroppings and incorporates them directly into the landscaping at the site to enhance the living environment for the residents of each building. Additionally, there will be minimal to no grading at the site as there are no basements being proposed for either of the buildings in the project. Much of the landscaping that is being added at the rear of the property will be visible from the Pitman Street right of way or from Belmont Terrace on top of the existing ledge rock wall. The overall landscaping at the site will be increased from approximately 0% to 34%, which will help to enhance the Pitman Street neighborhood.

10. Relation of Buildings to Environment: The Applicant must ensure that “buildings are: 1) located harmoniously with the land form, vegetation and other natural features of the site; 2) compatible in scale, design and use with those buildings and designs which are visually related to the development site; 3) effectively located for solar and wind orientation for energy conservation; and 4) advantageously located for views from the building while minimizing the intrusion on views from other buildings.”



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The buildings' massing and strong presence along Pitman Street will help to establish a consistent streetwall of residential structures in the neighborhood. Since the development is split into two buildings that are of comparable size to many of the other homes on Pitman Street, the project site will help to continue the building massing and rhythm that already exists on this street. Changing the site from a former commercial auto repair use to residential units will help the property to better fit into the context of the existing neighborhood. Additionally, the location of the property only a block off of Somerville Avenue and $\frac{3}{4}$ of a mile from the Porter Square Red Line Station make it a high quality location to allow residents to take advantage of the multiple modes of public transportation available in the city. Furthermore, the design of the project will help to embrace the natural ledge rock outcropping that can be found at the rear of the property. The layout of the site allows for this rock wall to be incorporated directly into the landscaping at the site and to enhance the living environment for residents of each building.

11. Stormwater Drainage: The Applicant must demonstrate that "special attention has been given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Storm water shall be removed from all roofs, canopies, and paved area, and routed through a well-engineered system designed with appropriate storm water management techniques. Skimming devices, oil, and grease traps, and similar facilities at the collection or discharge points for paved surface runoff should be used, to retain oils, greases, and particles. Surface water on all paved areas shall be collected and/or routed so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create puddles in the paved area. In larger developments, where practical, the routing of runoff through sheet flow, swales or other means increasing filtration and percolation is strongly encouraged, as is use of retention or detention ponds. In instances of below grade parking (such as garages) or low lying areas prone to flooding, installation of pumps or other devices to prevent backflow through drains or catch basins may be required."

While additional review is required of drainage plans, any approval of the Special Permit with Site Plan Review should be conditional upon the City Engineer's approval of such plans and determination that no adverse impact will result to the drainage system from the project's design. The Board has included this as a condition of the Special Permit with Site Plan Review.

12. Historic or Architectural Significance: The project must be designed "with respect to Somerville's heritage, any action detrimental to historic structures and their architectural elements shall be discouraged insofar as is practicable, whether those structures exist on the development parcel or on adjacent properties. If there is any removal, substantial alteration or other action detrimental to buildings of historic or architectural significance, these should be minimized and new uses or the erection of new buildings should be compatible with the buildings or places of historic or architectural significance on the development parcel or on adjacent properties."

Historic Preservation Commission staff member Amie Schaeffer provided the following comments about the historic and architectural significance of the site:

"RE: **HPC 12.023 – 57 Pitman Street**

Applicant: Pitman Property Group LLC
57 Mill Street
Woburn, MA 01801

Demolition Request: Staff has determined that the existing concrete block building is not significant.

Significance of Surrounding Buildings: The subject parcel abuts Belmont Terrace which contains a collection of four 1½ story houses constructed between 1858 and 1874. Three of these houses retain their original massing, form and a significant amount of architectural detail. With additional research, this small collection might be eligible for historic designation as a small multi-building district.

Dwellings located on the south side of Pitman Street were constructed between 1874 and 1884 and the modern utilitarian buildings are all 20th century constructions.



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Comments: Staff supports the location of the two buildings at the bottom of the ledge as the new construction should not overwhelm the 1½ story working class housing along Belmont Terrace. Staff also supports that each building has a different architectural style, which is consistent with the surrounding neighborhood; however, the gable roof appears to be more prevalent in this immediate area than the Mansard.”

13. Enhancement of Appearance: The Applicant must demonstrate that “the natural character and appearance of the City is enhanced. Awareness of the existence of a development, particularly a non residential development or a higher density residential development, should be minimized by screening views of the development from nearby streets, residential neighborhoods of City property by the effective use of existing land forms, or alteration thereto, such as berms, and by existing vegetation or supplemental planting.”

The appearance of the new three unit and four unit buildings and the site in general will enhance the natural character of the surrounding neighborhood. The left side of the project abuts a single-family dwelling, the right side a multi-family dwelling, and single- and two-family dwellings are found to the north. Changing the site from an auto repair shop building to residential units will help the property to better fit into the context of the neighborhood. Splitting the development into two buildings that are of comparable size to many of the other homes on Pitman Street will continue the building massing and rhythm that already exists on this streetscape. Fencing will be installed at the rear of the property, landscaping will be increased from 0% to 34%, and the site will become more attractive as a whole through the removal of the existing concrete block building that currently exists. The design of the project will also help to embrace the natural ledge rock outcropping that can be found at the rear of the property. The layout of the site allows for this rock wall to be incorporated directly into the landscaping at the site and to enhance the living environment for the residents of each building.

14. Lighting: With respect to lighting, the Applicant must ensure that “all exterior spaces and interior public and semi-public spaces shall be adequately lit and designed as much as possible to allow for surveillance by neighbors and passersby.”

The lighting will be residential in nature and conditioned to not interfere with neighboring properties.

15. Emergency Access: The Applicant must ensure that “there is easy access to buildings, and the grounds adjoining them, for operations by fire, police, medical and other emergency personnel and equipment.”

Emergency vehicles and personnel will have fairly good access to three sides of each building with this proposed design. Emergency vehicles will have access to each building directly off of Pitman Street through the front entrances of each of the first floor units and into the common stairway and entry hall which are located on each side of the buildings towards the front. Emergency personnel will be able to reach the façade of each building that faces the parking area via the curb cut on Pitman Street and through the parking area between the two buildings.

16. Location of Access: The Applicant must ensure that “the location of intersections of access drives with the City arterial or collector streets minimizes traffic congestion.”

There is currently no curb along the entire front lot line of the property along Pitman Street. The proposed project’s site layout would help to bring organization and order to a somewhat chaotic parking and traffic situation on Pitman Street. With no curb it is unclear where residents are able to park their vehicles and it is difficult to determine what areas are for parking and which are for traveling. The proposed project will define the street edge along the entire length of the property through the implementation of curbing, fencing, landscaping, and the front edge of the buildings. When construction is complete, the subject property will have one curb cut that will provide access to the ten off-street parking spaces. Formalizing the traffic flow and parking areas in this area of Pitman Street will help to reduce traffic congestion on the street. Additionally, the Applicant has also submitted a Parking Memorandum that indicates that the parking impacts from this project on the surrounding neighborhood’s parking supply would be negligible. The City’s Traffic & Parking Department does concur that the surrounding neighborhood’s public parking supply can meet the demands of two (2) off-street parking spaces not being supplied by the



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project. However, they feel there will be a slight increase in the traffic congestion and vehicle delay in this neighborhood due to this factor. Traffic & Parking also feels there will be a slight decrease in both pedestrian and vehicle safety as vehicles circulate the public ways of this neighborhood seeking the available parking spaces.

17. Utility Service: The Applicant must ensure that “electric, telephone, cable TV and other such lines and equipment are placed underground from the source or connection, or are effectively screened from public view.”

The Applicant is proposing to tie into the existing City services for electric, telephone and cable. Any new lines would be placed underground in accordance with the SZO and the policies of the Superintendent of Lights and Lines.

18. Prevention of Adverse Impacts: The Applicant must demonstrate that “provisions have been made to prevent or minimize any detrimental effect on adjoining premises, and the general neighborhood, including, (1) minimizing any adverse impact from new hard surface ground cover, or machinery which emits heat, vapor, light or fumes; and (2) preventing adverse impacts to light, air and noise, wind and temperature levels in the immediate vicinity of the proposed development.”

One substantial design element that was implemented to minimize any detrimental effect on abutting properties was to split the development into two buildings that are of comparable size to many of the other structures on Pitman Street. This will allow the project site to continue the building massing and rhythm that already exists along Pitman Street. In the BA zoning district, structures are also permitted to be a maximum of 4 stories or 50 feet in height, however, this proposal only calls for 3 story buildings. Limiting the height of the proposed buildings to 3 stories will help to retain the character of the existing neighborhood fabric. Landscaping at the site will increase dramatically as a result of this project from 0% to 34%, improving water percolation on site. Additionally, the Applicant will be installing fencing around the trash area at the back of the site to help minimize the impacts of this waste holding area on abutters. Furthermore, the size of the windows on the facades of the new buildings that would face the neighbors to the left and right of the subject property have been greatly reduced in size from the rest of the windows on each building. This will help to retain privacy for the existing neighbors while still allowing for natural light to penetrate into the proposed dwelling units.

19. Signage: The Applicant must ensure that “the size, location, design, color, texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall reflect the scale and character of the proposed buildings.”

Due to the residential nature of the building, signage is not anticipated on the site. Any signage in the future would have to conform to the sign standards for residential districts.

20. Screening of Service Facilities: The Applicant must ensure that “exposed transformers and other machinery, storage, service and truck loading areas, dumpsters, utility buildings, and similar structures shall be effectively screened by plantings or other screening methods so that they are not directly visible from either the proposed development or the surrounding properties.”

An on-site dumpster/trash area for both buildings will be located in the back center portion of the project site at the end of parking space # 5. The dumpster/trash area will be enclosed with some type of fencing for screening and the Board has included a condition that this be required. More specifically this proposed condition also requires that all dumpsters, trash, and recycling bins shall be stored in a location where they are screened from view by plantings or fencing. Condensing units for each building will be located outside on the ground level between each building and the side lot lines. A transformer is being proposed for the back central portion of the site and will be screened with vegetation and by the cars that will park in front to the four unit building. The Board has also included a condition that all transformers at the site be screened with fencing or vegetation.

21. Screening of Parking: The Applicant must ensure that “the parking areas should be screened or partitioned



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off from the street by permanent structures except in the cases where the entrance to the parking area is directly off the street.”

The proposed 10 on-site parking spaces for the project will be located in the central portion of the development between the two proposed structures. The structures themselves will screen the parking area from vehicles and people traveling each direction down Pitman Street. At the rear of the site an approximately 20 foot high rock ledge wall be retained which leads upward vertically to Belmont Terrace. The sheer height of this wall plus the 42” high fence and 3 foot deep buffer of landscaping at the rear of the property at the same elevation as Belmont Terrace will all help to screen the parking area from abutters at the rear of the property. Lastly, there will be a four foot high wood picket fence and a small amount of landscaping between the parking spaces and Pitman Street that will further aid in the screening of the parking spaces.

FINDINGS FOR VARIANCE (SZO §5.5 & 9.5)

In order to grant a Variance the Board must make certain findings and determinations as outlined in §5.5.3 of the SZO.

1. There are “special circumstances relating to soil conditions, shape or topography of land or structures which especially affect such land or structures but not affecting generally the zoning district in which it is located, causing substantial hardship, financial or otherwise.”

The Applicant indicated the following response to this question in their application: “The lot size would not permit (2) additional parking spaces on the site, ten (10) on site spaces are already provided for the seven (7) dwelling units. The site will have vast green space and landscaping. The landscaping, common area patio and bike racks this project provides gives the feel of its own small neighborhood. The site in question is an odd shape parcel, said parcel abuts Belmont Terrace in a portion of the rear area of the site. To accommodate a portion of the parking, coupled with landscaping and a common area patio are special circumstances that do not affect other properties thus resulting in a hardship to the applicant.”

The proposed project’s building footprints take up approximately 28% of the site and the proposed ten parking spaces and maneuvering area occupy approximately another 33%. The substantial ledge outcroppings occupy large portions of the site along the rear property line and in the back right corner. While the percentage of landscaped area for the project more than exceeds the 10% requirement for the district, accommodating for an additional two on-site parking spaces would be greatly detrimental to the design and quality of the project’s site plan. The odd shape of the lot also adds complexities to the permissible buildable area on the property and how a parking/maneuvering area can be laid out on the site. Providing even just two additional on-site parking spaces would greatly alter a design that works well for the property and was arrived at after numerous meetings with the neighbors and three trips before the Design Review Committee. Furthermore, adding two more off-street parking spaces would likely reduce landscaping at the site and possibly necessitate the removal of a dwelling unit or two from the project. A redevelopment plan with fewer units and compliant parking requirements is not financially viable and would not meet the expectations of quality design set out by the required findings for development in the SZO. Therefore, the Board finds that there are special circumstances affecting the property that are causing a substantial hardship. The Applicant has submitted a Parking Memorandum that indicates that the parking impacts from this project on the surrounding neighborhood’s parking supply would be negligible. The City’s Traffic & Parking Department does concur that the surrounding neighborhood’s public parking supply can meet the demands of two (2) off-street parking spaces not being supplied by the project. However, they feel there will be a slight increase in the traffic congestion and vehicle delay in this neighborhood due to this factor. Traffic & Parking also feels there will be a slight decrease in both pedestrian and vehicle safety as vehicles circulate the public ways of this neighborhood seeking the available parking spaces.

2. The variance requested is the “minimum variance that will grant reasonable relief to the owner, and is necessary for a reasonable use of the building or land.”



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The Applicant indicated the following response to this question in their application: “A two (2) space parking variance would be the minimum relief necessary as discussed previously the landscaping and common area patio does not permit the two (2) additional parking spaces necessary for the seven (7) dwelling units. This site is in close proximity to the bike path, this would offset the need for additional parking spaces on the site, based on nearly 15% of Somerville residents who walk or use a bike to get to work. The bike path is used as means of travel by walkers and bicyclists and not just for recreational purposes. Therefore, the variance is the minimum approval necessary to grant reasonable relief to the applicant and further allows for a reasonable use of the site as there will be extensive landscaping and a large common area patio for the residents.”

Seven residential units is a reasonable use for this site where the lot area per dwelling unit requirement will be met with an extra 300 square feet of lot area to spare per unit. A redevelopment plan with fewer units and compliant parking requirements is not financially viable and would not meet the expectations of quality design set out by the required findings for development in the SZO. Each unit will have at least one dedicated parking space which is a reasonable number of parking spaces for this type of development in this area of the City. Section 9.5 of the SZO requires that one and two bedroom dwelling units provide 1.5 on-site parking spaces per unit. Since there are seven units proposed for this project, this would require 11 parking spaces. However, Section 9.5 of the SZO also calls for one additional, or visitor, parking space for every six units in a project. For the proposal to be in compliance with Section 9.5 of the SZO, the project should be providing 12 parking spaces on-site. Therefore, the Board finds that the request for two (2) parking spaces of relief is the minimum amount required to make reasonable use of the property. The Applicant has submitted a Parking Memorandum that indicates that the parking impacts from this project on the surrounding neighborhood’s parking supply would be negligible. The City’s Traffic & Parking Department does concur that the surrounding neighborhood’s public parking supply can meet the demands of two (2) off-street parking spaces not being supplied by the project. However, they feel there will be a slight increase in the traffic congestion and vehicle delay in this neighborhood due to this factor. Traffic & Parking also feels there will be a slight decrease in both pedestrian and vehicle safety as vehicles circulate the public ways of this neighborhood seeking the available parking spaces.

3. “The granting of the variance would be in harmony with the general purpose and intent of this Ordinance and would not be injurious to the neighborhood or otherwise detrimental to the public welfare.”

The Applicant indicated the following response to this question in their application: “The requested variance would be in harmony with the Somerville Zoning Ordinance and the surrounding neighborhood, as the propose requests two (2) on street parking spaces. The site will provide ten (10) on site parking spaces along with beautiful landscaping, open space and a common area patio which will give the neighborhood a true look of being a residential neighborhood within an urban city. If the variance is granted it is highly unlikely that the residents of the project will need to park on the street, thus taking up additional on street parking spaces in the neighborhood. As a basis for this conclusion, almost 60% of the owner occupied homes/condos in Somerville have only one vehicle or less available to them. Such findings can be based on the excellent access to public transportation that Somerville provides, particularly a neighborhood so close to a rapid transit station, as is the case with this proposal. Also, as discussed, many residents will use the bike path as their means of transportation. This proposal being so close to the bike path will attract residents that will want to utilize the path.”

The proposal is in harmony with the intent of the Ordinance and it would not be injurious to the neighborhood. The proposal provides 1.43 parking spaces per unit, which will likely be sufficient for the residents of this location. The Applicant submitted a Parking Memorandum which discusses how not providing the two additional parking spaces required by the SZO will not be detrimental to the surrounding neighborhood if they are not provided on-site. The Parking Memorandum submitted by the Applicant indicates that approximately 50% of the area’s on-street public parking supply, roughly 200 parking spaces, is available on a typical weeknight. Even during the busiest time period, a Saturday



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evening, there is still approximately 40% of the on-street parking supply available. The Parking Memorandum goes on to discuss how over half of Somerville's residents travel to work via something other than a single occupant vehicle and how almost 60% of the owner occupied dwelling units have only one vehicle or less available to them. These figures show that many households in Somerville are necessitating less than one off-street parking space per unit. Additionally, the proposed parking on the site is hidden from view by the proposed buildings at the site and a substantial chunk of the newly landscaped area will be visible from the public right of way. Furthermore, the proximity of the project to the Porter Square Red Line Station (3/4 of a mile) and Somerville Avenue for bus service will also help to reduce potential traffic impacts that the project may create. The proposed residential development plan provides a net improvement to the traffic and parking conditions for the area when compared to the former auto oriented commercial use (an auto repair shop) at the site. Therefore, the Board finds that approving the Variance will facilitate a redevelopment that meets or exceeds the expectations of the SZO and that this requested Variance would not be injurious to the neighborhood or detrimental to the public welfare. The Applicant has submitted a Parking Memorandum that indicates that the parking impacts from this project on the surrounding neighborhood's parking supply would be negligible. The City's Traffic & Parking Department does concur that the surrounding neighborhood's public parking supply can meet the demands of two (2) off-street parking spaces not being supplied by the project. However, they feel there will be a slight increase in the traffic congestion and vehicle delay in this neighborhood due to this factor. Traffic & Parking also feels there will be a slight decrease in both pedestrian and vehicle safety as vehicles circulate the public ways of this neighborhood seeking the available parking spaces.



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DECISION:

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Danielle Evans and Scott Darling. Upon making the above findings, Susan Fontano made a motion to approve the request for a Special Permit with Site Plan Review. Scott Darling seconded the motion. Wherefore the Zoning Board of Appeals voted **5-0** to **APPROVE** the request. Upon making the above findings, Susan Fontano made a motion to approve the request for a Variance. Scott Darling seconded the motion. Wherefore the Zoning Board of Appeals voted **5-0** to **APPROVE** the request. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes												
1	<p>Approval is for the establishment of a seven (7) unit residential use under SZO §7.11.1.c to and for relief from two (2) required off-street parking spaces in the parking requirements of SZO §9.5. This approval is based upon the following application materials and the plans submitted by the Applicant:</p> <table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>(March 1, 2012)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>February 16, 2012 (June 5, 2012)</td> <td>Existing Site Plan (Z-0)</td> </tr> <tr> <td>May 24, 2012 (June 7, 2012)</td> <td>Proposed Site Plan (Z-1)</td> </tr> <tr> <td>June 5, 2012 (June 7, 2012)</td> <td>Illustrative Landscape Plan</td> </tr> <tr> <td>May 30, 2012 (June 5, 2012)</td> <td>Cover Sheet (A-000), Illustrative Landscape Perspectives (L-2), 1st Floor Plan (A-102), 2nd Floor Plan (A-103), 3rd Floor Plan (A-104), Building Elevations (A-106 and A-106a), and Perspectives (A-110)</td> </tr> </tbody> </table> <p>Any changes to the approved plans or elevations that are not <i>de minimis</i> must receive SPGA approval.</p>	Date (Stamp Date)	Submission	(March 1, 2012)	Initial application submitted to the City Clerk's Office	February 16, 2012 (June 5, 2012)	Existing Site Plan (Z-0)	May 24, 2012 (June 7, 2012)	Proposed Site Plan (Z-1)	June 5, 2012 (June 7, 2012)	Illustrative Landscape Plan	May 30, 2012 (June 5, 2012)	Cover Sheet (A-000), Illustrative Landscape Perspectives (L-2), 1 st Floor Plan (A-102), 2 nd Floor Plan (A-103), 3 rd Floor Plan (A-104), Building Elevations (A-106 and A-106a), and Perspectives (A-110)	BP/CO	ISD/PIng	
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2	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	
3	The Applicant shall provide documentation to the City Engineer for review and approval verifying that the ledge on-site will not create any structural problems for the proposed residential buildings.	BP	Eng.	
4	The Applicant will be required to demonstrate that the project meets the current City of Somerville stormwater policy. Utility, grading, and drainage plans must be submitted to the Engineering Department for review and approval.	BP	Eng.	
5	The Applicant shall submit a Stormwater Management Report to the City Engineer for review and approval.	BP	Eng.	
6	Applicant shall present final material samples for siding, trim, windows, and doors to the Design Review Committee for review and to Planning Staff for review and approval prior to construction.	BP	Plng.	
7	All construction materials and equipment must be stored on-site. 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	
8	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	
9	The guard rail to be installed along Belmont Terrace at the rear of the property shall be made of wood and be installed prior to demolition.	CO	Plng.	
10	The Applicant shall adhere to the design of and install the proposed items and plantings indicated on the Illustrative Landscape Plan.	CO	Plng.	
11	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
12	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	



13	The Applicant shall install handicap accessible pads on either side of Pitman Street where Pitman Street intersects Belmont Street. These two (2) accessible pads should meet accessibility code requirements.	CO	DPW	
14	Any on-site transformers shall be fully screened with vegetation or fencing.	CO	Plng.	
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.	Perpetual	ISD	
16	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards.	Perpetual	Plng. / ISD	
17	Dumpsters, trash, or recycling bins that are kept outside shall be screened by fencing or vegetation that blocks any view of them.	Perpetual	Plng.	
18	Snow removal occurring on the site shall not be pushed into the street. On-site snow shall be stored on the subject property or trucked away.	Perpetual	ISD/DP W	
19	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.	Perpetual	ISD	
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.	



Attest, by the Zoning Board of Appeals:

Herbert Foster, *Chairman*
Orsola Susan Fontano, *Clerk*
Richard Rossetti
T.F. Scott Darling, III, Esq.
Danielle Evans

Attest, by the Administrative Assistant:

Dawn M. Pereira

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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