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Case #: ZBA # 2013-21
Site: 92-96 Prospect Street/205 Tremont Street
Date of Decision: August 7, 2013
Decision: Petition Approved with Conditions
Date Filed with City Clerk: August 13, 2013

ZBA DECISION

Applicant Name:	Two Squares, LLC
Applicant Address:	56 Regent Street, Cambridge, MA 02140
Property Owner Name:	Two Squares, LLC
Property Owner Address:	56 Regent Street, Cambridge, MA 02140
Agent Name:	N/A

<u>Legal Notice:</u>	Applicant and Owner, Two Squares LLC, seeks a Special Permit with Site Plan Review under SZO §7.2 and §7.3 to construct a second principle structure for 8 dwelling units and for 11 units (total) with one affordable unit, per SZO §13. The Applicant also seeks a Special Permit under SZO §4.4.1 to alter a nonconforming structure, which includes the creation of three dwelling units with an open interior courtyard, a Variance under SZO §9.5.1.a for parking relief and a Special Permit under §9.13.b to modify parking design standards. RB zone. Ward 2.
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<u>Zoning District/Ward:</u>	RB zone/Ward 2
<u>Zoning Approval Sought:</u>	§7.2, §7.3, §13, §4.4.1, §9.5.1.a & §9.13.b
<u>Date of Application:</u>	April 2, 2013
<u>Date(s) of Public Hearing:</u>	7/10, 8/7
<u>Date of Decision:</u>	August 7, 2013
<u>Vote:</u>	5-0



Appeal #ZBA 2013-21 was opened before the Zoning Board of Appeals at Somerville City Hall on July 10, 2013. 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 (2) hearings of deliberation, the Zoning Board of Appeals took a vote.

DESCRIPTION:

Applicant and Owner, Two Squares LLC, proposes to demolish large portions of the interior of the existing structure in order to construct a second principal structure. The second principle structure and portions of the historic structure that are to remain would allow for 11 residential units with an interior courtyard. The parking lot along Tremont Street would also remain.

The interior structure of the existing masonry garage would be largely demolished. The two façades along Prospect and Tremont streets would remain, along with the roof, concrete slab, and approximately 14-20 feet of depth. The Prospect Street façade is approximately 31' in height while the Tremont Street façade is 27' in height. The remainder of side façades would be lowered to a height not less than six feet. A three-story building, to be 36' in height and contain eight dwelling units, would be located in the center of the partially demolished structure, which would create an interior courtyard. However, the portion of wall located between the parking lot along Tremont Street and the interior courtyard would be wholly demolished to allow for fire access at the rear. Three additional residential units would be located within the remaining portions of the historic structure. Two units would be located within the building along Tremont Street while a third would be located within the building along Prospect Street. The existing arched entry along Tremont Street would allow pedestrians to view through reused open steel grating into the courtyard while the top portion of the arched entry along Prospect Street façade would be composed of glass to allow views of the interior structural steel trusses. The Tremont Street pedestrian entrance would serve as the main entry because this is a quieter, more residential street, and is closer in proximity to the parking lot.

The historic façades along Prospect and Tremont streets would remain largely consistent with the existing as the existing infill materials, such as glass block and infill brick would be maintained. The arched entries on Prospect and Tremont streets would be infilled with wood siding and either glass or reused open steel grating. The arched window openings of the half-story would be more appropriate double-hung windows with an arched transom above. The interior façades of the historic structure, as well as the new building, would be composed of wood siding, metal or fiber cement panels, and operable casement windows to be consistent with the industrial nature and use of the original historic structure.

The project proposes 5 two-bedroom units and 6 units that could be used as two- or three-bedroom units (dependent upon how the occupant chooses to use or occupy the space). The units would range between 1250 and 2350 gross square feet. The net floor area for both the new and historic buildings would be 20,900 square feet with a 0.96 floor area ratio. Each unit would include living and dining rooms, kitchen, 2 or 3 bedrooms, and 2 or 3 bathrooms.

The plans illustrate potential options for interior modifications. These options would allow a buyer to ask the developer to alter areas within certain units, such as lofts or family rooms, to compose either additional bedrooms or offices dependent upon the needs of the occupant. While the ZBA normally would not be concerned with these interior adjustments, they do impact the total parking count.

The site plan illustrates individualized outdoor open spaces for most units with a path that leads from Tremont Street, through the courtyard along the parking lot, to a door along Prospect Street. A trash and recycling room would be located within the Prospect Street building, near the existing transformer. Bicycle parking for a total of 14 bikes would be located within the courtyard adjacent to the trash area (10 spaces) and within the arch along Tremont Street (4 spaces). AC condensers for the 8 units to be located within the new structure would be enclosed within two rooftop penthouses while condensers for the three remaining units within the historic structure would be located within the associated private outdoor space.



The parking lot along Tremont Street can accommodate 13 vehicles and provides fire access at the rear. Due to the provisions for fire access, the parking lot would be reconfigured to more efficiently provide the same number of parking spaces as exists today, but they would meet the zoning definition of 'compact' parking stalls. In addition, the location of the 16' curb cut would be moved from the left side of the parking lot to the right side of the parking lot. Six parking spaces would measure 8' x 16'; another six spaces would measure 8' x 18' and one parking space would be parallel, measuring 8' x 22'. As a result of the new residential use for this site, the two curb cuts along Prospect and Tremont streets would be closed to provide an additional three (3) on-street parking spaces for the larger neighborhood. A rectangular entry column is proposed to be located at the courtyard entrance from the parking lot, which would be composed of recycled industrial steel grating with lights and conforming signage that notes the name of this residential development.

This project proposes to reduce the building footprint from 76% to 39% and reduce the overall ground coverage to 41%, to become conforming to the SZO. The landscape area would increase from approximately less than 1% to 38% of the project site, to conform to the SZO, while 27% would become pervious, which is a 27% increase, as there is currently no pervious area.

FINDINGS FOR SPECIAL PERMIT with SITE PLAN REVIEW (SZO §7.2 and §7.3) and SPECIAL PERMIT (SZO §4.4.1 and §9.13.b):

In order to grant a Special Permit and a Special Permit with Site Plan Review, the SPGA must make certain findings and determinations as outlined in §5.1.4 and §5.2.5 of the SZO. This section of the report goes through §5.1.4 and §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 and Special Permit with Site Plan Review."

In considering a Special Permit under §4.4 of the SZO, the Board finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The proposed 11 unit residential development would have a minimal impact to the surrounding neighborhood that is composed of single, two-, three, and multi-family dwellings; retains enough of the existing historic structure to maintain and illustrate the architectural integrity as well as the historical nature and original use of the building; drastically increases the landscaping and pervious area while reducing the overall ground coverage; and, according to the submitted Parking Memo, has great potential to reduce the current impact of traffic.

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 consistent with the purpose of the Residence B district, §6.1.2, 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." The proposed development would have a minimal impact to the surrounding neighborhood and is a more appropriate use for this predominantly residential neighborhood.

4. **Site and Area Compatibility:** The Applicant has to ensure that the project "(i)s 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 the buildings are compatible with those prevalent in the surrounding area".

The proposed residential use would be compatible with the surrounding residential and auto related uses of the neighborhood. The impact of 11 residential units at this location is anticipated to be minimal as there are a number



of multi-unit properties in the surrounding area currently existent. The five properties that abut south of the subject project site, both on the same block and across Tremont Street are three-family dwellings in a triple-decker or gable end building form. The two abutting properties on the north side of the subject property, located on the same block, are a gable-end two-family dwelling and a three-family triple-decker. Across Prospect Street is a small (1,000 square feet) vacant warehouse with a large parking lot, an auto repair shop, and a single-family Mansard form dwelling. A two-family Mansard form building is located at the north corner of Prospect and Oak streets and across Tremont Street is an auto repair shop at the corner of Webster Avenue and three undeveloped parcels. The remainder of the neighborhood is a mixture of single, two-, three- and multi-family dwellings with auto sales, service, and repair uses interspersed.

The proposed project maintains portions of the existing historic structure and overall streetscape. While the massing is much larger than similar building types found within the neighborhood, this type of garage structure is found within the immediate neighborhood. In addition, the project proposes a modern three-story apartment building (36' feet in height) with a common rectangular form to be located within the center courtyard. This building proposes to be composed of more modern building materials to reflect the industrial nature and original use of the historic structure; however, due to the location of the second principle structure, this building will not be highly visible and will be an appropriate juxtaposition to the historic structure that composes the façades along Prospect and Tremont streets.

The proposed 11 unit residential development would be compatible with the site and surrounding area as the neighborhood is composed of single, two-, three, and multi-family dwellings; the proposal maintains portions of the existing historic structure and retains the streetscape; and the interior structure incorporates modern materials, is appropriate in height and will not be highly visible to the surrounding neighborhood. In addition, the proposal drastically increases the landscaping and pervious area while reducing the overall ground coverage.

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

The proposal meets the accepted standards and criteria for a functional design. The design and location of the proposed second principle structure will be minimally visible due to the close proximity of the surrounding buildings within the neighborhood and the direction of traffic along Tremont Street. The proposed project maintains the existing structure and streetscape, and proposes a modern three-story apartment building to be located within the center courtyard.

The project proposes 5 two-bedroom units and 6 two- or three-bedroom units (dependent upon how the occupant chooses to use or occupy the space). The units would range between 1250 and 2350 gross square feet. The net floor area for both the new and historic buildings would be 20,900 square feet with a 0.96 floor area ratio. The eight units within the new structure would be accessible through two main entry doors within the courtyard while the three additional units within the historic structure would have individual entries. Each unit would include living and dining rooms, kitchen, 2 or 3 bedrooms, and 2 or 3 bathrooms. The plans illustrate potential interior modifications to alter areas within certain units, such as lofts or family rooms, to compose either additional bedrooms or offices dependent upon the needs of the occupant. The site plan illustrates individualized outdoor spaces for most units with a path that leads from Tremont Street, through the courtyard along the parking lot, to a door along Prospect Street. A trash and recycling room would be located within the Prospect Street building, near the existing transformer. Bicycle parking for a total of 14 bikes would be located within the courtyard adjacent to the trash area (10 spaces) and within the arch along Tremont Street (4 spaces). AC condensers for the 8 units to be located within the new structure would be enclosed within two rooftop penthouses while condensers for the three remaining units within the historic structure would be located within the associated private outdoor space.

The addition of a second principle structure and partial demolition of the existing garage structure would reduce the building footprint from 76% to 39% and reduce the overall ground coverage to 41%, to become conforming to the SZO. The landscape area would increase from approximately less than 1% to 38% of the site, to conform to the SZO, while 27% would become pervious, which is a 27% increase as there is currently no pervious area.



The parking lot with 13 nonconforming parking stalls would be reconfigured more efficiently to allow for fire access, in addition to altering the location of the existing curb cut, and would maintain 12 nonconforming parking stalls with one conforming parallel stall. In a residential setting, according to the Parking Memo, the use of smaller parking stalls is reasonable due to the smaller turnover rate, when compared to retail, as the 9'x18' dimensions specified in the SZO are for a broad range of parking facilities. As compact cars have increased in popularity and the average size of most vehicle classifications is less than 16' in length and 6' in width, reduced size parking stalls would be safe and viable for this residential setting. Three additional on-street parking spaces would be provided by closing two curb cuts along Prospect and Tremont streets. Proximity to bus routes, T-stations, and the future Green Line extension further anticipate a reduction in traffic impact. Fencing and landscaping that surround the parking lot will buffer and mitigate vehicle noise further than what currently exists and impacts abutting properties along Tremont Street.

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 a Special Permit with Site Plan Review shall be contingent upon a determination by the City Engineer that no adverse impact on public systems will result from the proposed development. The change in use from a garage to a multi-unit residence would not appear to greatly impact the City sanitary sewer system. Planning Staff has proposed a condition that requires the Applicant to demonstrate that the project is in compliance with the City stormwater policy. In addition, this project proposes to reduce the building footprint from 76% to 39% and reduce the overall ground coverage to 41%, to become conforming to the SZO. The landscape area would increase from approximately less than 1% to 38%, to conform to the SZO, while 27% would become pervious, which is a 27% increase as there is currently no pervious area.

The information presented in the Parking Memorandum explains that the previous use as a garage generates a greater number of trips than the proposed use would generate, resulting in a net reduction of project related traffic on Prospect and Tremont streets. Also, due to the proximity to bus routes, T-stations, the future Green Line extension in Union Square, and neighborhood services, traffic impacts would be further reduced than the existing situation. Traffic mitigation can be provided by the applicant through the purchase and delivery of a radar feedback sign.

Ultimately, the proposed project will not adversely impact public services and facilities as the development would have minimal impact on public systems, the pervious and landscape areas would be increased while the ground cover would be reduced, the impact of traffic would be reduced and the potential occupants would use public transportation, and to mitigate any adverse pedestrian safety, Staff has conditioned a radar feedback sign.

7. 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.”

Due to the residential nature of the proposed structure, minimal negative environmental impacts are foreseen as a direct result of this development. Noise, smoke and vibration would be reduced as a result of the residential use. While there would be appropriate lighting for a residential district, this lighting would be confined as much as possible to the site. Hazardous materials and substances are not part of the proposed use and Staff has conditioned that the appropriate entities be notified to dispose of these materials or substances if unearthed upon demolition or construction.

The addition of a second principle structure and partial demolition of the existing garage structure would reduce the building footprint from 76% to 39% and reduce the overall ground coverage to 41%, to become conforming to the SZO. The landscape area would increase from approximately less than 1% to 38%, to conform to the SZO, while



27% would become pervious, which is a 27% increase as there is currently no pervious area. Fencing and landscaping that surround the parking lot will buffer and mitigate vehicle noise further than what currently impacts abutting properties along Tremont Street.

8. Consistency with Purposes: “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 protect health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to conserve the value of land and buildings; to preserve the historical and architectural resources of the City; to encourage the most appropriate use of land throughout the City; and to preserve and increase the amenities of the municipality.”

The proposal is consistent with the purpose of the Residence B district, §6.1.2, 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.” The proposed development would have a minimal impact to the surrounding neighborhood and is a more appropriate use for this predominantly residential neighborhood.

9. Vehicular and Pedestrian Circulation: The circulation patterns for motor vehicles and pedestrians which would result from the use of structures will not result in conditions that create traffic congestion or the potential for traffic accidents on the site or in the surrounding area.

The parking lot for 13 nonconforming parking stalls would be reconfigured, yet maintained with one conforming parallel space, and allow for fire access by altering the courtyard wall and the location of the existing curb cut. Three additional on-street parking spaces would be provided by closing two curb cuts along Prospect and Tremont streets. As the proposed use is residential, the nonconforming parking stalls, which are already in use via a less efficient manor, are more appropriate for the residential use proposed for this project site, rather than the existing garage use.

The information presented in the Parking Memorandum explains that the previous use as a garage generates a greater number of trips than the proposed use would generate, resulting in a net reduction of project related traffic on Prospect and Tremont streets. Also, due to the proximity to bus routes, T-stations, the future Green Line extension in Union Square, and neighborhood services, traffic impacts would be further reduced that the existing situation.

However, according to the Traffic and Parking Engineer, the lack of providing all required off-street parking spaces will result in an increase of vehicle queues and delays and a minor decrease in pedestrian safety in this area. Traffic mitigation to offset this lack of required parking spaces, decrease in pedestrian safety, and increase in vehicle congestion and queues can be provided by the applicant through the purchase and delivery of a radar feedback sign.

Ultimately, circulation patterns for motor vehicles and pedestrians which would result from this project will not result in conditions that create traffic congestion or the potential for traffic accidents on the site or in the surrounding area as the parking lot will be more efficiently reconfigured and are appropriate for the residential use, three additional parking stalls would be located along Prospect and Tremont streets, the impact of traffic would be reduced, the potential occupants would use public transportation, and to mitigate any adverse pedestrian safety, Staff has conditioned a radar feedback sign.

10. 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.”

The project site is currently almost entirely impervious and would drastically change as a result of this proposal. Open spaces will be designed and planted to enhance the site and the interior courtyard. The addition of a second principle structure and partial demolition of the existing garage structure would reduce the building footprint from 76% to 39% and reduce the overall ground coverage to 41%, to become conforming to the SZO. The landscape area would increase from approximately less than 1% to 38%, to conform to the SZO, while 27% would become pervious, which is a 27% increase as there is currently no pervious area. Tree pits and pervious pavers would be located along Prospect Street and the existing historic facades would continue to retain the streetscape. In addition, views into the courtyard and of the industrial steel trusses would be visible from the street while reused materials, such as the existing concrete slab and industrial steel grating, would be incorporated into the overall project.

11. 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.”

The proposed project maintains portions of the existing historic structure and overall streetscape. While the massing is much larger than similar building types found within the neighborhood, this type of garage structure is found within the immediate neighborhood. In addition, the project proposes a modern three-story apartment building (36’ feet in height) with a common rectangular form to be located within the center courtyard. This building proposes to be composed of more modern building materials to reflect the industrial nature and original use of the historic structure; however, due to the location of the second principle structure, this building will not be highly visible and will be an appropriate juxtaposition to the historic structure that composes the façades along Prospect and Tremont streets. The design and location of the proposed second principle structure will be minimally visible due to the close proximity of buildings within the neighborhood and the direction of traffic along Tremont Street.

The five properties that abut south of the subject project site, both on the same block and across Tremont Street are three-family dwellings in a triple-decker or gable end building form. The two abutting properties on the north side of the subject property, located on the same block, are a gable-end two-family dwelling and a three-family triple-decker. Across Prospect Street is a small (1,000 square feet) vacant warehouse with a large parking lot, an auto repair shop, and a single-family mansard-form dwelling. A two-family mansard-form building is located at the north corner of Prospect and Oak streets and across Tremont Street is an auto repair shop at the corner of Webster Avenue and three undeveloped parcels. The remainder of the neighborhood is a mixture of single, two-, three- and multi-family dwellings with auto sales, service, and repair uses interspersed.

The proposed 11 unit residential development would be located harmoniously; compatible in scale, design and use with those buildings and designs visually related to the site; and located to minimize views and the intrusion on views from other buildings compatible with the site as the neighborhood is composed of single, two-, three, and multi-family dwellings; the proposal maintains portions of the existing historic structure and retains the streetscape; and the interior structure incorporates modern materials, is appropriate in height and will not be highly visible to the surrounding neighborhood. In addition, the proposal drastically increases the landscaping and pervious area while reducing the overall ground coverage.

12. 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 powered 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 approval by the City Engineer of such plans and determination that no adverse impact would result to the drainage system from the design of the project. Planning Staff therefore proposes a condition for the Applicant to demonstrate that the project meets the current City stormwater policy and that utility and drainage plans be submitted to the Engineering Department for review and approval.

13. 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.”

The Historic Preservation Commission (HPC) determined this structure Significant on 5/21/2013 and Preferably Preserved on 6/18/2013. The nine month demolition delay began on 6/18/2013 and will expire 3/18/2013. The HPC has entered into a Memorandum of Agreement with the Applicant to mitigate the adverse effect of demolition; therefore, as the Memorandum of Agreement has been signed, the demolition delay will be lifted upon determining a date and time for the final walk-through.

As for the National Register eligibility regarding the architectural quality of the subject structure, the Applicant has worked with the Historic Preservation Commission to execute a Memorandum of Agreement that sufficiently addresses the need for a viable project yet retains components of the existing structure and site that would continue to illustrate the architectural integrity of the building as well as the industrial nature and original use of the structure itself. In addition, retaining the existing historic structure along Prospect and Tremont streets serves to maintain the existing streetscape while adaptively reusing a component of the City’s historic building stock.

Due to the close proximity of structures in this neighborhood, views of the interior building would be minimal and most prominent from the parking lot along Tremont Street; however, due to the one-way direction of traffic along Tremont Street, this view will generally be visible to pedestrians only. The interior building proposes to be composed of more modern building materials to reflect the industrial nature and original use of the historic structure, which will be an appropriate juxtaposition to the historic structure that composes the façades along Prospect and Tremont streets.

14. 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 project enhances the natural character and appearance of the City. While the proposed project maintains the streetscape and portions of the existing historic structure, which is a building type found within the neighborhood, the massing of this garage structure is uncommon for the neighborhood but a component of the historic building stock. In addition, the project proposes a modern apartment building in a common rectangular form to be located within the center courtyard. This building proposes to be composed of more modern building materials to reflect the industrial nature and original use of the historic structure; however, due to the location of the second principle structure, this building will not be highly visible and will be an appropriate juxtaposition to the historic structure that composes the façades along Prospect and Tremont streets.



Fencing will be located around three sides of the parking lot located along Tremont Street, possibly to be composed of reused open steel grating from the existing structure. A rectangular entry column is proposed to be located at the courtyard entrance from the parking lot, which would be composed of recycled industrial steel grating with lights and conforming signage that notes the name of this residential development. Landscaping will include three tree pits along Prospect Street with permeable pavers while the arch entry way along Tremont Street would also have pavers.

15. 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 appropriate to the proposed residential use, conform to dimensions specified in the SZO, and is conditioned not to interfere with neighboring properties. Planning Staff proposes a condition that all exterior lighting, to the extent possible, must be confined to the subject project, cast downward and must not intrude, interfere, or spill onto neighboring properties.

16. 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.”

The parking lot along Tremont Street accommodates 13 nonconforming parking stalls and provides for fire access at the rear. Due to provisions for fire access, the parking lot would be more efficiently reconfigured to provide the same number of nonconforming parking stalls. In addition, the location of the 16’ curb cut would be moved from the left side of the parking lot to the right side of the parking lot.

17. 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.”

Vehicles entering and exiting the site would likely do so in a forward manner onto and off of Tremont Street. While the parking lot would enable drivers to exit the parking lot, via backing out onto Tremont Street, the likelihood of this occurrence would be minimal and at the discretion of the driver, as there is ample room within the parking lot to turn around. However, if this were to occur, since Tremont Street is a one way street, there would be minimal hazard as this street is less busy than Prospect and the driver only need be concerned of traffic coming from one direction.

18. 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 proposes to tie into existing City services for electric, telephone and cable. Due to the retention and location of the existing historic structure, new lines would likely be difficult if not impractical to place underground unless existing infrastructure is located along Tremont Street and, therefore, can be implemented without adverse effect to the historic structure. If this is the situation, these lines could be put underground; however, this decision would be subject to the policy and approval of the Superintendent of Lights and Lines.

19. 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.”

Minimal negative impacts are anticipated as a result of the proposed project and residential use. Open spaces will be designed and planted to enhance the site and the interior courtyard. The project site is currently almost entirely impervious and would drastically change as a result of this proposal. The addition of a second principle structure and partial demolition of the existing garage structure would reduce the building footprint from 76% to 39% and reduce the overall ground coverage to 41%, to become conforming to the SZO. The landscape area would increase from



approximately less than 1% to 38%, to conform to the SZO, while 27% would become pervious, which is a 27% increase as there is currently no pervious area. Tree pits and pervious pavers would be located along Prospect Street and the existing historic facades would continue to retain the streetscape.

Due to the residential nature of the proposed structure, minimal adverse impacts with regard to ground cover or machinery as well as from light, air, noise, wind, or temperature are foreseen as a direct result of this development. Noise, smoke and vibration would be reduced as a result of the residential use. While there would be appropriate lighting for a residential district, this lighting would be confined as much as possible to the site. Hazardous materials and substances are not part of the proposed use and Staff has conditioned that the appropriate entities be notified to dispose of these materials or substances if unearthed upon demolition or construction.

20. 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 proposed residential use of the property, conforming signage for a residential district is proposed to be located on a steel column to be located within the parking lot. A rectangular entry column is proposed to be located at the courtyard entrance from the parking lot, which would be composed of a recycled industrial grating material with lights and signage that notes the name of the residential development.

21. 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.”

The plans indicate that the trash and recycle area would be located within the Prospect Street portion of the remaining historic structure. The facilities would be completely enclosed and located near the street for easy access. Mechanical equipment would be located in two areas on the rooftop of the new interior building while AC condensers for the three remaining units within the historic structure would be located and screened within the associated private outdoor space. The transformer that is currently located along Prospect Street would remain in the existing location; however, the transformer would be screened appropriately and subject to ISD and NSTAR approval.

22. Screening of Parking:

Fencing and landscaping would surround the parking lot to buffer and mitigate vehicle noise further than what currently impacts abutting properties along Tremont Street. Fencing will be located around the parking lot located along Tremont Street, possibly composed of reused open steel grating from the existing structure. Landscape areas would consist of grass and bushes, to be located at the rear and sides of the lot.

FINDINGS FOR VARIANCE (SZO §9.5.1.a):

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 existing structure covers approximately 76% of the combined three parcels that compose the project site. The only portions that are not utilized by the footprint of the existing structure are a small non-conforming 9.9' setback along Prospect Street and the parking lot located along Tremont Street. The existing industrial nature of the building



incorporates expansive structural steel trusses, making renovations to alter the existing historic structure into a conforming residential development a great difficulty.

As the building is eligible for the National Register of Historic Places and has been determined "Preferrably Preserved" by the Historic Preservation Commission (HPC), the Applicant and the HPC have an avid interest in retaining significant portions of the building, while still creating a feasible residential development. The Applicant has worked with the Historic Preservation Commission to execute a Memorandum of Agreement that sufficiently addresses the need for a viable project yet retains components of the existing structure and site that would continue to illustrate the architectural integrity of the building as well as the industrial nature and original use of the structure itself.

The proposed development site includes an existing parking lot with 13 nonconforming parking spaces. The parking lot has been reconfigured to provide fire access while maintaining the nonconforming parking spaces; however, the proposed project still requires a Variance for 8 spaces of parking relief. Providing additional parking would require additional demolition of the building, thereby violating the Memorandum of Agreement with the Historic Preservation Commission and negating the efforts on behalf of the HPC and the Applicant to preserve the streetscape, historic façades and original industrial nature and use of the historic structure.

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."

Due to the large footprint of the existing building, the historic integrity and architectural character of the building, and the Memorandum of Agreement with the HPC which regards maintaining as much of the existing building as possible, the Applicant is limited to the 13 nonconforming parking stalls. While the lot area would support 14 units, the Applicant proposes 11 residential units, which would be the minimum necessary for a reasonable use of the property. To adequately build and supply much-needed family-size housing while undertaking the expense of preserving the historic facades, the project needs to offer three bedrooms in large units. Due to these circumstances, the 8 parking spaces are the minimum relief necessary for reasonable use of this site.

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."

In accordance with the submitted Parking Memorandum, the request for a Variance would not be injurious to the neighborhood or otherwise detrimental given the low impact that the development would have on the primarily residential neighborhood. Given the RB zoning district, the proposed use is more appropriate for the neighborhood and would be less of a traffic impact than the existing use of the structure. The project preserves two historic facades of this building and provides family-size market rate and affordable housing.

The project is located approximately one mile from four T-stations (Harvard Square, Central Square, Lechmere and Sullivan Square stations) and has good access to MBTA bus routes. Several routes are located within ¼ mile of the project site while three routes are within 500 feet. Additionally, the Green Line extension would provide one station within 750 feet and another less than one mile away. While proximity to transit is one of many factors that contribute to a reduced number of necessary parking spaces, other factors could include density and proximity to a variety of neighborhood services.

In addition, the two curb cuts along Prospect and Tremont streets would be closed, which would provide three additional on-street parking spaces for the neighborhood. One space would be located along Tremont Street while two would be located along Prospect Street. The study area noted in the Parking Memorandum concludes that over 30% of the public parking supply is available on a weeknight and weekend afternoon, which equates to more than 100 parking spaces. Further, a large majority of these spaces are located within a two minute walk of the project site; 57 are located along Prospect and Tremont streets.



DECISION:

Present and sitting were Members Herbert Foster, Richard Rossetti, Danielle Evans, Elaine Severino, and Josh Safdie. Upon making the above findings, Richard Rossetti made a motion to approve the request to approve the request for a Variance. Elaine Severino seconded the motion. Wherefore the Zoning Board of Appeals voted **(5-0)** to **APPROVE** the request for a Variance.

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

#	Condition	Timeframe for Compliance	Verified (initial)	Notes								
1	Approval is for a Special Permit with Site Plan Review to construct a second principal structure for 8 dwelling units and for 11 units (total) with one affordable unit; Special Permit to alter a nonconforming structure, which includes the creation of three dwelling units with an open interior courtyard and to modify parking design standards; and a Variance for parking relief. This approval is based upon the following application materials and the plans submitted by the Applicant:	CO / BP	ISD/PIng.									
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>(April 2, 2013)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>March 6, 2013 (July 3, 2013)</td> <td>Plot plan submitted to OSPCD</td> </tr> <tr> <td>April 2, 2013 July 2, 2013 (July 3, 2013)</td> <td>Plans submitted to OSPCD (T-1, Z.1, L1.0, A1.1, A1.2, A1.3, & A2.1)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	(April 2, 2013)	Initial application submitted to the City Clerk's Office	March 6, 2013 (July 3, 2013)	Plot plan submitted to OSPCD	April 2, 2013 July 2, 2013 (July 3, 2013)	Plans submitted to OSPCD (T-1, Z.1, L1.0, A1.1, A1.2, A1.3, & A2.1)
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Any changes to the approved site plan and elevations that are not <i>de minimis</i> must receive SPGA approval.												
Affordable Housing/Linkage												
2	Written certification of the creation of affordable housing units, any fractional payment required, or alternative methods of compliance, must be obtained from the Housing Department before the issuance of a Certificate of Occupancy (C.O.).	CO	Housing									
3	The applicant must execute an Affordable Housing Implementation Plan (AHIP)	Prior to vote on SPSR	SPGA/Housing									
Pre-Construction												
3	The Applicant will be required to demonstrate that the updated project plans meet 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.									



4	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	
Construction Impacts				
5	The applicant shall post the name and phone number of the general contractor at the site entrance where it is visible to people passing by.	During Construction	Plng.	
6	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	
7	All construction materials and equipment must be stored onsite. If occupancy of the street layout is required, such occupancy must be in conformance with the requirements of the Manual on Uniform Traffic Control Devices and the prior approval of the Traffic and Parking Department must be obtained.	During Construction	T&P	
Design				
8	Applicant shall provide final material samples for siding, trim, windows, and doors to the Design Review Committee for review and comment and to Planning Staff for review and approval prior to construction.	BP	Plng.	
Site				
9	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD	
10	There shall be a minimum of one tree for each 1,000 sf of required landscaped area under SZO §10.3.	CO	Plng	
11	The Applicant shall build a mockup if the existing concrete slab is to be reused within the interior courtyard.	During Construction	Plng.	
12	If feasible and not detrimental to the historic structure, 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	
13	Applicant will supply 14 bicycle parking spaces in the two proposed and illustrated locations.	CO	Plng.	
Traffic & Parking				
14	Conditions may require screening of parking areas of other parts of the premises from the street by specified walls, fences, planting or other means;	CO	Plng. / ISD	
15	Prior to the issuance of a Certificate of Occupancy, the Applicant shall purchase and deliver to the City/Traffic and Parking Division a Radar Feedback Sign.	Traffic/Pkg	Prior to CO	



2009

Miscellaneous				
16	The Applicant shall submit signage and lighting specifications for Staff review and approval.	Plng	During construction	
17	Conditions may reference the need of the applicant to obtain other permits or approvals.	ISD	Prior to construction	
18	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.	Cont.	ISD	
Public Safety				
19	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
20	Any transformers should be located as not to impact the historic building or landscaped area, and shall be fully screened.	Electrical permits & CO		
21	Notification must be made, within the time period required under applicable regulations, to the Massachusetts Department of Environmental Protection (DEP) if there is any release of oil, hazardous materials, or regulated hazardous substances at the site. The City's OSE office, Fire Department and the Board of Health shall also be notified.	CO	OSE/FP/BOH	
22	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.	CO	Plng.	
23	The Applicant shall provide notice of intent to strictly comply with applicable State and Federal regulations regarding air quality including without limitation continuous dust control during demolition and construction.	CO	Plng/OSE	
Signage				
24	Signage will be limited in size and location to that shown in the elevation diagrams and lighting after 10p.m. facing residential property will be turned down or off.	CO/Cont.	Plng.	
Final Sign-Off				
25	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.	
26	The two curb cuts located directly in front of the subject structure shall be closed.	CO	Plng.	

Attest, by the Zoning Board of Appeals:

Herbert Foster, *Chairman*
Richard Rossetti
Danielle Evans
Elaine Severino
Josh Safdie (Alt.)

Attest, by the Senior Planner:

Lori Massa

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 _____

