



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

MICHAEL F. GLAVIN
EXECUTIVE DIRECTOR

PLANNING DIVISION STAFF

GEORGE PROAKIS, *DIRECTOR OF PLANNING*
LORI MASSA, *SENIOR PLANNER*
AMIE HAYES, *PLANNER*
MELISSA WOODS, *PLANNER*
DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*

Case #: ZBA 2014-49

Date: July 10, 2014

Recommendation: CONDITIONAL APPROVAL

PLANNING STAFF REPORT

Site: 45 Adrian Street

Applicant Name: Nelson Oliveira

Applicant Address: 30 Mooney Street, Cambridge, MA 02138

Property Owner Name: Jancie Lewicki

Property Owner Address: 19 Bromfield Road, Somerville, MA 02144

Agent Name: Richard Di Girolamo

Agent Address: 424 Broadway, Somerville, MA 02145

Alderman: Maryann Heuston

Legal Notice: Applicant, Nelson Oliveira, and Owner, Jancie Lewicki, seek a Special Permit under SZO §4.4.1 to alter an existing nonconforming two-family dwelling, which includes a third unit rear addition and changes to the window and door patterns. A Variance is also requested under SZO §9.5.1.a for three spaces of parking relief. RB zone. Ward 2.

Dates of Public Hearing: **Wednesday, July 16, 2014**

I. PROJECT DESCRIPTION

1. Subject Property: The parcel is 6300 square feet and located at the corner of Adrian and Marion streets, southwest of Union Square and abutting Lincoln Park. The existing structures include a 2 1/2 story, gable-end dwelling, with two residential units; a single-story concrete block garage with 3 bays; and a single-bay c.1895 barn. The site is conforming with regard to parking due to the size of the garage, but ground coverage is 41% and the pervious/landscape area is 21%. The surrounding Residential B neighborhood is southwest of Union Square, near Cambridge, and consists of one, two-, and three-family dwellings as well as Lincoln Park.

There has been no prior zoning relief.



45 Adrian Street, and associate streetscape

2. Proposal: The proposal is to demolish the concrete block garage, add a third residential unit to the rear of the existing dwelling, and rehabilitate the historic barn for parking. The project would reduce the footprint by 500 square feet (37% proposed ground cover), increase the landscape by 500 square feet (28% proposed landscaping), and increase the pervious area to more than 1/3 of the site (almost 37%). The floor area ratio would increase to 0.65 with 6000 square feet of living space. The entire structure would become fire suppressed and utility lines will be placed underground.

The 3 bay concrete block garage, located along the left and rear parcel lines, will be demolished. The existing dwelling, which fronts Adrian Street, will be rehabilitated into three units by adding a 700 square foot rear addition. The structure will have two decks added, projecting bays on both side facades, and an altered window pattern. Units one and two will remain accessible through the front door. Unit three, at the rear, will be accessible through a new side entrance that fronts the intersection of Adrian and Marion streets. Unit one will be two bedrooms and 1543 square feet (including the unfinished basement). Units two and three will be three bedrooms with 2200 square feet (including the unfinished basement) and have private decks.

The site will have an 18' curb cut to access two parking stalls inside the rehabilitated barn and a third space will be located at the rear of the driveway, to be indicated by permeable pavers. The site will be landscaped with paths leading from Marion Street to Unit 3 and their basement. There will also be permeable pavers between the Unit 3 deck and the asphalt driveway. The remainder of the parcel will be landscaped with trees, shrubs, and various plantings. A/C condensers will likely be placed in the left side yard, beyond the entrance for Unit 3, and trash will be located behind the garage, which will serve as a screen.

3. Green Building Practices: There are no green building practices indicated on the application.

4. Comments:

Fire Prevention: Has been contacted and in a meeting with Planning Staff explained there were no concerns with the project.

Traffic & Parking: Has been contacted but has not yet responded.

Wiring Inspection: Has been contacted but has not yet responded.

Engineering: The Applicant or his/her engineer, licensed in the state of MA, must provide civil/grading/utility drawings for our review. This office would request, at a minimum, a site plan as well as a grading and drainage plan with utilities. Site plan should clearly indicate existing structure square footage along with proposed addition size. Percentage of impervious and impervious surface shall also be provided. For final storm water approval from this office will require a detailed storm water management report.

Historic Preservation: Historic Staff recognizes that this proposal retains the existing structure and maintains the existing form. The rhythm 2 1/2 story, gable-end structures create in a streetscape is an important piece to Somerville's character.

Ward Alderman: Has been contacted but has not yet responded.

II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1):

In order to grant a special permit, the SPGA must make certain findings and determinations as outlined in §5.1.4 of the SZO. This section of the report goes through §5.1.4 in detail.

1. Information Supplied: The Staff finds that the information provided by the Applicant conforms to the requirements of §5.1.2 of the SZO and allows for a comprehensive analysis of the project with respect to the required Special Permits.
2. Compliance with Standards: The Applicant must comply "with such criteria or standards as may be set forth in this Ordinance which refer to the granting of the requested special permit."

Due to the Residential B district, the size of the lot is 6300 square feet, and the required lot area per dwelling unit, 1500 square feet; therefore, the third may be added to the parcel as of right.

Under SZO §4.4.1, an existing single or two-family dwelling may alter a nonconformity through the granting of a Special Permit. Through alterations to a nonconforming structure or due to the change in use from a two- to a three-family dwelling, a Special Permit is required. The lot is existing nonconforming due to the minimum lot size and setbacks.

In considering a Special Permit under §4.4 of the SZO, Staff find that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The changes proposed will substantially rehabilitate the structure, substantially increase the rear yard setback, reduce the ground cover, and increase the permeable area of the site. The additional unit will front onto Marion Street and three parking spaces, one for each unit, will be provided on-site. The addition of architectural features, such as the projecting bays, ornamental windows, and deck areas will serve to activate this unique corner.

A Variance is required under SZO §9.5.1.a for three spaces of parking relief. The existing parking situation is conforming with at least four spaces. The addition of a third unit requires parking to continue to conform with six parking spaces. This site could potentially continue to fit 4 or more vehicles, in tandem lines, if necessary. Creating additional dimensionally compliant parking spaces would either reduce the landscape or eliminate the historic barn, a disappearing feature in the Somerville landscape. For Variance findings, refer to Section III.

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

The proposal 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 protect health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to conserve the value of land and buildings; and to encourage the most appropriate use of land throughout the City.

The proposal is consistent with the purpose of the RB 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 proposal to rehabilitate the subject structure and add a third unit to the rear of the existing building will activate this corner of the neighborhood and enhance the streetscape through the contextual design and massing of the alterations and addition. The proposal will increase the rear setback, reduce the ground cover and increase the permeable area. The form and massing will maintain the rhythm of gables that is a familiar streetscape in the City. The proposed alterations will positively impact the streetscape and neighborhood and should minimally impact abutters.

4. Site and Area Compatibility: The Applicant has to ensure that the project "(i)s designed in a manner that is compatible with the characteristics of the built and unbuilt surrounding area, including land uses."

The parcel is located in a Residence B zoning district at the intersection of Adrian and Marion streets, southwest of Union Square near Cambridge. The surrounding neighborhood is predominantly composed of single and two-family dwellings; however, Union Square and Cambridge are both nearby. The nearby dwellings are predominantly similar gable-ended structures of 2½ stories or triple-deckers.

The rear addition, projecting bays, decks, and altered window pattern will have a positive influence to the neighborhood. The addition increases the rear yard setback to 20', reduces the ground cover, and increases the landscape while creating two 3-bedroom, family sized units. The abutting dwelling to the left locates a driveway between the structures, so the proposed rear addition does not look directly into this building and there are no windows within the side façade of the adjacent building. The triple-decker located at the rear of the subject parcel also has a driveway nearest the rear addition, so the addition, which will allow the rear yard setback to increase, will not negatively impact the rear abutters.

5. Adverse environmental impacts: The proposed use, structure or activity will not constitute an adverse impact on the surrounding area resulting from: 1) excessive noise, level of illumination, glare, dust, smoke, or vibration which are higher than levels now experienced from uses permitted in the surrounding area; 2) emission of noxious or hazardous materials or substances; 3) pollution of water ways or ground water; or 4) transmission of signals that interfere with radio or television reception.

The proposal would not result in an adverse impact on the surrounding residential area. The site plan enhances the landscape and pervious area, reduces the ground cover, rehabilitates a historic barn, and adds to the character of Somerville. The building materials will be reviewed by Planning Staff, as conditioned. Changes to the structure and existing fenestration are compatible with Adrian Street and the adjacent residential neighborhood.

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

The proposal more efficiently locates fewer vehicles on-site. The subject parcel could continue to locate more parking in tandem on-site, if needed.

The site is one mile from the Central Square Transit Station and in 2016, will be less than one mile from the Union Square Transit Station. According to Census Tract data, approximately 28.5% of the local population do not have an automobile and 57.4% of the local population find an alternative mode to get to work. A parking study, conducted within 500 feet of the subject parcel, concludes an average of 69 spaces are available during the week mid-day period; 59 spaces are available during the weekday evening period; and 61 spaces are available during the Saturday mid-day period. This study concludes the project is expected to fit the lifestyle and goals of the local community and the City of Somerville.

7. Housing Impact: Will not create adverse impacts on the stock of existing affordable housing. There is no affordable housing as part of this proposal.

8. SomerVision Plan: *Complies with the applicable goals, policies and actions of the SomerVision plan, including the following, as appropriate: Preserve and enhance the character of Somerville’s neighborhoods, transform key opportunity areas, preserve and expand an integrated, balanced mix of safe, affordable and environmentally sound rental and homeownership units for households of all sizes and types from diverse social and economic groups; and, make Somerville a regional employment center with a mix of diverse and high-quality jobs. The areas in the SomerVision map that are designated as enhance and transform should most significantly contribute towards the SomerVision goals that are outlined in the table below. The areas marked as conserve are not expected to greatly increase the figures in the table since these areas are not intended for large scale change.*

<u>SomerVision Summary</u>	<i>Existing</i>	<i>Proposed</i>
<i>Dwelling Units:</i>	2	3
<i>Parking Spaces:</i>	4	3

The subject proposal will preserve and enhance the character of Somerville’s neighborhoods by retaining the existing structure and adapting it for family-sized dwelling units, this will also maintain the rhythm in the streetscape, which is also an important piece of the Somerville character.

III. 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 shape of the subject parcel as well as the location of the existing structures and landscape requirement limit the ability to remove inappropriate development (and an inappropriate use) from the site and still provide the required number of parking spaces for a three unit development. The size of the lot (6300 square feet) is somewhat unique to the neighborhood, but is challenging with regard to locating more parking on-site due to the special L-shape of the lot and the location of the existing structures. This site could fit more vehicles, in tandem; however, while more cars can fit on-site, tandem spaces do not fulfill the parking requirement. The proposal for a three-family dwelling is an appropriate use for the property as this is consistent with the neighborhood and attempts to maximize the potential of this parcel. The lot size, location of the existing structures, and landscape requirement restricts the ability to create more than the proposed parking without eliminating the usable open space or losing existing compatible structures. To create additional on-site parking, more than one space per unit, creates a hardship to the proposed project.

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.”

The requested parking relief is the minimum necessary that would grant reasonable relief to appropriately utilize the subject parcel. This Residence B zoned neighborhood indicates that more than one unit is appropriate. The three-family residential use is by-right and the proposal provides one parking space per unit. This site can fit more vehicles, in tandem, which still allows for a rear yard, landscaping, and retention of existing compatible structures; however, while more vehicles can fit on-site, tandem spaces do not fulfill the parking requirement. The proposed three-family residential dwelling is allowed by zoning and is consistent with the neighborhood, but necessarily requires that a Variance for three spaces of parking relief is the minimum relief to be granted.

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.”

Granting the request for a Variance would be in harmony with the general purpose of the SZO as the parking relief will balance the requirement for usable open space, which serves to enhance the neighborhood and quality of life, as well as through retaining the existing historic building stock- the dwelling and the barn. The proposal also removes and inappropriate structure and use from the site by demolishing the concrete block garage. By ensuring that usable open space, preservation, and retention of the existing streetscape is part of this proposal, the SomerVision Comprehensive Plan is implemented. Maintaining neighborhoods as places to live, work, play, and raise a family, implies people before cars. The proposed project will be consistent with the existing buildings on Adrian Street as a three-family structure, will rehabilitate the structure and the architectural detail, and serve to activate this corner in the streetscape.

III. RECOMMENDATION

Special Permit under §4.4.1 & Variance under §9.5.1.a

Based on the materials submitted by the Applicant, the above findings and subject to the following conditions, the Planning Staff recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT**.

The recommendation is based upon a technical analysis by Planning Staff of the application material based upon the required findings of the Somerville Zoning Ordinance, and is based only upon information submitted prior to the public hearing. This report may be revised or updated with new recommendations,

findings and/or conditions based upon additional information provided to the Planning Staff during the public hearing process.

#	Condition	Timeframe for Compliance	Verified (initial)	Notes														
1	Approval is for the seek a Special Permit under SZO §4.4.1 to alter an existing nonconforming two-family dwelling, which includes a third unit rear addition and changes to the window and door patterns. A Variance is also requested under SZO §9.5.1.a for three spaces of parking relief. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/Plng .															
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>(January 6, 2014)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>March 20, 2014 (July 10, 2014)</td> <td>Plans submitted to OSPCD (A-000, Z-003, A-010, A-100, A-101, A-300, A-301, & A-302)</td> </tr> <tr> <td>February 12, 2014 (July 10, 2014)</td> <td>Barn/garage plans (A-1) & existing elevations (EX-100 & EX-300) submitted to OSPCD</td> </tr> <tr> <td>November 26, 2013 (July 10, 2014)</td> <td>Shadow study submitted to OSPCD (SHD)</td> </tr> <tr> <td>March 17, 2014 (July 10, 2014)</td> <td>Civil plans submitted to OSPCD (C-1)</td> </tr> <tr> <td>February 24, 2014 (July 10, 2014)</td> <td>Landscape plan & varietals submitted to OSPCD (Landscape, Paving & Fence, Trees & Shrubs, Perennials & Grasses)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	(January 6, 2014)	Initial application submitted to the City Clerk's Office	March 20, 2014 (July 10, 2014)	Plans submitted to OSPCD (A-000, Z-003, A-010, A-100, A-101, A-300, A-301, & A-302)	February 12, 2014 (July 10, 2014)	Barn/garage plans (A-1) & existing elevations (EX-100 & EX-300) submitted to OSPCD	November 26, 2013 (July 10, 2014)	Shadow study submitted to OSPCD (SHD)	March 17, 2014 (July 10, 2014)	Civil plans submitted to OSPCD (C-1)	February 24, 2014 (July 10, 2014)	Landscape plan & varietals submitted to OSPCD (Landscape, Paving & Fence, Trees & Shrubs, Perennials & Grasses)
	Date (Stamp Date)				Submission													
	(January 6, 2014)				Initial application submitted to the City Clerk's Office													
	March 20, 2014 (July 10, 2014)				Plans submitted to OSPCD (A-000, Z-003, A-010, A-100, A-101, A-300, A-301, & A-302)													
	February 12, 2014 (July 10, 2014)				Barn/garage plans (A-1) & existing elevations (EX-100 & EX-300) submitted to OSPCD													
	November 26, 2013 (July 10, 2014)				Shadow study submitted to OSPCD (SHD)													
	March 17, 2014 (July 10, 2014)				Civil plans submitted to OSPCD (C-1)													
February 24, 2014 (July 10, 2014)	Landscape plan & varietals submitted to OSPCD (Landscape, Paving & Fence, Trees & Shrubs, Perennials & Grasses)																	
Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.																		
Pre-Construction																		
2	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 stamped by a registered PE in Massachusetts and be submitted to the Engineering Department for review and approval.	BP	Eng.															
3	The Applicant must contact the Engineering Department to coordinate the timeline for cutting or opening the street and/or sidewalk for utility connections or other construction. There is a moratorium on opening streets from November 1st to April 1st and there is a list of streets that have additional	BP	Eng															

	opening restrictions.			
Construction Impacts				
4	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	
5	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				
6	Applicant shall provide final material samples for siding, trim, windows, and doors to Planning Staff for review and approval prior to construction.	BP	Plng.	
5	An exterior light and electrical receptacle is required for the first (or all) level of the porch and an electrical receptacle is required for the second level (if there is no access to the ground).	Final sign off	Wiring Inspector	
Site				
6	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD	
7	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	
8	All new sidewalks will be installed by the Applicant in accordance with the specifications of the Highway Superintendent. Specifically, all driveway aprons shall be concrete;	CO	Plng.	
9	Applicant shall screen the dumpster or trash barrels with fencing that blocks any views, if not located behind the garage/barn.	CO	Plng.	
10	Mechanicals shall be located to minimally impact the landscaping and shall be located beyond the entrance to Unit 3.	CO	Plng.	
Miscellaneous				
12	The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the building and all on-	Cont.	ISD	

	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.			
Public Safety				
13	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
14	If needed, a transformer should be located so as not to impact the historic building or landscaped area, and shall be fully screened.	Electrical permits & CO		
15	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	
16	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.	
17	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/OS E	
Final Sign-Off				
18	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.	

