



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2010-42-R1-9/2011

Date: October 13, 2011

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 25 Hamlet Street

Applicant and Owner Name: LaRosa Development Corporation

Applicant and Owner Address: 850 Pleasant Street, Norwood, MA 02062

Agent Name: Frank D. Privitera, Jr.

Agent Address: 531 Medford Street, Somerville, MA 02145

Alderman: Tom Taylor

Legal Notice: Applicant and Owner LaRosa Development Corporation, seeks a revision to a Special Permit (ZBA 2010-42) under SZO §5.3.8 in order to remove Condition # 5 attached to the Special Permit which references a permeable paver surface for parking spaces. The original Special Permit was to modify an existing non-conforming structure to create a two-family home, increase floor area ratio, and create conforming rear, front, and side yard setbacks under SZO §4.4.1. RA Zone. Ward 3.

Zoning District/Ward: RA Zone / Ward 3

Zoning Approval Sought: Revision to Special Permit under SZO §5.3.8

Date of Application: September 20, 2011

Dates of Public Hearing: Zoning Board of Appeals – **October 19, 2011**

I. PROJECT DESCRIPTION

1. Subject Property: The subject property once contained a dilapidated wood barn on the 6,509 square foot lot. The main structure was two stories with a flat roof and there was a small one story section on the right side of the building. The structure was located at the rear of the lot creating a 65 foot front yard setback. In September of 2010, the Applicant was awarded a Special Permit (ZBA 2010-42) to modify the above nonconforming structure on the site, retain a portion of the structure, expand on the remaining portion, increase the floor area, and convert the use to a two-family home. Over the last year the Applicant has done this and currently there is a 3,842 square foot, two-family



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structure consisting of two, 2½ story townhouses with four-way gable roofs situated on the property which is located between Highland Avenue and Boston Street.

2. Proposal: The constructed project which gained approval through the awarded Special Permit in September of 2010 reduced landscaping on the site by 20%. Planning Staff had concerns about this substantial loss in pervious surface and to help offset this increase in impervious area, Staff suggested that Condition # 5 be attached to the Special Permit which required the parking spaces at the rear of the property to be constructed out of a permeable paver surface. The Board voted to adopt this condition as part of the awarded Special Permit. The Applicant, however, did not make a notation of this required condition on the site plans for the project and the condition was overlooked during construction leading to all four parking spaces at the rear of the property being paved with asphalt. The Applicant feels that they have addressed the intent of Condition # 5 through the installation of a 2 foot by 2 foot catch basin at the end of the driveway where stormwater from the driveway is directed, the channeling of roof stormwater into an on-site underground leaching tank, and by installing a 4 inch perforated pipe along the left side of the property to collect and divert downhill surface and underground water. The Applicant is also citing concerns with regard to flooding at the property because the water table is very high in this location. The Applicant feels that installing these pervious pavers will only contribute to basement flooding at the residences. As such, the Applicant would like to have Condition # 5 removed from the Special Permit which reads as follows: "To reduce the impact of a significant area of asphalt in the rear yard, the Applicant shall construct the four parking spaces out of a permeable paver surface. The Applicant may construct the length of the driveway out of a similar or different permeable surface. The Applicant shall submit a sample of the proposed paver to Planning Staff for review and approval."

3. Nature of Application: Revisions to Special Permits may be sought under §5.3.8 of the Somerville Zoning Ordinance (SZO) before the final Certificate of Occupancy is issued for a project that received a special permit. The proposed revision is not deemed de minimis because the requested change, not installing the pervious pavers, would be noticeable to persons generally familiar with the plans. Revisions to special permits that are not de minimis in nature are subject to the full notice and hearing provisions of the SZO.

4. Surrounding Neighborhood: The immediate neighborhood is predominantly residential, with a mix of single- and two-family homes. The surrounding homes are typically 2½ story structures with gable/hip and mansard roofs and a variety of dormer types.

5. Impacts of Proposal: The overarching goal behind Condition # 5 was to help reduce or maintain the amount of stormwater that is flowing into the City's stormwater drainage system. The specific intent of the condition was to help maintain a substantial amount of pervious surface at the site to limit the amount of potential stormwater that would dump into the City's drainage system. The constructed project reduced landscaping by 20% on the site and to help ensure that stormwater runoff was being contained on-site as much as possible, Planning Staff proposed, and the Zoning Board of Appeals voted to attach, this condition to the Special Permit (ZBA 2010-42). Simply removing Condition # 5 would not help to achieve the overarching goal of maintaining or reducing the amount of stormwater being put into the drainage system. Therefore, Planning Staff is proposing a new condition be added to the Special Permit that would require the Applicant to pay \$1,500.00 to the City of Somerville which would be used to remove a similar sized area (approximately 720 square feet) of impervious surface from another location in the City, thereby offsetting the area that will become impervious at this property.

The second intent of Condition # 5 was to break up the visual impact of having a large swath of asphalt at the rear of the property. To continue in line with the intent of the original condition, Planning Staff is proposing a second new condition that would require the Applicant to install paver blocks in the area

where the parking spaces are located on the site plan. However, Staff is not requiring that these paver blocks be pervious, as their intent would only be to visually break up the large asphalt area in the rear. With the addition of these two new conditions to the original Special Permit (ZBA 2010-42), there shall be minimal impacts to the surrounding neighborhood with the removal of Condition # 5 and therefore its removal would not appear to be detrimental to the immediate abutters or the surrounding area.

6. Green Building Practices: The completed structure will utilize energy efficient heating and cooling systems and incorporate energy efficient appliances.

7. Comments:

Fire Prevention: Has been contacted but has not yet provided comments.

Ward Alderman: Alderman Taylor as well as Alderman White and Alderman Sullivan have been contacted but have not yet provided comments.

Engineering: Has been contacted but has not yet provided comments.



Existing Conditions

II. FINDINGS FOR SPECIAL PERMIT REVISION (SZO §5.3.8):

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.

The following findings are relevant to the proposed removal of Condition # 5 from the original Special Permit and the addition of the two new conditions proposed by Planning Staff.

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."

The proposal complies with the standards for issuing a revision to the Special Permit. The final Certificate of Occupancy has not yet been issued, the proposal otherwise is in accordance with the originally approved plans and conditions, and notice has been given for the public hearing.

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, with the additional conditions, is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to providing "for and maintain the uniquely integrated structure of uses in the City; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; to conserve the value of land and buildings; to adequately protect the natural environment; and to encourage the most appropriate use of land throughout the City."

The proposal, with the additional conditions, is also consistent with the purpose of the district (6.1.1. RA - Residence Districts), which is, "To establish and preserve quiet neighborhoods of one- and two-family homes, free from other uses except those which are both compatible with and convenient to the residents of such districts."

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 Applicant is not proposing to change the newly constructed dwelling which was built in conformance with the plans of the originally awarded Special Permit. The Applicant will still be conforming with regard to landscaping and stormwater policy requirements with the removal of Condition #5 and the addition of the proposed conditions.

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

No adverse environmental impacts are anticipated from this proposal. The structure will remain a 2½ story, two-family dwelling and will continue to be used for residential purposes. No new noise, glare, smoke, vibration, nor emissions of noxious materials nor pollution of water ways or ground water are anticipated as part of the proposal. The overall goal behind Condition # 5 was to help reduce or maintain the amount of stormwater runoff that is flowing into the City's stormwater drainage system. It appears

that much of the stormwater runoff generated from this property will still be contained on-site by directing it in the 2 foot by 2 foot catch basin situated at the end of the driveway, channeling the roof stormwater into the on-site underground leaching tank, and through the installation of the 4 inch perforated pipe along the left side of the property to collect and divert downhill surface and underground water. The Applicant has properly pitched the driveway to channel all of the stormwater runoff generated from the new impervious surface that has been created at the site into the catch basin, which eventually flows into the underground leaching tank. Furthermore, Staff is proposing two new conditions be added to the Special Permit. One would require the Applicant to pay \$1,500.00 to the City of Somerville which would be used to remove a similar sized area (approximately 720 square feet) of impervious surface from another location in the City, thereby offsetting the area that will become impervious at this property. The removal of Condition # 5 from the original Special Permit (ZBA 2010-42), along with the addition of the proposed conditions by Planning Staff, would not appear to have any adverse environmental impacts.

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 Applicant is not proposing to make any changes to the circulation patterns for motor vehicles or pedestrians that were approved in the original Special Permit(ZBA 2010-42).

III. RECOMMENDATION

Revision to Special Permit under §5.3.8

Based on the above findings and subject to the following conditions, the Planning Staff recommends **CONDITIONAL APPROVAL** of the requested **REVISION TO 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.

(Deletions ~~struck~~, additions underlined)

#	Condition	Timeframe for Compliance	Verified (initial)	Notes								
1	<p>Approval is for the modification of an existing structure to construct a 3,842± sf two-family structure consisting of two 2½ story townhouses. 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>August 9, 2010</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>August 25, 2010</td> <td>Detailed Landscaping Plan submitted to OSPCD</td> </tr> <tr> <td>August 4/July 28 (September 8)</td> <td>Updated plan set submitted to OSPCD</td> </tr> </tbody> </table> <p>Any changes to the approved (site plan or elevations/use) that are not <i>de minimis</i> must receive SPGA approval.</p>	Date (Stamp Date)	Submission	August 9, 2010	Initial application submitted to the City Clerk's Office	August 25, 2010	Detailed Landscaping Plan submitted to OSPCD	August 4/July 28 (September 8)	Updated plan set submitted to OSPCD	BP/CO	Png.	
Date (Stamp Date)	Submission											
August 9, 2010	Initial application submitted to the City Clerk's Office											
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2	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards.	Perpetual	Png. / ISD									
3	Trees and other plantings shown on Landscaping Plan (received August 25, 2010) shall be planted in accordance with specifications of SZO §10.6.1 and §10.6.2.	CO	Png.									
4	The applicant shall submit samples of building materials and colors to Planning Staff for review and approval	Prior to installation	Png.									
5	To reduce the impact of a significant area of asphalt in the rear yard, the applicant shall construct the four parking spaces out of a permeable paver surface. The applicant may construct the length of the driveway out of a similar or different permeable surface. The applicant shall submit a sample of the proposed paver to Planning Staff for review and approval.	Prior to installation	Png.									
<u>5</u>	<u>The Applicant or Owner shall pay \$1,500.00 to the City of Somerville which will be used to remove a 720 square foot area of impervious surface from another location in the City.</u>	<u>CO</u>	<u>Png.</u>									
<u>6</u>	<u>The Applicant or Owner shall install paver blocks in the 36 foot by 20 foot area shown on the site plan where the four parking spaces are located.</u>	<u>CO</u>	<u>Png.</u>									
<u>67</u>	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP									
<u>78</u>	Any transformers and/or utility meters should not be located as to be visible from the street.	Electrical Permits & CO	Png.									

8 9	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	
9 10	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	
10 11	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	
11 12	In order to mitigate the impact of demolition and soil removal the Applicant shall follow the steps and timeline detailed in the Letter regarding Mitigation of Impact of Demolition and Soil Removal, dated August 24, 2010	During Construction	Plng.	
12 13	To the maximum extent feasible applicant will utilize strategies during construction to mitigate dust and control air quality, to minimize noise and to implement a waste recycling program for the removed debris.	During Construction	OSE/ISD	
13 14	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	ISD	
14 15	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.	
15 16	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 17	The Applicant undertake appropriate rodent control measures. This should include baiting for rodents before the start of construction, and additional rodent baiting as needed while the project is ongoing. Baiting should occur on the property and in the neighborhood in the vicinity of the property. Additional baiting shall be required as deemed necessary by ISD.	BP – through construction	ISD	
17 18	The applicant shall ensure that the site is fenced on the side and rear lot line, and the applicant shall replace any existing fence that is damaged at this time or during construction.	CO	Plng.	
18 19	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.	



25 Hamlet Street