



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2012-81-R1(10/2013)
Date: November 14, 2013
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 111-123 Heath Street / 34 Edgar Avenue

Applicant Name: Esmaeil Mahdavi
Applicant Address: 80 Fairview Ave, Belmont MA
Property Owner Name: Esmaeil and Yeganeit Mahdavi
Property Owner Address: 80 Fairview Ave, Belmont MA
Agent Name: Everett Mitchell
Alderman: Tony Lafuente

Legal Notice: Applicant Esmaeil Mahdavi and Owner Esmaeil and Yeganeit Mahdavi seek a revision (SZO §5.3.8) to Special Permit with Site Plan Review ZBA 2012-81 to substantially demolish and reconstruct a single-family dwelling on the property. The original SPSR was under SZO §7.2 to have more than one principle structure on a lot and §7.3 to have more than three dwelling units on a lot in order to construct four residential units in two semi-detached townhouses for a total of sixteen residential units on the site. Two of the sixteen units will be affordable as defined in §2.2.4.

Zoning District/Ward: Residence B zone / Ward 4
Zoning Approval Sought: Revision to SPSR SZO §5.3.8
Date of Application: October 23, 2013
Dates of Public Hearing: November 20, 2013

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is comprised of six parcels that together are 24,640 sf. There were five buildings on the six parcels. Three buildings are along Heath Street; one is a multi-family home and two are fourplexes divided by lot lines. There was a one-story commercial structure behind 117-119 Heath Street that is a general contractor's shop and has been demolished. There was a single-

family house that was recently demolished that fronted on Edgar Avenue. A 16 foot easement runs along the back of the property from Edgar Avenue to a parking lot at 125 Heath Street. Century Street ends at the northern edge of the property and there is a few foot grade difference between the street and the property.

The six parcels are being consolidated for zoning purposes and will be managed by one condominium association.

2. Proposal: The proposal was to demolish the commercial structure and build two sets of three townhouses along the easement at the back of the property. 123 Heath Street would be converted from two units to one. There will be a total of sixteen residential units on the site, which includes 2 affordable units in perpetuity as defined in the Somerville Zoning Ordinance.



34 Edgar Ave – building that was demolished (above), site today showing area were single-family will be built to replace above (below)

In the original proposal the single-family house at 34 Edgar Avenue was going to be retained. When the Applicants started to do interior demolition to do a gut rehab of the building, they found that the building was not structurally sound. They hired a structural engineer to evaluate the building who found that it should be demolished. The City’s Inspectional Service Division ordered that the building come down.



The proposal is to build a single-family house in the location of the house that was demolished. The 573 square foot footprint of the previous house will be increased slightly by 121 square feet to square off the building and a covered porch is proposed that will add another 122 square feet to the footprint.

The house will keep the same general form as the previous house. It will be 2 ½ stories and have a side porch. There are three bedrooms in the house.

Other than the slight increase in footprint, the site plan has not changed. The parking space that will exist behind 34 Edgar Avenue will be surface of permeable pavers.

3. Nature of the Application: Revisions to Special Permits may be sought before the final Certificate of Occupancy is issued for a project that received a special permit under SZO §5.3.8. The proposed revision is not deemed de minimis because it entails an alteration that would be noticeable to persons

generally familiar with the plans. Revisions that are not de minimis are subject to the full notice and hearing provisions of the Somerville Zoning Ordinance.

The original legal notice included a Special Permit under SZO section 4.4.1 to alter the nonconforming single-family; however, plans to alter the structure at that time were not pursued. The porch of the house sits on its front lot line; however, considering all of the parcels are one this is technically the side lot line. Also, the house is nonconforming with the rear yard setback considering all of the parcels are one. The house is 18 feet to the rear property line and 20 feet is required.

4. Surrounding Neighborhood: The surrounding area is mostly comprised of one-, two- and three-family dwellings. The form of the houses are typically triple deckers or 2 ½ stories with varying roof forms.
5. Impacts of Proposal: The new single-family structure will not negatively impact the site from the existing approved plan and will not require changes to the circulation or parking scheme. The house will be in the same location and only 244 square feet larger in size from the existing house that only had a 573 square foot footprint. The house uses forms that are familiar to Somerville houses: 2 ½ story gable roof, a wrap-around porch, a projecting bay, and gable dormers.
6. Green Building Practices: None listed on the application form.

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

The following Special Permit with Site Plan Review findings are relevant to the proposed revision.

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

The proposal does not include historically designated properties. The Applicants were originally proposing to demolish 34 Edgar Avenue. When the Historic Preservation Commission (HPC) deemed it to be significant because of its strong association with the period in which it was constructed, as a workers cottage in the suburbs at the time when tenements were on the rise in Boston. After this determination, the Applicants changed the plan to retain 34 Edgar Avenue. The City’s Inspectional Services Division ordered that the structure be demolished due to its condition that was discovered after the HPC and ZBA review. The structure will retain some qualities of the structure that the HPC deemed significant. The house will remain a small single-family house with 2 ½ stories, a gable roof and remain within the existing footprint except for a 244 square foot section to square off the building and add a porch.

13. Enhancement of Appearance: The Applicant must demonstrate that “the natural character and

appearance of the City is enhanced. Awareness of the existence of a development, particularly a nonresidential 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 overall appearance of the site will improve as a result of the proposed revision. The proposed house has a similar height to the previous structure and it will be slightly wider allowing it to continue to screen the townhouses behind it. The house uses forms that are familiar to Somerville houses: 2 ½ story gable roof, a wrap-around porch, a projecting bay, and gable dormers.

III. RECOMMENDATION

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 **REVISION**.

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.

The original conditions still apply. The following conditions were added to include the updated plans for the single-family house and a few conditions to clarify that they are required for the single-family structure.

#	Condition	Timeframe for Compliance	Verified (initial)	Notes								
1	Approval is for the construction of a single-family house at 34 Edgar Avenue. 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>Oct 23, 2013</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>Nov 12, 2013</td> <td>Modified plans submitted to OSPCD (SK01 Site Plan)</td> </tr> <tr> <td>Nov 13, 2013</td> <td>Modified plans submitted to OSPCD (SK 03 1st & 2nd fl plans, SK 04 3rd & Roof Plans, SK05-07 Elevations, SK08-SK09 Perspective Views)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	Oct 23, 2013	Initial application submitted to the City Clerk’s Office	Nov 12, 2013	Modified plans submitted to OSPCD (SK01 Site Plan)	Nov 13, 2013	Modified plans submitted to OSPCD (SK 03 1 st & 2 nd fl plans, SK 04 3 rd & Roof Plans, SK05-07 Elevations, SK08-SK09 Perspective Views)
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Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.												

2	Applicant shall provide final material samples for siding, trim, windows, and doors to the Planning Staff for review and approval prior to construction.	BP	Plng.	
3	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.	CO	Wiring Inspector	
4	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.	

