



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*
MELISSA WOODS, *PLANNER*
DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*

Case #: ZBA 2012-68-E(4/2015)
Date: April 30, 2015
Recommendation: Approval

PLANNING STAFF REPORT

Site: 77-83 North Street

Applicant Name: Peter Stefanou
Applicant Address: 19 Conwell Avenue, Somerville MA 02144
Owner Name: Peter Stefanou
Owner Address: 19 Conwell Avenue, Somerville MA 02144
Agent Name: Richard G. Di Girolamo
Agent Address: 424 Broadway, Somerville MA 02144
Alderman: Katjana Ballantyne

Legal Notice: Applicant and Owner, Peter Stefanou, seeks a time extension (SZO §5.3.10) for Special Permit ZBA 2012-68 to greatly alter a nonconforming commercial structure under SZO §4.4.1 to construct two, three-story, semi-detached townhouses and associated parking.

Dates of Public Hearing: May 6, 2015

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a 3,137 sf lot at the corner of North Street and Conwell Avenue. There is a one story commercial structure on the lot that covers the entire site except a small portion of the site behind the building that varies in depth from approximately six to nine feet. There is a garden in this backyard. The building is in disrepair and the parapet is in danger of falling on the sidewalk. There is a development restriction on the property for a strip of land three feet and partly five feet wide for passage in the rear of the property that must remain open to the sky.

The Historic Preservation Commission did not find the building to be preferably preserved and therefore it can be demolished without having to wait for the 9 month demolition delay to expire.



2. Proposal: The application is for a time extension for the Special Permit that was issued on March 6, 2013. The following is a description of the approved project. The proposal is to demolish most of the existing structure and build a semidetached townhouse with a total net square footage of 3,004 sf. The two units will be mirror images of each other. There will be a living room, kitchen/dining room, three bedrooms, three bathrooms and a basement for mechanical equipment. Each unit will have an approximately 200 sf balcony on the third story in the front of the townhouse overlooking North Street. The materials will be Hardie plank with different exposures for the first and second floors and Hardie panels on the third floor.

The site will include landscaping and parking spaces. There will be four parking spaces located at the corner of North Street and Conwell Avenue. There will be a prefabricated black metal fence around the parking area. A new tree will be planted in the landscape area along Conwell Avenue. There will be a curb cut on North Street which will require moving a street tree in order to locate the curb cut in an effective location.

The Applicant made the following changes in the plan since the set dated October 22, 2013. The revised set is dated February 12, 2013. The revised plans were shown at a community meeting on February 21, 2013.

- Building moved back 3 feet
- Front entrances moved to street elevation
- Rear entry moved to the side elevations
- Rear entry porches reduced to a single landing
- 24 inch Segmental wall added at the rear and parts of the side elevations to allow for the grade level to slope up toward the back of the property
- 4 Parking spaces pervious pavement area reduced to “compact” size although spaces are typically the standard size (9 feet by 18 feet) with the space where the front end of the car and open car doors overhang is landscaping
- 4 Parking spaces changed to pervious paving
- Shrubs added around parking area
- Landscape plan added

77-83 North Street: (l) existing structure, (r) sidewalk and street trees along subject property



3. Green Building Practices: None listed on the application form.

4. Comments:

Fire Prevention: A code compliant fire alarm system will be required. The side and rear yards shall remain accessible and not be obstructed by walls or fences.

Historic Preservation: Historic Preservation Commission did not find the building to be preferably preserved and therefore it can be demolished without having to wait for the 9 month demolition delay to expire.

Highway: In order to relocate the street tree, a public hearing at DPW will be required.

Wiring Inspection: The utilities will be required to be located underground. There appears to be aerial utility trespassing over the existing building. The Applicant must contact the utility companies to remove the wires over the building.

Design Review Committee (DRC): The DRC reviewed the proposal twice at their meetings on Sept 27, 2012 and Nov 26, 2012. At the first meeting the following comments and recommendations were made in response to the first set of plans submitted with this application:

- Retaining a portion of the existing front wall as you are proposing will be very difficult, if not impossible to achieve as part of this project. Please take a look at attempting to reuse or preserve another portion of the structure to maintain the existing nonconforming status of the building.
- Please make another attempt to tie the parking space area into the project a bit more as the tandem parking space set up seems a bit odd. This parking area could potentially be linked to the rest of the site with a low wall and/or fence. Specifically, implementing two trees along the Conwell Avenue edge of the parking area would help to soften this corner of the site.
- Please investigate moving the street tree on North Street to open up the possibility of different parking options and design scenarios.

- The front façade of the building is a missed design opportunity and something else could be done here to make this side of the building more pedestrian friendly. Please look into adding more fenestration to the front façade to make the structure more interactive with the North Street streetscape.
- The location and relationship of the front porches to the streetscape could be improved by having the entry door or the footprint of each porch extend off of the building towards the street. Using a zero setback along North Street is a bit odd for a residential structure and creating any type of small setback or separation from the street would be helpful to the overall design of the building.
- Please clarify and identify where any easements are located on the project site that might be restricting the project's design.

The DRC was comfortable with the revised scheme presented at the second meeting.

Ward Alderman: Has been contacted but has not yet provided comments.

II. EVALUATION & FINDINGS FOR EXTENSION

Section 5.3.10 of the Somerville Zoning Ordinance provides that:

A special permit or a special permit with site plan review shall lapse two years from the granting thereof, or such shorter time as specified in said permit, if a substantial use thereof has not sooner commenced, except for good cause or, in the case of a permit for construction, if construction has not begun by such date except for good cause. Good cause shall be determined by the SPGA, and only upon a finding of demonstrated hardship (e.g. financing problems, labor strike, bad weather conditions, or act of God) and that there has been good faith effort to overcome the hardship and expedite progress. The period of extension of the life of a special permit or special permit with site plan review shall be, at minimum, the time required to pursue or await determination of an appeal, but the maximum extension shall not exceed one (1) year beyond the original permit life.

The original special permit was approved on March 6, 2013 and recorded on March 19, 2013.

Demonstration of Hardship

SZO §5.3.10 cites four examples of “hardship”: financing problems, labor strike, bad weather conditions, and act of God.

Issues arose in the ability to get a contractor onboard to build the project and in securing financing. The Applicants contacted eleven contractors to get quotes for the project. They did not hear back from the majority of businesses and the few that did get back to them were not satisfactory to the Applicants. Details from the Applicant regarding these exchanges are attached.

The Applicants contacted two banks to receive financing. Details from the Applicant regarding the specifics of negotiations are attached. A loan was secured; however additional financing is needed to cover the cost of the development.

Planning Staff finds that the Applicant encountered issues that constitute hardship and lack of response from contractors which prevented the commencement of construction under the permit.

Good Faith Effort to Overcome Hardship and Expedite Progress

The Applicant submitted a timeline of the action taken to move forward with the construction of this project. This timeline is attached to support this request. The timeline includes the following:

- contacted eleven contractors
- met with two banks
- received demolition approval from the Somerville Historic Preservation Commission and Fire Prevention Bureau
- met with NStar DigSafe twice
- commissioned and received an asbestos and contaminants report for the structure

Based on the above, Planning Staff finds that the Applicant is making good faith efforts to overcome the demonstrated hardships and move forward with the project. The Applicant indicated that he plans to start construction within the next year which will improve the state of the site that is in great disrepair.

III. RECOMMENDATION

Planning Staff recommends that the Board grant the extension of the conditional special permit, with all original conditions, until March 6, 2016.