



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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**Case #:** ZBA 2012-68

**Date:** January 3, 2013

**Recommendation:** Conditional Approval

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**PLANNING STAFF REPORT**

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**Site:** 77 North Street

**Applicant Name:** Peter Stefanou

**Applicant Address:** 19 Conwell Avenue, Somerville, MA 02144

**Property Owner Name:** Peter Stefanou

**Property Owner Address:** 19 Conwell Avenue, Somerville, MA 02144

**Agent Name:** Richard G. Di Girolamo, Esq.

**Agent Address:** 424 Broadway, Somerville, MA 02145

**Alderman:** Robert Trane

Legal Notice: Applicant and Owner Peter Stefanou seeks a special permit to greatly alter a nonconforming commercial structure under SZO §4.4.1 to construct two, three-story, semi-detached townhouses and associated parking.

Zoning District/Ward: Residence B / 7

Zoning Approval Sought: Special Permit under SZO §4.4.1

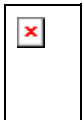
Date of Application: July 23, 2012

Dates of Public Hearing: Zoning Board of Appeals – January 9, 2013

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**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.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143  
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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 proposal is to demolish most of the 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.

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



3. Nature of Application: The existing structure and site is nonconforming in terms of lot size, the front, side and rear yard setbacks, ground coverage, landscaped area, pervious surface area, and parking. SZO Section 4.4.1 states that existing nonconforming structures may be enlarged, extended, renovated or altered by special permit authorized by the SPGA in accordance with the procedures of Article 5.

The proposed building and site complies with the dimensional requirements and parking requirements except for lot size, setbacks and pervious surface requirements.

The building massing and density complies with the Zoning Code's maximum allowed dimensions. The floor area ratio is 0.958 and the maximum allowed is 1.0. The ground coverage is 42.8% and the Code allows up to 50% coverage. The number of stories is 3, which is allowed and the height is 5 feet less than the limit of 40 feet. The proposed lot area per dwelling unit is 1,569 sf and the minimum in the district is 1,500 sf.

The setbacks will continue to be nonconforming. The existing and proposed buildings sit at the front lot line such that there is no front yard setback; the requirement is for a 10 foot setback. The existing building also sits at the side yards and the new structure will have a 5 foot setback; the requirement for townhouses is 15 feet. The rear yard, which currently has a varied setback of approximately 6 feet will become 5 feet and the requirement is 10 feet.

The site will be conforming to the dimensional requirements except for lot size and pervious surface area. The lot size is nonconforming at 3,137 sf, the minimum required parcel size is 7,500 sf. The pervious surface area requirement is 35% and the proposed is 23%, although, as conditioned, some of the parking area would be pervious to meet the requirement. The site will just meet the 25% landscape requirement.

Finally, the parking requirements are met. Two three-bedroom units require 2 parking spaces per unit for a total of 4 spaces. The proposal includes 4 spaces. The curb cut will require removal of a street tree and the Applicant will have to replace it. Section 10.6.2 states, “[t]hat where new construction or driveway entrances require the removal of existing street trees, the owner shall replace the street trees lost on a one-to-one basis with new trees in compliance with the specifications of this Section. Replacement of street trees shall be additional to the standard provision of trees on the site in accordance with Section 10.3 of this Article.”

4. Surrounding Neighborhood: The surrounding area is residential in nature with several two- and three-family homes. The houses are typically triple-deckers or 2 ½ story with gable roofs.

5. Impacts of Proposal: The proposal will be a positive change for the neighborhood. The dilapidated and potentially dangerous structure will be removed. The massing and design of the townhouses are generally compatible with the surrounding area. The new building will continue to be close to its neighbors but will be pulled back from the side lot lines to provide more separation between buildings. The separation is needed because the building will be three stories and have windows and views into the new residences. Also, the portion of the building at the corner of the lot will be removed, which will allow the neighboring house on Conwell Avenue to have more light.

A negative impact is the loss of a small market in a dense residential neighborhood where residences would have convenient access to a locally serving store or business. This location and many of these commercial nodes in the City have been rezoned to be residential districts, making it difficult for businesses to establish themselves. The business at this location has been vacant for several years and therefore a redevelopment of the parcel despite the loss of a commercial space, is beneficial.

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

7. 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.

*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. FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1 & 5.1):**

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."

In considering a special permit under §4.4, Staff find that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The existing structure is dilapidated and potentially dangerous structure and will be removed and replaced with a building with more height but with a smaller footprint and greater side yard setbacks.

A negative impact is the loss of a small market in a dense residential neighborhood where residences would have convenient access to a locally serving store or business. This location and many of these commercial nodes in the City have been rezoned to be residential districts, making it difficult for

businesses to establish themselves. The business at this location has been vacant for several years and therefore a redevelopment of the parcel despite the loss of a commercial space, is beneficial.

A portion of the parking area should be made up of a pervious surface so that the site meets the pervious surface requirement of 35%.

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 and providing for and maintaining the uniquely integrated structure of uses in the City.

The proposal to construct two townhouses is also consistent with the purpose of the district which is to establish one-, two-, and three-family homes.

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 proposal is designed to be compatible with the surrounding buildings and will become a conforming use as a residential property. The massing and design of the townhouses are generally compatible with the surrounding area. Although townhouses are not common in immediate area, the massing is similar to neighboring homes. There are several triple deckers in the area that are three stories with flat roofs, as is proposed for the subject property. The design is contemporary but includes elements such as a front porch, bays, and porticos that relate to older homes surrounding it. The varying siding for each story of the townhouse gives it visual interest and reduces its massing. The visual interest along with large front windows and lattice element are important because since the building will not be setback from the sidewalk, the façade needs to be pedestrian friendly.

The new building will continue to be close to its neighbors but will be pulled back from the side lot lines to provide more separation between buildings. The separation is needed because the building will be three stories and have windows and views into the new residences. Also, the portion of the building at the corner of the lot will be removed, which will allow the neighboring house on Conwell Avenue to have more light.

### **III. RECOMMENDATION**

#### **Special Permit under §4.4.1 & 5.1**

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	<p>Approval is for the construction of two residential units in a semidetached townhouse with 4 parking spaces. 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>Jul 23, 2012</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>Nov 7, 2011</td> <td>Plans (Plot Plan)</td> </tr> <tr> <td>Oct 22, 2012</td> <td>Modified plans submitted to OSPCD (A-000 Cover Sheet, Z-001 Zoning Plan, A-100 Basement &amp; First Floor Plans, A-101 Second &amp; Third Floor Plans, A-300 Building Elevations, A-400 Building Perspectives)</td> </tr> </tbody> </table> <p>Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.</p>	Date (Stamp Date)	Submission	Jul 23, 2012	Initial application submitted to the City Clerk's Office	Nov 7, 2011	Plans (Plot Plan)	Oct 22, 2012	Modified plans submitted to OSPCD (A-000 Cover Sheet, Z-001 Zoning Plan, A-100 Basement & First Floor Plans, A-101 Second & Third Floor Plans, A-300 Building Elevations, A-400 Building Perspectives)	BP/CO	ISD/Png.	
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2	The fence around the parking area shall be wrought iron. The landscaped strip between the parking area and residential neighbor should be densely planted to limit light from cars' headlight from shining into the abutting home.	CO	Png.									
3	Access to the side and rear yards shall remain open. No fences or walls shall be constructed to block access around the building.	CO	Fire Prevention									
4	A code compliant fire alarm system shall be installed.	CO	Fire Prevention									
5	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									
6	At least 367 sf of the parking area shall be a pervious surface to meet the 35% pervious surface requirement.	CO	Png.									
7	In order to relocate the street tree, a public hearing at DPW will be required.	Prior to removal of street tree	Highway									

8	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD	
9	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	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	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.	
12	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	
13	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.	

