



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2014-90
Date: January 15, 2015
Recommendation: Unable to Recommend

PLANNING STAFF REPORT

Site: 139 Summer Street

Applicant & Owner Name: 139 Summer Street, LLC
Applicant & Owner Address: 55 Lindall Street, Danvers, MA 01923
Agent: Richard G. Di Girolamo
Agent Address: 424 Broadway, Somerville, MA 02145
Alderman: Robert McWatters

Legal Notice: Applicant and Owner, 139 Summer Street LLC, seeks Special Permits under SZO §4.4.1 to alter a non-conforming structure to add a third dwelling unit and under SZO §9.13.a for parking relief. RB/RA zone. Ward 3.

Dates of Public Hearing: **Zoning Board of Appeals - Wednesday, January 21, 2015**

I. PROJECT DESCRIPTION

1. Subject Property: The subject parcel is 7,755 square feet and comprised of a two-family dwelling. The gable-end house is 2½ stories in height with a floor area ratio of 0.42. One unit is located on the first floor while the second unit is located on the second floor and within the attic. The landscape and pervious areas compose 61% (4,787 sf) of the parcel. There is one existing parking space in the driveway. The structure is located on a lot that is zoned RB along Summer Street and RA at the rear. The entire building is located within the RB portion of the lot. The surrounding area is comprised mostly of single-, two-, and three-family dwellings and some larger 3 to 4 story apartment buildings.

There is no prior zoning relief.

2. Proposal: The Applicant is in the process of constructing a 1,545 square foot rear addition. The applicant seeks to use reorient the space within the house to accommodate a third dwelling unit. The



Applicant was granted a building permit to build-out the proposed addition to enlarge the existing two-family as a by-right project and cleared the rear portion of the lot in preparation. The addition of a third dwelling unit means a Special Permit must be approved. There would be one three bedroom units and two two-bedroom units. The three-bedroom unit would be accessed through the existing front entryway, and the other two units would be designed in a townhouse style with entrances along the driveway at the rear of the parcel. This proposal will locate 4 parking spaces at the rear of the site and the driveway would be widened to 18' to accommodate required fire access (as the fire department requires access to the rear doors). The floor area ratio would become 0.76 while the landscape area would be 35% (2714 sf) and the pervious area would be 37% of the site (2,869 sf).



139 Summer Street – Left photo is prior to building permit while the right photo is after

3. Green Building Practices: There are no green building practices being used.

4. Comments:

Fire Prevention: Has been contacted and does not have concerns regarding the project since the driveway will be 18' in width which will provide access to the rear units.

Traffic & Parking: Has requested a parking study.

Wiring Inspection: Has been contacted but has not yet submitted comments.

Engineering: Has asked for civil plans to indicate roof leaders and where they discharge, and that there is to be NO increase in stormwater runoff to adjacent properties or public row permitted.

Historic Preservation: Staff noted that the form and massing of the front building component is retained; while the addition will alter the overall massing of the house, the gable-end along the streetfront will continue to retain the existing streetscape.

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

II. FINDINGS FOR SPECIAL PERMIT:

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 7,755 square feet, and the required lot area per dwelling unit is 1,500 square feet; therefore, the third unit may be added as of right. It is interesting to note that, if the applicant had submitted permits to do so, it was possible to demolish the entire house and build in its place a three-unit building by-right, as this is allowed in the RB district. However, as the applicant chose to modify a nonconforming structure, other than a single or two-family, a Special Permit is required to make changes.

For non-conforming structures under the existing ordinance, a 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 left side yard setback.

In considering a Special Permit for a nonconforming structure under the existing ordinance, Staff finds a particular challenge with these types of alterations. There have been a series of recent home alterations in Somerville that have stayed below the special permit thresholds while still adding significant rear additions on existing homes. This case is different, in that the request to create the third unit triggers a review before the zoning board. Nonetheless, the addition of a large townhouse-style development on the rear of an existing traditional structure is a concern. First, there is concern regarding the back-to-back unit layout, which prompts the driveway to be widened to 18' to accommodate a fire truck. This increases the impervious area as well. Additionally, this interior plan does not provide front entry doors on Summer Street for each unit, only the front unit. The two front entrances for the middle and rear units are located approximately 75' from the front lot line, so this layout also does not enable the rear yard any privacy for the occupants. The lost connection between the street frontage and these entryways is inconsistent with typical Somerville building traditions.

A Special Permit is required for one space of parking relief due to the existing nonconforming parking situation, which provides only one space. The addition of a third unit requires an increase of on-site parking. To be compliant, the Applicant would need five spaces; however, in order to ensure there is adequate green space that is able to be used by residents; the applicant has decided to request relief for one space; therefore the project proposes four (4) parking spaces.

In considering a special permit for parking relief, the Applicant must be able to demonstrate that granting the requested special permit would not cause detriment to the surrounding neighborhood through any of the criteria as set forth under SZO §9.13, which are as follows:

- 1) increase in traffic volumes;

- 2) increased traffic congestion or queuing of vehicles;
- 3) change in the type(s) of traffic;
- 4) change in traffic patterns and access to the site;
- 5) reduction in on-street parking;
- 6) unsafe conflict of motor vehicle and pedestrian traffic.

Parking relief for one parking space will still provide one space per unit as well as one extra, potential visitor space. There could be tandem parking within the driveway itself, as the driveway is 18' in width; but this is not recognized within the zoning code. In order to best comply with the zoning code and dimensional requirements stated within, the applicant has decided to ask for parking relief in order to retain adequate green space at the rear of the parcel. The location of this parcel as well as the established priorities of the community strongly suggest that residents take full advantage of public transit as well as other alternate modes; therefore, Staff does not foresee detriment with regard to an increase in traffic volume or congestion. Traffic would continue to be residential and access would remain the same. There would be no reduction in on-street parking nor conflicts between vehicles and pedestrians.

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 marginally consistent with the general purposes of the existing SZO, 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 proposed site layout increases impervious area, the building layout is inconsistent with community priorities and planning efforts, and the massing bulk at the back of the lot is inconsistent with the design of neighboring properties and yards. Nonetheless, that form is permitted by-right, with or without the addition of a third unit.

The proposal is not consistent with the purpose of the Residence A district, 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." However, the building is entirely located in the RB district, see below.

The proposal is consistent with the purpose of the RB district of the existing zoning code, 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." This district purpose is very general and does not offer specifics with regard to unit layout, fire access and landscaping.

While this applicant proceeded based upon zoning in place at the time, the unit layout on this site is not permitted under the proposed new zoning because it so problematic. While the code is not in place at this time, it does provide insight into the priorities of the staff and the consistency of the project with SomerVision: 1) There is concern regarding the back-to-back unit layout, which prompts the driveway to be widened to 18' to accommodate a fire truck. This increases the impervious area requirement as well. Additionally, this interior plan does not provide front entry doors on Summer Street for each unit, only the front unit. The two front entrances for the middle and rear units are located approximately 75' from the front lot line, so this layout also does not enable the rear yard any privacy for the occupants. 2) The proposal does not comply with landscaping design or tree preservation regulations under the new code.

One canopy tree for every 1000 sf of landscape will be required as well as to preserve existing on-site trees in the setback areas.

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."*

This is a residential property located predominantly within an RB district, though the rear portion of the site is located in an RA district. The surrounding area is comprised mostly of single-, two-, and three-family dwellings and some larger 3 to 4 story apartment buildings. The parcel is near the corner of Central and Summer streets, within a predominantly residential neighborhood.

The design of the proposal includes several architectural features, many of which are consistent with the residential neighborhood, but the unit layout, fire access, and landscaping are of concern, as noted above.

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 proposed alterations and third dwelling unit will not create 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 parking situation would provide one space per unit as well as one extra, potential visitor space. In order to best comply with the zoning code and dimensional requirements stated within, the applicant has decided to ask for parking relief in order to retain some usable green space at the rear of the parcel. The circulation patterns would remain similar to the existing; cars would enter in a forward motion and exit by backing out; however, as the driveway is 18' in width, there are maneuvering capabilities for vehicles to potentially exit in a forward manner also.

7. 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>Affordable Units:</i>	0	0

<i>Parking Spaces:</i>	1	4

The project complies with the general ideas presented in SomerVision, such as preserving the character of the streetscape, but this project does not implement these goals in the most appropriate manner, due to the back-to-back units, fire access, and landscape/tree preservation. Nonetheless, it is worth noting that these same impacts exist if the applicant were to maintain the site with the same addition while using the building as a two-family house. This two-family condition is allowed by-right under the current ordinance.

III. RECOMMENDATION

Special Permit

Based on the materials submitted by the Applicant, the above findings and subject to the following conditions, the Planning Staff is **UNABLE TO RECOMMEND** 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.

Nonetheless, should the Board approve this application, the Staff recommends the following conditions:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	<p>Approval is for Applicant and Owner, 139 Summer Street LLC, seeks Special Permits under SZO §4.4.1 to alter a non-conforming structure to add a third dwelling unit and under SZO §9.13.a for parking relief. RB/RA zone. Ward 3. 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 25, 2014)</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>August 14, 2014 (January 8, 2015)</td> <td>Modified plans submitted to OSPCD (A-000, AV-1, A-0001, A-002, A-010, EX-100, EX-300, AD-100, A-100, A-101, A-300, A-400, A-500A-600, & A-900)</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	(August 25, 2014)	Initial application submitted to the City Clerk’s Office	August 14, 2014 (January 8, 2015)	Modified plans submitted to OSPCD (A-000, AV-1, A-0001, A-002, A-010, EX-100, EX-300, AD-100, A-100, A-101, A-300, A-400, A-500A-600, & A-900)	BP/CO	ISD/Plng.	
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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 submitted to the Engineering Department for review and approval.	BP	Eng.	
3	The Applicant shall submit a proposed grading and drainage plan, stamped by a registered PE in Massachusetts that demonstrates compliance with the City's stormwater policy.	BP	Eng.	
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.	
7	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	
8	The interior lay-out shall be re-designed to become stacked units, all with access from the front entry along Summer Street.	CO	Plng.	
Site				
9	There shall be a minimum of two trees with a trunk caliber of 4" installed on-site.	CO	Plng.	
10	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.	
11	There shall be a fence as well as a landscape buffer (to grow to 6' in height at maturity) at the rear of the parcel along the property line. The Applicant shall submit an updated landscape plan to ensure compliance with landscape conditions;	BP	Plng.	
Traffic & Parking				
12	Parking spaces 3 & 4 (directly behind the dwelling) shall be composed of a pervious material that permits grass to grow through the material (such as grass-crete pavers).	CO	Plng.	
13	The asphalt areas of the driveway shall be limited to 12 feet of driveway width, with the remaining driveway to be pervious pavers.	CO	Plng.	

Miscellaneous				
14	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	
Public Safety				
15	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
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.	
Final Sign-Off				
17	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.	

