



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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*PLANNING DIVISION*

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**Case #:** ZBA 2011-77

**Date:** March 8, 2012

**Recommendation:** Conditional Approval

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**PLANNING STAFF REPORT**

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**Site:** 1 & 2 Village Terrace

**Applicant Name:** Douglas Beaudet

**Applicant Address:** 11 Ibbetson St, Unit #3, Somerville MA 02143

**Property Owner Name:** Douglas Beaudet

**Property Owner Address:** 11 Ibbetson St, Unit #3, Somerville MA 02143

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

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

**Alderman:** Maryann Hueston

**Legal Notice:** Applicant & Owner Douglas Beaudet seeks a Special Permit to establish 5 dwelling units under SZO §7.11.1.c in two structure with 5 parking spaces and a Special Permit to alter a nonconforming structure under §4.4.1. The Applicant also seeks a parking variance for 3 spaces (§5.5 &9.5).

**Zoning District/Ward:** RC Zone / Ward 2

**Zoning Approval Sought:** Special Permit SZO §7.11.1.c, §4.4.1, §5.1, §5.5 & §9.5

**Date of Application:** Original Oct 4, 2011 – Complete Mar 28, 2012

**Dates of Public Hearing:** Zoning Board of Appeals April 18, 2012

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**I. PROJECT DESCRIPTION**

1. **Subject Property:** The subject property consists of two lots, one is 1,522 sf and other is 4,559 sf for a total of 6081 sf. There is one, 1 ½ story, single-family house located on each lot. Village Terrace is a 10 foot private way off of Village Street that runs by these residences. A portion of 2 Village Terrace is located on the right of way. These structures, as well as the structure that fronts Village Street, are part of a group of four buildings that had originally lined Dane Street. When the at-grade railway crossing was



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changed to a bridge with embankments, the buildings were relocated to these near-by vacant lots. The subject property contains two of the four building that were relocated.

The buildings were placed closed together; there is six feet between 1 and 2 Village Terrace and less than two feet between 5-7 Village Street and 1 Village Terrace.



*1 & 2  
Village  
Terrace:  
(top)  
aerial  
view,  
(bottom)  
view of  
existing  
structures  
from  
Village  
Street*



2. Proposal: One Village Terrace was deemed as 'significant' by the Historic Preservation Commission and will essentially remain the same except for the following changes that were acceptable to the Commission. The proposal includes adding 2 gable dormers on the front façade and a shed dormer on the rear. The front porch would be detailed with spool work and turned columns. The rear deck would be demolished and stairs from the newly located rear door would be built. The building would be sided with wood clapboards and corner boards. The 1950s windows would be replaced with double-hung windows. The house will have a kitchen, living room and dining room on the first floor and two bedrooms and a bathroom on the second floor.

Two Village Terrace would be greatly altered to develop a four-family dwelling. The building will be three-stories tall with a flat roof. There are bays and decks that project from the building. There will be a trellis on the front of the building that leads to the entrances of the individual units on the west side of the site. There will be two garage doors along the driveway (east) side of the building.

The units are townhouse-like but do not meet the definition of a townhouse. Each unit will include an open living, dining, kitchen and bathroom on the second floor and two bedrooms and a bathroom on the third floor.

#### *Parking*

There will be one parking space for each residential unit. Four of the parking spaces will be in garages under the building and one parking space will be open and be located at the end of the driveway for use by the residents of the single-family house. There will be one bicycle parking space at the entry court for the four-unit structure.

#### *Landscaping/Site*

A landscape plan was submitted that shows dense plantings around the single-family house. There will be brick paving leading to the front entrance of the single-family house as well as brick paving across the driveway to provide a visible pedestrian path from the driveway to the residential entrances. The backyard will contain a lawn and plantings at the edge of the property. Patios will be located by the front entrances to provide some private outdoor space.

#### *Utilities*

Condensers will be located at the rear of each of the units in the patio area. Trash will be stored in rolling trash cans that will be kept in the garage for the 4-family dwelling in the rear yard for the single-family dwelling. It is not yet known if a transformer will be required for the development.

### 3. Nature of Application:

#### *Use*

A Special Permit is required to establish 5 dwelling units under Somerville Zoning Ordinance (SZO) §7.11.1.c.

#### *Dimensions*

The existing single-family structures and lots at the property are currently nonconforming with respect to minimum lot size, and rear and left side yard setback. These existing setback nonconformities require the Applicant to obtain a Special Permit under SZO §4.4.1 to alter the nonconforming structure.

The structure that will remain a single-family will be altered along the nonconforming rear yard with the addition of a dormer on the rear of the structure. Also, the deck in the rear that is less than a foot from the

property line will be demolished and new stairs will be built that are approximately a foot farther from the property line. The footprint of the structure will not change.

The four-family structure will keep a portion of the existing single-family house's foundation. The rear yard that is 3.3 feet for a portion of the building will become more conforming as the building will be 10 feet away from the property line. The rear yard setback requirement in this district is 20 feet.

The front yard setback will increase by 3 feet for a total of 18 feet. It is currently 15 feet and the requirement is 15 feet. The front yard is measured from the eastern property line as this is the location of the right of way.

The right side yard setback will remain conforming at 20 feet and the requirement is 10 feet. Since this side yard will function as a rear yard, it is important to note that it also complies with the rear yard setback requirement.

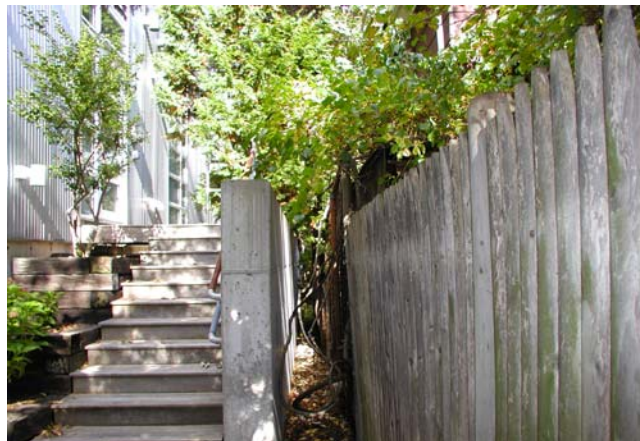
The building envelopes are also conforming to the RC District as the combined floor area ratio (FAR) is 0.91 and the maximum allowed is 2.0, the height of the new structure is 34 feet for the existing structure, 24 feet 11 inches to the ridge of the structure to remain, and the maximum allowed is 40 feet.

The 5 unit development complies with the lot area per dwelling unit as it will be 1216 sf and the minimum required is 875 sf. The ground coverage will be 29.5% and the maximum allowed in the district is 70%. Landscaping at the site will be 27%, just above the minimum requirement of 25% in RC districts.

#### *Parking*

The proposal also requires a variance (§5.5) from the required number of parking spaces (§9.5). The Applicant is proposing to provide 5 off-street parking spaces at the site and the requirement is for 8 parking spaces. The requirement is for 1.5 parking spaces for each of the 2-bedroom units.

4. Surrounding Neighborhood: The surrounding area is comprised of a mix of residential and industrial buildings. The MBTA rail road tracks abut the property and the Ames Envelop complex is located on the other side of the tracks to the north. The land uses to the west, east, and south are residential. There is a multi-unit building to the west of the property and there is an approximately 6 foot tall retaining wall along this property line. To the east is a two-family structure and two vacant lots that will likely not be developed because they only have frontage on Dane Street which is at a significantly higher elevation.



*Retaining wall located near the western property line that separates the site from its residential abutter*

The subject property is minimally visible from Village Street and most visible from the bridge over the railroad tracks on Dane Street

5. Impacts of Proposal: The proposal will allow for the preservation and restoration of a historic structure. It will also transform a dilapidated structure into a four-unit residential building that has limited visibility. The development will bring more people to this site that is currently challenged by its access



through an undefined private way. The transformation of the site will improve upon this challenge and allow for the passage and storage of cars in enclosed garages, except for one parking space that will not be in the structure.

The unique access provides a situation where there are not many direct abutters that will feel an impact of the development. The new structure will be next to a large residential building on one side but it will be at a lower elevation than it and on the other side are two vacant lots with little redevelopment potential. To the rear are the rail road tracks and a concrete industrial building.

The Applicants submitted a traffic memorandum demonstrating that the proposal will have negligible impact on the surrounding neighborhood's public parking supply. The memo provides information on the typical vehicle ownership rates in Somerville, the proximity to public transportation, mode-split of travel to work and the availability of 131 parking spaces on an average weeknight in the immediate vicinity of the site that suggest that the transportation infrastructure is more than adequate to meet the demand of this project that is asking for relief from providing 3 parking spaces.

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

7. Comments:

*Fire Prevention:* The proposed alterations to the property would require a 18' wide fire lane, a code compliant fire suppression system, a code compliant fire alarm with central station monitoring.

*Historic Preservation:* The Historic Preservation Commission reviewed the proposal at their meetings on December 20, 2011 and January 17, 2012. The Commission noted that many of the small workers cottages in Duck Village are well-maintained and some have been rehabilitated. While the houses in and of themselves are not particularly significant, they are as an assemblage. The Commission determined that 1 Village Terrace was 'significant' and 'preferably preserved'. On the other hand, the Commission voted (4-3) that 2 Village Terrace was 'not significant' because while the house shared the same history as 1 Village Terrace, it was not as important to the fabric of the neighborhood and that its loss would not have a negative effect on the Duck Village neighborhood. Members recommended that some interpretive signage be installed to memorialize the demolished structure.

The Commission generally liked the proposed alterations to 1 Village Terrace, finding them appropriate to the style and period of the structure. They noted that the window proportions needed tweaking and should be taller in proportion to their width. The lack of chimney in the plans was also discussed. The proposed alterations are in-keeping with what was presented to the Commission. There are a few modern details that make it clear that the building has been altered from its original form.

Although 2 Village Terrace was ultimately not considered 'significant', they thought that a gable end toward 1 Village Terrace would look better next to the building than a flat-roofed structure. As proposed 2 Village Terrace does not relate to the vernacular residential architecture of the neighborhood as desired by HPC. However, due to the scale and massing of the building, the design relates to the industrial buildings that line the railway to the east and west of this node of vernacular residential buildings.

*Traffic & Parking:* The applicant proposes to renovate one structure and build another structure on a parcel with an address of 1 & 2 Village Terrace. The project involves the renovation of an existing single family residential building and the creation of a new four unit, 3 story building. Village Terrace is a private way. Per the Somerville Zoning Ordinance this project will require eight off street parking spaces. The project is providing only 5 off street parking spaces.

The applicant has hired a professional transportation firm, Fort Hill Infrastructure Services, LLC to provide a parking assessment to determine the impact of not providing the three off street parking spaces on the parking supply on the public ways in the immediate neighborhood. It should be noted that since Village Terrace is a private way, Traffic and Parking does not comment on parking on private ways as parking on public ways is strictly an issue for abutters of the private way.

Fort Hill Infrastructure has submitted a thorough and well prepared Parking Memorandum. The Parking Memorandum concludes that the proposed project will have a negligible impact on the surrounding neighborhood's public parking supply. Traffic and Parking does not fully support this assertion. Traffic and Parking does concur that the surrounding neighborhood's public parking supply can meet the demands of three off street parking spaces not being supplied by the project. However, there will be a slight increase in the traffic congestion and vehicle delay in this neighborhood due to this factor. Also there will be a slight decrease in both pedestrian and vehicle safety as vehicles circulate the public ways of this neighborhood seeking the available parking spaces. To alleviate this condition and promote a safe comprehensive transportation network in this neighborhood, traffic mitigation is required. Traffic mitigation is especially necessary for pedestrian safety in this neighborhood as several years ago there was a pedestrian fatality at a nearby intersection.

It is recommended that the applicant purchase and deliver to the City six Pedestrian Impact Recovery Systems for the City to install at nearby intersections in this neighborhood to promote a safe transportation network.

Provided the above is incorporated, Traffic and Parking has no objections to this application.

*Engineering:* The Applicant shall submit a proposed grading and drainage plan and drainage report, stamped by a registered PE in Massachusetts that demonstrates compliance with the City's stormwater policy.

The addresses for the property shall be 2 and 3 Village Terrace.

*Wiring Inspector:* The utilities will have to go in underground. Also the proposal will require a common panel (5th meter). Information on the size of the service including a total load calculation will be required to ensure that the service is sized properly.

*Design Review Committee (DRC):* The DRC reviewed the project at their meetings on January 12 and February 23, 2012. At the first meeting the Committee asked the Architect to address the following concerns/comments: create an entry so that it does not feel that you are arriving at the back of the complex, create more space at that entry area by pushing the building back towards the rail tracks, treat the driveway as a patio or pedestrian area, explore adding a flat instead of a pitched roof, create a relationship between the buildings, change the continuous siding so that it does not reinforce the height of the building and consider modern materials.

At the February 23, 2012 meeting the DRC reviewed the revised plans with the following changes: The new structure will be 12 feet away from the structure that will remain. A trellis feature was added in between the two buildings along with improved landscaping to help draw people to this area of the site. The patios on the back side of the rear building have been pulled back against the building to make them more private. The project will use clapboard siding with nine, six, and four inch exposures. There is also now a demarcation of the pedestrian walkway on the site using different pavers. Overall they liked the changes but had the following suggestions: they preferred the original upper level projection on the building, the add more detail to the porches to make them feel less generic by incorporating the pergola

language into them, compose the windows on the prominent projection differently, considering changing the fencing for the patios in the back of the building so that it is more modern and akin to the pergola at the entryway, and use mahogany panels for the garage doors instead of trying to blend the garage doors into the side of the building.

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

## **II. FINDINGS FOR SPECIAL PERMIT (SZO §7.11.1.c, §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 of the SZO, Staff find that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structures. The dormer and deck alterations to the single-family house will allow for the preservation and restoration of the house in a way that provides more functional space in the house with changes that are appropriate to the massing and style of a typical workers cottage.

The four-family structure will transform a dilapidated structure that is currently built over the right of way into a functional building that will provide enclosed parking. The nonconforming rear yard setback will become more conforming and the front yard setback will become larger. The other nonconforming setbacks will not be reduced further. The large yard at the back of the site will be reduced from its current size of approximately 2,500 sf but it will remain as a functional landscaped backyard with approximately 850 sf.

The number of dwelling units complies with the density dimension regulation. The lot area per dwelling unit dimension allows for up to six units to be on the site by special permit.

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 providing for and maintaining the uniquely integrated structure of uses in the City; preserving the historical and architectural resources of the City and encouraging the most appropriate use of land throughout the City.

The proposal for a multi-family and single-family structure is consistent with the purpose of the district, which is, "[t]o establish and preserve a district for multi-family residential and other compatible uses which are of particular use and convenience to the residents of the district.

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 changes to the single-family structure are designed to be appropriate to the form of a typical workers cottage. Planning Staff concur with the Historic Preservation Commission's approval of the changes to this structure.

The four-unit building is designed to be compatible with the site and built environment. The flat-roofed three-story structure will be modern in design but relate in materials and color to the historic structure. This form will allow all but one parking space on-site to be in garages. The garage doors will be visible when approaching the building but there will be a prominent trellis structure and door on the front of the building to provide a friendly pedestrian experience that does not interact with the garage doors. The trellis leads people to a court that provides individual entrances to units that will have privacy as this grade is below the grade of the abutting residential structure. The patios along this court will provide individual outdoor space for the units.

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 use of the site is currently residential and will remain as such with similar environmental impacts. A grading and drainage plan and drainage report will be a condition of approval. This information will be reviewed by the City Engineer to ensure that the stormwater drainage from the site will not increase as a result of this proposal.

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.

There will be an 18 foot drive aisle to access the site and the Fire Department is requesting that this is a Fire Lane to ensure that it remains clear. The fence along the property line may need to be removed or relocated to achieve this width. Pedestrians will have a path from the driveway to the front doors of the units that will be designated with pavers. The path will not cross in front of the garage doors on this site.

### **III. FINDINGS FOR VARIANCE (SZO §5.5 & 9.5):**

In order to grant a variance the Board must make certain findings and determinations as outlined in §5.5.3 of the SZO.

1. There are "special circumstances relating to soil conditions, shape or topography of land or structures which especially affect such land or structures but not affecting generally the zoning district in which it is located, causing substantial hardship, financial or otherwise."

The Applicant stated, "The unique shape of the property is a special circumstance that warrants the granting of a variance to the applicant. The proposal is on a site which is awkwardly shaped. To have a feasible project that is priced affordable with amenities that will be available for new residents. The site layout and lot impacts the structures such that it allows for sufficient parking. This situation is unique to this site and does not impact the zoning district as a whole."



The shape of the site is unique in that the parcels are located behind the parcel on the public way and are only accessible via a 10 foot private of way. The private way configuration as well as the location of the significant and preferable preserved structure creates a hardship in designing the site in such a way that is financially feasible and provides all of the required parking onsite. These characteristics are unique in the Residence C zoning district. The layout of the site provides limited opportunity for parking spaces that are enclosed and therefore not visible except for one spaces, as well as a usable landscaped area in the rear yard. Therefore, the shape of the lot creates a unique situation whereby no project with compliant parking could be designed in such a way to be financially viable and meet the expectations of quality design set out by the required findings for development in the SZO.

2. “The variance requested is the minimum variance that will grant reasonable relief to the owner, and is necessary for a reasonable use of the building or land.”

The Applicant stated, “The site for the proposal is shaped with two (2) structures that have not been upkept for many years. The proposal will allow for four (4) additional residential units with sufficient parking. The parking area will allow for adequate landscape and snow storage area.”

Staff find that the proposal brings the building more into compliance with dimensions and use than the existing structure and use. The proposal is not seeking the maximum number of dwelling units that are allowed based on the lot area per dwelling unit, which is six. Five residential units is a reasonable use for this site which is in a zoning district that encourages multi-family developments and will be preserving a single-family structure. Each unit will have a dedicated parking space. This is a reasonable number of parking spaces for this type of development in this area of the City. This neighborhood has adequate bus access, options for rapid public transit within a mile of the site and sufficient on-street parking as outlined in the parking memorandum.

3. “The granting of the variance would be in harmony with the general purpose and intent of this Ordinance and would not be injurious to the neighborhood or otherwise detrimental to the public welfare.”

The Applicant stated, “The proposal is to build four (4) additional residential units would greatly benefit the surrounding neighborhood. This project is in harmony with the residence. The site is within close proximity to community paths, it allows for walking connections to amenities and provides opportunities for residents with access to a vehicle or second vehicle.”

Staff find that the proposal is in harmony with the intent of the Ordinance and it would not be injurious to the neighborhood. The proposal provides one parking space per unit, which will likely be sufficient for the residents that move to this area that is pedestrian, bus and bike-friendly. Also, sufficient parking spaces have been shown to exist in the area in the parking memorandum if the tenants or their visitors needed additional parking spaces. Providing additional off-street parking encourages buyers with extra vehicles, and encourages owners to buy and keep extra vehicles. In an area with adequate pedestrian and transit access, the parking being provided is adequate and reasonable. The parking, except for one space, will be hidden from view and a nicely landscaped area will be visible in the backyard. Approving the variance will facilitate a redevelopment that meets the expectations of the SZO and the needs of the neighborhood in this particular area.

#### **IV. RECOMMENDATION**

##### **Special Permit under §7.11.1.c, §4.4.1, & §5.1 Variance under §5.5 & 9.5**

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 PERMITS AND VARIANCE**.

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	Approval is to establish 5 dwelling units under SZO §7.11.1.c in two structures and alter the nonconforming structures under §4.4.1. Approval is also to provide 5 of the 8 required parking spaces. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/Plng.																			
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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	The Applicant shall submit a proposed grading and drainage plan and drainage report, stamped by a registered PE in Massachusetts that demonstrates compliance with the City’s stormwater policy.	BP	Engineering																			
3	The addresses for the property shall be 2 and 3 Village Terrace.	CO	Engineering																			
4	Landscaping should be installed and maintained in compliance with the American Nurserymen’s Association Standards;	Perpetual	Plng. / ISD																			
5	An 18’ wide fire lane is required along the driveway into the site. The fence along the property line may need to be removed to achieve this width.	CO	FP																			

6	A code compliant fire suppression system and a code compliant fire alarm with central station monitoring is required.	CO	FP	
7	The Applicant shall purchase and deliver to the City six Pedestrian Impact Recovery Systems for the City to install at nearby intersections in this neighborhood to promote a safe transportation network	CO	T&P	
8	The Applicant shall submit information on the size of the electrical service including a total load calculation to ensure that the service is sized properly.	Electrical permits & CO	Wiring Inspector	
9	Any transformers should be located as not to impact the historic building or landscaped area, and shall be fully screened.	Electrical permits & CO	Wiring Inspector	
10	The utilities for the building shall be placed underground from the source or connection.	Electrical permits & CO	Wiring Inspector	
11	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	
12	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	
13	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	
14	Snow plowed from the development shall be limited to the rear yard.	Cont.	ISD.	
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.	
16	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	

17	Applicant shall provide final material samples for siding, trim, windows, corner boards, and doors to Planning Staff for review and approval prior to construction. Material samples shall be presented prior to procurement to allow the Planning Staff's input to be incorporated without the burden of the input being cost prohibitive.	BP	Plng.	
18	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.	

