



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2015-82

Date: 11/8/15, 12/9/15, February 17, 2016

Recommendation: ~~Denial~~ Conditional Approval

Updated PLANNING STAFF REPORT*

Site: 88 Dover Street

Applicant Name: Sing Cheung

Applicant Address: 88 Dover Street, Somerville, MA 02144

Owner Name: Mui Sin Chow & Nam Cheung

Owner Address: 88 Dover Street, Somerville, MA 02144

Alderman: ~~Rebekah L. Gewirtz~~ Lance Davis

Legal Notice: Applicant, Sing Cheung, seeks a Special Permit per SZO §4.4.1 to substantially alter an existing, non-conforming 2-family building to construct a 3-family structure. Applicant seeks a Special Permit per SZO §9.13 for relief from parking space dimensions. Ward 6.

Dates of Public Hearings: November 18, 2015 December 9, 2015

*This staff report has been updated to reflect changes in the project plans since the December 9, 2015 ZBA hearing. Items that no longer apply are ~~struck~~ and new information is highlighted.

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a c.1874 2-family, 2 ½ -story residence sited on a 6,970 square foot lot in the RB district. The plan is to demolish this structure and construct a 3-story, 3-family in its place.

2. Proposal: The proposal is to construct a 3-family residence with 6 parking spaces, 3 of which are compact.



3. Green Building Practices: Space to be fully-insulated per code.

4. Comments:

Planning Department: ~~The plans that are attached to this application are the most recent plans submitted by the Applicant/Agent. However, these plans are currently lacking fundamental information that was requested of the Applicant/Agent a few weeks ago and have yet to be provided:~~

Traffic & Parking: ~~Additional information has been requested by this department in order for a determination to be made:~~

~~Traffic and Parking has conducted a preliminary review of the plans for 88 Dover St. Traffic and Parking is requesting additional information regarding these plans.~~

~~There are six parking spaces for this proposed development. Parking spaces #1 thru #3 label the length of the parking spaces but not the width. Parking space widths are required. Parking spaces #4 thru #6 label the width of the parking spaces but not the length. Parking space lengths are required. Also these three parking spaces are listed as compact parking spaces. The Somerville Zoning Ordinance states that there must be a minimum of 20 parking spaces to allow for 20% of the parking spaces to be compact parking spaces. An analysis of why three of the six parking spaces are compact parking spaces needs to be provided to Traffic and Parking for review. In addition parking space #4 is indicated as a "compact HP van". Does the dimensions of the provided parking space meets the HP van accessible parking space dimensions as required by the AAB. It is recommended that the City's ADA Coordinator be contacted regarding this issue.~~

~~Also what is the slope of the ramp exiting the garage? Can all vehicles maneuver from the garage onto the vehicle passage way to the street. It is requested that the gradient of the parking exit slope to the passageway be provided with data indicating that this slope and height of the garage door will not prevent vehicles from exiting the parking area. Vehicle turning radius from the parking area to the vehicle passageway for the same above stated reasons is also requested.~~

~~What is the passageway width form the parking area to the street. Is the width sufficient for two way travel? Vehicles entering from the street to the parking area must not be impeded from entrance along the passageway by vehicles exiting from the parking area to the street. For safety reasons vehicles entering from the street must not be required to back up onto the street or "stand" on the street while vehicles are exiting the parking area. If the width of the passageway is insufficient for two way travel Traffic and Parking requires a system be provided where vehicles exiting the parking area would be notified and required to stop while vehicles entering from the street access the parking area.~~

~~Traffic and Parking will have no comment on the plans for 88 Dover St until the above requested information is provided.~~

~~Please contact me if you have any questions on the above.~~

~~The Applicant has submitted a parking study which is included in this Staff Report. The study, received on late Wednesday afternoon, 12/2/15 and was sent by Planning Staff to Terry Smith at Traffic and Parking for review that same afternoon. Review and feedback from Traffic and Parking is still pending and remains unclear of all of the preliminary questions indicated above have been addressed to their satisfaction.~~

Historic Preservation Commission (HPC): Per the Somerville Demolition Review ordinance, an Applicant is required to work with the HPC during the 9-month delay period either to work out an alternative to demolition, other forms of preservation or a Memorandum of Agreement (MOA) which governs the design, scale, form, massing, and materials used on the construction of a replacement building. The Applicant did not adhere to this requirement.

The Applicant applied to demolish only the 2-family residence currently extant on the property. There is an accessory structure on the property that is over 50 years of age that has been found to be a harness shop dating to at least 1920. The Applicant must apply to demolish this building with the HPC as well and go through the demolition review process per the Somerville Code of Ordinances. The Planning Director and Planning Staff also agree that this step in the process must be observed; the HPC reviews demolitions on a structure-by-structure basis, not on a parcel-by-parcel basis. The Applicant has yet to apply for this demolition review.

Ward Alderman: ~~Rebekah Gewirtz~~ Lance Davis has been advised of this project.

II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1):

In order to grant a special permit, the SPGA must make certain findings and determinations as outlined in §4.4.1 of the SZO. This section of the report goes through §4.4.1 in detail.

1. Information Supplied:

Staff finds that the information provided by the Applicant ~~does not conform~~ conforms to the requirements of §4.4.1 of the SZO and ~~does not~~ allows for a comprehensive analysis of the project with respect to the required Special Permits.

- a. ~~Accurate, complete and updated zoning dimensions, including FAR which is currently calculated incorrectly;~~
- b. ~~Plans still do not indicate the portion of the existing non-conformity that is to be retained in order to “extend” the non-conformity after demolition of the existing building;~~
- c. ~~Updated plans were submitted on the day before Thanksgiving, 11/25/2015, but some of the information remains incorrect. For example, the lot has suddenly lost 25 square feet. The existing conditions state that the lot contains 7,100 square feet and the proposed plans provide the lot dimensions as 7,075 square feet. Dimensional information still needs to be provided to indicate how far the side stairs for two of the units protrude into the side yard setback. Because of the numerous inconsistencies in dimensions and calculations that have been provided over the iterations of the proposal, Staff is not confident that the dimensional information that has been provided has been accurately calculated/reported.~~
- d. ~~Plans received on 11/25/15 were the first to indicate which portion of the existing building would be re-used to “extend an existing non-conformity” in order to build the new structure. However, there are two problems with the area selected. First, it is~~

~~not a non-conforming part of the existing structure as it does not lie within any setbacks. Second, even if the selected portion of the existing structure were part of a non-conformity, the Planning Office has been consistent over the years in allowing only an external wall to be re-used to extend the non-conformity. The external wall must remain an external wall in the new build in order for the non-conformity to still exist and be extended. The newest plans show the selected wall being used as an interior wall in the new building. This is not allowable.~~

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."*

Section 4.4.1 states that "[l]awfully existing nonconforming structures other than one- and two-family dwellings may be enlarged, extended, renovated or altered only by special permit authorized by the SPGA in accordance with the procedures of Article 5. The SPGA must find that such extension, enlargement, renovation or alteration is not substantially more detrimental to the neighborhood than the existing nonconforming building. In making the finding that the enlargement, extension, renovation or alteration will not be substantially more detrimental, the SPGA may consider, without limitation, impacts upon the following: traffic volumes, traffic congestion, adequacy of municipal water supply and sewer capacity, noise, odor, scale, on-street parking, shading, visual effects and neighborhood character."

- ~~a. Staff is unable to determine if the Applicant complies with criteria and standards as the application is incomplete and Department concerns have not been addressed.~~
- ~~b. Section 4.4.1 states that "[l]awfully existing one and two family dwellings which are only used as residences, which are nonconforming with respect to dimensional requirements, may be enlarged, extended, renovated or altered by special permit granted by the SPGA in accordance with the procedures of Article 5."~~
- ~~c. Staff finds that, in its current incomplete state, the proposed alterations to the non-conforming structure are substantially more detrimental to the site and neighborhood.~~
- ~~d. Staff has informed the Applicant/Agent numerous times during in person meetings with the Planning Director and via email communications that it finds the scale, form, massing and overall design of this structure incompatible with the site and neighborhood.~~
- ~~e. Staff finds that the latest plans submitted on 11/25/15 do not show any substantive improvements in the scale, massing, form and overall design of the proposed structure from the plans submitted for the November 18, 2015 meeting.~~
- ~~f. While some neighborhood members have expressed otherwise, this sentiment has been echoed by several abutters as well as the HPC. It should be noted that, the large, double-sized triple-decker to the right of 88 Dover that is often cited by the Applicant/Agents as precedence for approving such structures, was a by-right project that needed no special relief. While well constructed, it is out of scale for the neighborhood and the Planning Department is not encouraging of such out-of-scale projects; this project needs to be reviewed not just in relation to its individual site, but in relation to the entire residential streetscape on both sides of Dover.~~

In considering a special permit under §4.4 of the SZO, Staff finds that the alterations proposed **would not** be substantially more detrimental to the neighborhood than the existing structure. The triple-decker will

be taller than the existing 1 ½ story house. However, the triple-decker will be pulled back from the left property line and better centered on the parcel.

The existing property is non-conforming with respect to lot size. The lot is 7,100 square feet in a zoning district where a minimum of 7,500 square feet is required. Additionally, because the project involves the teardown of two structures, the Applicant must retain an existing non-conformity in order to construct a new building. The Applicant proposes to retain one of the exterior walls of the historic harness shop to serve as the existing non-conformity off of which the new structure can be built.

~~SZO §9.13 allows for sites with nonconforming parking to apply for a Special Permit to modify parking requirements if the total number of spaces is less than six. In considering a special permit under §9.13 of the SZO 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.~~

~~Each unit would have one parking space with sufficient maneuvering space to the street. Adding excessive parking spaces than the demand for parking in other projects in walkable areas with public transit would have negative impacts such as increasing traffic and decreasing pedestrian safety.~~

For units with 3 or more bedrooms, Applicants are required to provide two spaces per unit. The Applicant has altered their proposal to include six full-sized spaces (two per unit) with sufficient turning room.

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 to construct a three-family house is consistent with the purpose of the RB district, which is, "[t]o 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."

Considering the changes that have been made to the parking plan to include 6 full-sized spaces, Staff finds that the need for a special permit for parking relief is now moot. ~~In considering a special permit under §9.13 of the SZO the SPGA may grant such a special permit only when consistent with the purposes set forth in Section 9.1. The proposal to reduce the required parking by one space will not be counter to the purposes of this section. The parking spaces will be located behind the building so that they will not be visible, the headlights will not project into the neighboring structures and pervious material will be used for some of the driveway and the parking area to allow for a conforming permeability of the site.~~

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."*

Staff finds that the significant changes made to the proposed project now make it more compatible with the characteristics of the surrounding area.

7. Housing Impact: *Will not create adverse impacts on the stock of existing affordable housing.*

The proposal will not add to the existing stock of affordable housing.

8. 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>	1	3
<i>Parking Spaces:</i>	3	6

III. RECOMMENDATION

Special Permit under §4.4.1

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	Approval is for the construction of a 3-unit triple decker with 6 parking spaces. This approval is based upon the following application materials and the plans submitted by the Applicant: <table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>September 17, 2015</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>September 24, 2015</td><td>Updated plans submitted to OSPCD</td></tr><tr><td>October 14, 2015</td><td>Updated plans submitted to OSPCD</td></tr><tr><td>October 28, 2015</td><td>Updated documents submitted to OSPCD</td></tr><tr><td>November 18, 2015</td><td>Updated architectural plans received by OSPCD</td></tr><tr><td>November 25, 2015</td><td>Updated plans submitted to OSPCD</td></tr><tr><td>December 3, 2015</td><td>Updated proposal submitted to OSPCD</td></tr><tr><td>January 21, 2016</td><td>Updated plans submitted to OSPCD</td></tr><tr><td>February 8, 2016</td><td>Final proposal submitted to OSPCD</td></tr></table>	Date (Stamp Date)	Submission	September 17, 2015	Initial application submitted to the City Clerk's Office	September 24, 2015	Updated plans submitted to OSPCD	October 14, 2015	Updated plans submitted to OSPCD	October 28, 2015	Updated documents submitted to OSPCD	November 18, 2015	Updated architectural plans received by OSPCD	November 25, 2015	Updated plans submitted to OSPCD	December 3, 2015	Updated proposal submitted to OSPCD	January 21, 2016	Updated plans submitted to OSPCD	February 8, 2016	Final proposal submitted to OSPCD	BP/CO	ISD/PIng.	
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Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval. Whether or not a change is <i>de minimis</i> in nature must be determined by the Planning Office.																								
Pre-Construction																								
1	The Applicant will be required to demonstrate that the updated project plans meet the current City of Somerville stormwater policy. Utility, grading, and drainage report and plans stamped by a registered PE in Massachusetts must be submitted to the Engineering Department for review and approval.	BP	Eng.																					
2	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.																					

3	The proposed basement finished floor elevation shall not be less than is 1 foot above the Seasonal High Ground Water elevation. The seasonal high ground water elevation shall be determined by a Massachusetts certified soil evaluator and stated on a signed soil test pit log.	BP	Eng.	
4	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	
5	New sanitary connection flows over 2,000 GPD require a 4:1 removal of infiltration and/or inflow by the Applicant. This will be achieved by submitting a mitigation payment to the City based on the cost per gallon of I/I to be removed from the sewer system. The Applicant shall work with Engineering to meet this condition before a certificate of occupancy is issued.	CO	Eng.	
6	The Applicant MUST submit an application to the Historic Preservation Commission (HPC) to demolish the former harness repair shop on the property. The execution of the plans for this property, as proposed, is dependent on the demolition of both this and the existing historic house on this parcel (the historic house has already been through the demolition delay process).	Prior to demolition and construction	HPC/ISD/Plng	
Construction Impacts				
7	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	
8	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	
Electrical				
9	An exterior light and electrical receptacle is required for the levels of the porch that have access to the ground and an electrical receptacle is required for the levels that do not have access to the ground.	Final sign off	Electrical Inspector	
Site				
10	Landscaping shall be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD	
11	There shall be a minimum of two trees as required under SZO §10.3.	CO	Plng.	

12	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	
13	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				
14	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
15	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	All smoke detectors shall be hard-wired.	CO	Fire Prevention / ISD	
17	The building shall be sprinkled.	CO	Fire Prevention/ ISD	
18	A warning system shall be installed to indicate when a vehicle is exiting the underground parking area.	CO	Traffic & Parking / ISD/Plng	
Final Sign-Off				
19	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.	

