



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2013-42
Date: February 13, 2014
Recommendation: Conditional Approval

Updated* PLANNING STAFF REPORT

Site: 47 Hunting Street

Applicant Name: James J. McSweeney

Applicant Address: 5 Cross St, Stow, MA 01775

Property Owner Name: FUD, LLC

Property Owner Address: 5 Cross St, Stow, MA 01775

Agent Name: Nicholas A. Iannuzzi

Agent Address: Orsi, Arone, Rothenberg, Iannuzzi & Turner, LLP, 160 Gould St, Suite c320,
Needham, MA

Alderman: Maryann Heuston

Legal Notice: Applicant, James J. McSweeney, and Owner, FUD, LLC, seek a Special Permit with Site Plan Review to establish 7 units residential unit under SZO §7.11.1.c, Special Permit to substantially demolish and construct a nonconforming structure under § 4.4.1 and Variance under §8.5 for lot area per dwelling unit and number of stories.*

Zoning District/Ward: BA Zone / Ward 2

Zoning Approval Sought: Special Permit with Site Plan Review SZO §7.11.1.c, Special Permit §4.4.1 and Variance §8.5

Date of Application: June 11, 2013 (complete August 30, 2013)

Dates of Public Hearing: ZBA October 2, 2013 – redesigned – February 19, 2014

* The plans have changed. One residential unit and one story of the building has been removed and the current proposal is for a 6 residential unit building with four stories. At the time that this report was updated, changes to the roof plan, floor plans, and site plan were not submitted. Additions to the previous staff report are underlined and deletions are ~~struck~~.

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is comprised of three parcels totaling approximately 5,565 square foot lot on which sits a 2 ½ story 2-family structure. The lot is located on the corner of Hunting and South Streets. There is a paved parking area to the left of the house with a curb cut on Hunting Street and a parking area to the right of the house that is a mix of gravel, grass and dirt with a curb cut on South Street.



47 Hunting Street: house and (r) left side yard, (l) right side yard, aerial (bottom)



2. Proposal: The proposal is to demolish the structure and build a ~~five-four~~-story residential building totaling ~~9,535~~-approximately 8102 square feet. The building will include ~~seven~~ six residential units: 5 two-bedrooms, ~~1 one-bedroom~~, and 1 three-bedroom. All of the units have a private deck ~~and six of the units have two decks~~. In addition there is a common roof deck ~~and a private roof deck for the penthouse~~. The units will be between 765 square feet and 2,000 square feet.

The first floor of the building will be small at 541 square feet. This floor will provide an entry way, two stairwells and an elevator to get to the second and upper floors where the living area is located. The first floor appears larger because there are exterior walls along Hunting Street and South Street to conceal the parking behind them. Portions of the parking spaces extend beyond the end of the wall. There will be 13 at grade parking spaces and bike racks that should fit eight bicycles.

There will be a landscaped area in the rear yard and a narrow landscape strip around the parking lot and spaces at the southern side of the property. All seven of the parking spaces that project out from under the building will be made of pervious pavers so that this area could be used as a patio if the parking spaces are not utilized.

The base of the building will be brick with “windows” made of metal frames and metal lattice to screen the parking behind them. Some of the metal frames and lattice was removed from the last plan and should be reinstalled to continue the effect. The fenestration pattern will match that on floors two through four. This middle portion of the building will be cementitious clapboard. The railings on the balconies will be stainless steel aircraft wire. The top of the building will have a cornice and a decorative railing for the roof deck. ~~and above that will be the fourth floor with cementitious panels and trim.~~

There is a location for trash receptacles on the northwest corner of the site. This location will likely be needed for the transformer since it is along the sidewalk. A condition of approval is that the trash will be located and screened in one of the extra parking spaces so that the small landscaped area behind the building is not used for trash storage.

Individual condenser units for each unit will be located on the roof. The sidewalk along the property will be reconstructed.

3. Nature of Application: In the BA district a Special Permit with Site Plan Review is required to establish 7 6 units residential unit under SZO §7.11.1.c. In order to substantially demolish and alter the nonconforming structure, a Special Permit is required under § 4.4.1. ~~Finally, the lot area per dwelling unit and number of stories (§8.5) are new nonconformities that require Variances.~~

Dimensional Requirements

~~A variance is required for minimum lot area per dwelling unit to have seven units on the site. Also a variance is required to have 5 stories. The first story is small and only provides access to the upper stories but it is technically a story.~~ The rear yard is currently nonconforming with portions of the structure at 0.9 feet and the new setback will be 2.1 feet. The proposal complies with the rest of the dimensional requirements of the zoning district. The maximum ground coverage is 80% and the proposed building covers 68% of the lot. The proposal meets the minimum landscaped area with 10% of the site landscaped. The maximum gross floor area ratio is 2 and the proposed building has a FAR of ~~1.71~~ 1.46. The height of the building meets the maximum allowed at ~~50~~ 43 feet 4 inches. The penthouse to access the roof deck by definition is not counted in the height of the building.

Requirements	BA	Proposal
Min Lot Size	NA	5,565 sf

Min Lot Area/Dwelling Unit	875 sf	795 sf (variance required) 928 sf
Max Ground Coverage	80%	68%
Min Landscaped Area % of lot	10%	10%
Floor Area Ratio (based on nsf)	2	1.71 <u>1.46</u>
Max Height	4 stories / 50'	5 stories / 50' (variance required) <u>4 stories / 43'4" (penthouse does not have to comply per SZO)</u>
Min Front Yard	NA	0'
Min Side Yard	NA	35' / 0'
Min Rear Yard	18'	2.1' (existing nonconformity – SP required)
Min Frontage	NA	172.5

Affordable Housing

Because this project is located in a BA district and has less than 8 residential unit, there is not an inclusionary housing requirement.

Parking & Loading Requirements

Thirteen parking spaces will be provided on site. Seven and a half parking spaces are required for the one- and two- bedroom units, two parking spaces are required for the three-bedroom unit and one visitor space is required for a total of ~~12~~ 11.

One bicycle parking space is required and 4 U-shaped bike racks that fit 8 bikes will be provided behind the brick wall along Hunting Street.

4. Surrounding Neighborhood: The subject property is located in the Boynton Yards neighborhood which the City rezoned in 2009. The area to the north of the site was rezoned as a Transit Oriented District with a 135 height limit. The subject parcel was not rezoned because it was residential and the zoning district should match that across the street. The rezoning study did not include the BA boundary line and stopped where more study was needed in the future.



Nearby businesses include a catering company and Gentle Giant.

The area to the south of the site is a residential area that is located in Cambridge. There are a mix of forms and styles of houses on the street.

5. Impacts of Proposal: There will be an increase in activity at the site in converting the property from 2 to ~~7~~ 6 units; however, since the property will remain a residential use the impacts are typical for a residential neighborhood. The proposal will provide sufficient parking and the sidewalks will be reconstructed so that walking in the area is more comfortable.

The form of the street in this area will change as a result of the proposal. The current building is a typical 2 ½ story house; however, there have been additions to the side that are not sympathetic to the original

design of the house. Also, the site has large areas for parking on either side of the house and these side yards have not been well maintained.

Boynton Yards has many parcels that are underutilized and a redevelopment of the area would be beneficial to the business in the neighborhood and the residences that surround it. A redevelopment of this parcel is a small step to adding vitality into the area.

6. Green Building Practices: The Applicant listed the following on the application form: fiberglass windows with code compliant glass, cementitious siding, new HVAC equipment, parking below, bicycle parking, landscaping and vegetation on the roofdeck.

7. Comments:

Fire Prevention: The plans are acceptable; however, the separation of egress to meet code shall be confirmed. The sprinkler and fire alarm contractor shall contact Fire Prevention about the applicable requirements.

Traffic & Parking: Traffic and Parking reviewed the plans and has no comments at this time.

Engineering: The Applicant has submitted a proposed utility, grading and drainage plan, stamped by a registered PE in Massachusetts. A drainage report will be required that demonstrates compliance with the City's stormwater policy before a building permit is issued.

Wiring Inspector: A 400 amp, 3 phase service will likely be required for the building. The proposed transformer location would be difficult to access. The location indicated for trash is a more appropriate location for the transformer.

Historic Preservation: The Historic Preservation Commission will review the proposal to demolish the existing structure at ~~their~~ a future meeting on October 15.

Ward Alderman: ~~Alderman Heuston has been contacted but has not yet provided comments~~ spoke at the October hearing and expressed the neighbors' concerns related to the height and design of the building with first floor parking.

Abutters: The following items are some of the concerns that were addressed at the public hearing: the abutter to the rear would like to have five feet between the buildings to have space to maintain his building, the majority of houses on the street are 2 ½ story structures and this does not fit the streetscape, there are larger systems issues on the street such as flooding, power delivery, rodent control and speeding traffic that may be exacerbated by this development. Some of these items are addressed in the findings and conditions of this report. The Applicants have reduced the height of the building but have not moved it back off of the property line to allow for 5 feet between the subject property and the commercial abutter. The Applicants should consider new public testimony given at the next hearing and get direction from the Zoning Board of Appeals to determine how to move forward with this case.

Design Review Committee:

The Design Review Committee (DRC) reviewed the proposal two times.

On September 27, 2012 the DRC made the following comments:

- There was discussion regarding having 2 means of egress, including an elevator and accessible unit, and material choices for exterior walls and railings.
- It appears that there is some potential to cantilever the first, second, and third floors of the design to get a little more square footage and to step back the fourth floor of the building. Varying the massing of the upper stories, adding some porches, and pulling back the top story away from the street would help to soften the flat, vertical wall feeling of the building from the streetscape level. Being aware of what the perception of the building is for a pedestrian at the street level is important.
- The front elevation appears as if it is floating and seems like it is simply a block sitting on four pillars. There is a missed opportunity to relate the first floor of the structure to the rest of the building. We would suggest that you consider the articulation of the base of the building more and how it could relate to the upper stories. Creating some type of architectural break with some vertical or horizontal element using a change in material or a design element would help to visually connect the upper floors to the ground one.
- Using some type of screening for the parking area on the ground floor under the building, something in the five to six foot height variety, would be helpful to limit visibility into the parking area and to help eliminate the appearance of the building being on stilts. This would be especially helpful down the South Street elevation. This screening element for the parking area would also benefit from some type of planter element in front of it.
- There is a missed design opportunity with regard to the entrance of the building and its design language does not seem to relate to the rest of the structure. Using a fake window on the façade is confusing and is not a desirable element for the building.
- Please also take into consideration what the other properties in the area will end up looking like with the new TOD zoning that was recently implemented in the surrounding area.
- Please give some thought as to where the trash bins will be located/stored and how the pickup/removal of the trash will function at the site.
- Simply removing one window from the façade is not enough in terms of creating interest and we encourage you to look at other treatments that can be used to add interest to the building while still retaining windows in each of the units.
- Implementing some type of bicycle parking at the site would be appreciated as well. Please also give thought as to where the mechanical equipment and condensing units will be located on the site or on the building.



On January 31, 2013 the DRC made the following comments:

- Band above brick columns should also be brick
- Windows need to be more unified (could be larger) – there are too many shapes and mullion patterns.

- Railings should be consistent.
- Metal roof should not be red - bronze recommended.
- Besides the roof they liked the color pallet but some members felt that there are too many colors and elements on the building



II. FINDINGS FOR SPECIAL PERMIT with SITE PLAN REVIEW (SZO §7.11.1.c):

In order to grant a special permit with site plan review, the SPGA must make certain findings and determinations as outlined in §5.2.5 of the SZO. This section of the report goes through §5.2.5 in detail.

1. Information Supplied: The Staff finds that the information provided by the Applicant conforms to the requirements of §5.2.3 of the SZO and allows for a comprehensive analysis of the project.
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 with site plan review.”

In considering a Special Permit with Site Plan Review under §7.11.1.c of the SZO, the Applicant complies with the criteria for granting a special permit with site plan review. ~~Seven~~ Six units on the site would not be detrimental to the area and the Applicant applied for all applicable special permits ~~and~~ variances to build the proposed structure.

The building is consistent with the Specific District Standards and Guidelines. On-site parking is in the rear of the lot mostly behind the building. The way that the site was configured there is vehicular access along both the major and minor street instead of only the minor street as is encouraged in the standard.

The building is designed as an urban building that meets the sidewalk. The landscaping for this site is not along the primary edge but in the rear yard where it is consolidated so that it could be more usable than if it was spread around.

3. Purpose of District: The Applicant has to ensure that the project "is consistent with the intent of the specific zoning district as specified in Article 6".

The proposal is fairly consistent with the purpose of the district which is, "To establish and preserve business areas bordering main thoroughfares that are attractive to a wide range of uses, including retail business and services, housing, government, professional and medical offices, and places of amusement. While it is anticipated that most users will arrive by motor vehicle, it is intended that the area should be safe for and conducive to pedestrian traffic."

4. Site and Area Compatibility: The Applicant has to ensure that the project "(i)s designed in a manner that is compatible with the existing natural features of the site and is compatible with the characteristics of the surrounding area, and that the scale, massing and detailing of the buildings are compatible with those prevalent in the surrounding area".

The residential neighborhood has an eclectic mix of building types and styles. The commercial buildings in Boynton Yards are typically low scale, concrete masonry unit structures. A building on this site has a contemporary aesthetic that will complement the area. The front door of the building could be enhanced to be more welcoming in appearance. A condition of approval will be to add detailing around the front door with DRC review and Planning Staff approval. The use of the property is consistent with the residential neighborhood although it will be a more intense use with ~~seven~~ six units. The parcel is on the edge of the Transit Oriented District that allows for much higher intensity of development than the BA district. The mesh screens in the parking garage that are the same dimensions as the windows above should return to being the same in number and size to continue the fenestration pattern effect that reduces the negative impact of having parking on the first floor of the building.

5. Functional Design: The project must meet "accepted standards and criteria for the functional design of facilities, structures, and site construction."

The site meets the accepted standards for a functional design. The new structure will sit right up against Hunting and South Streets establishing the streetwall in the area and promoting a more pedestrian friendly streetscape than the existing condition with two large voids on either side of the house that are filled large swaths of parking. Vehicular access to and from the property will occur through the same curb cuts as it does today. The parking areas have sufficient space for vehicles to maneuver and exit the site in a forward direction. The Applicant will need to confirm with the City Engineer that the drainage system is acceptable, as conditioned. The building is designed to give each unit ample private outdoor space on porches and roof decks.

6. Impact on Public Systems: The project will "not create adverse impacts on the public services and facilities serving the development, such as the sanitary sewer system, the storm drainage system, the public water supply, the recreational system, the street system for vehicular traffic, and the sidewalks and footpaths for pedestrian traffic."

The approval of the Special Permit with Site Plan Review shall be contingent upon the City Engineer's determination that no adverse impacts on public systems will result from the development. The sidewalk along the entire project site will become safer and more pedestrian friendly because the sidewalks will be reconstructed and the building will create a more interesting block than what exists today. The small City owned parcel between the applicant's property and South Street will continue to be used by vehicles to access the site. The land will be improved as a sidewalk to make it more usable to the public. The future street plan that is currently being studied as part of an infrastructure plan for Boynton Yards may require utilizing this land for a right of way. Access to the site would still be maintained with the reconfiguration of South Street. The project will add ~~seven~~ five bedrooms beyond the baseline today with the existing house. The Applicant stated that based on 310CMR15 this will be an increase in 770 gallons per day (this figure has been reduced by the reduction of one residential unit) of demand on municipal water and sewer services; however, they are anticipating the demand to be about half of the estimated flow.

7. 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.”

Due to the residential nature of the proposed structure no environmental impacts are foreseen as a direct result of this development. The development will have to comply with the City’s stormwater and sewer management policy to ensure that the proposal will not adversely impact the environment.

8. Consistency with Purposes: “Is consistent with: 1) the purposes of this Ordinance, particularly those set forth in Article 1 and Article 5; and 2) the purposes, provisions, and specific objectives applicable to the requested special permit with site plan review which may be set forth elsewhere in this Ordinance, such as, but not limited to, those at the beginning of the various sections.”

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; to provide for and maintain the uniquely integrated structure of uses in the City; and to encourage the most appropriate use of land throughout the City.

9. Preservation of Landform and Open Space: The Applicant has to ensure that “the existing land form is preserved in its natural state, insofar as practicable, by minimizing grading and the erosion or stripping of steep slopes, and by maintaining man-made features that enhance the land form, such as stone walls, with minimal alteration or disruption. In addition, all open spaces should be designed and planted to enhance the attractiveness of the neighborhood. Whenever possible, the development parcel should be laid out so that some of the landscaped areas are visible to the neighborhood.”

The site does not have existing land forms in its nature state to preserve. The site is flat and covered by a house, asphalt and a mix of gravel and grass. The landscaping is not in location that is most visible to the neighborhood; however, it is located in a consolidated location where it can be more useable.

10. Relation of Buildings to Environment: The Applicant must ensure that “buildings are: 1) located harmoniously with the land form, vegetation and other natural features of the site; 2) compatible in scale, design and use with those buildings and designs which are visually related to the development site; 3) effectively located for solar and wind orientation for energy conservation; and 4) advantageously located for views from the building while minimizing the intrusion on views from other buildings.”

The building is situated on the site to provide an entrance on Hunting Street and fit the required parking onsite. The design of the building incorporates the residential feel of the neighborhood to the south and the future development of more intense development in Boynton Yards in the TOD-135 zoning district.

11. Stormwater Drainage: The Applicant must demonstrate that “special attention has been given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Storm water shall be removed from all roofs, canopies, and powered area, and routed through a well-engineered system designed with appropriate storm water management techniques. Skimming devices, oil, and grease traps, and similar facilities at the collection or discharge points for paved surface runoff should be used, to retain oils, greases, and particles. Surface water on all paved areas shall be collected and/or routed so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create puddles in the paved area. In larger developments, where practical, the routing of runoff through sheet flow, swales or other means increasing filtration and

percolation is strongly encouraged, as is use of retention or detention ponds. In instances of below grade parking (such as garages) or low lying areas prone to flooding, installation of pumps or other devices to prevent backflow through drains or catch basins may be required.”

While additional review is required of drainage plans, approval of the Special Permit with Site Plan Review will be conditional upon the City Engineer’s approval of such plans and determination that no adverse impact will result to the drainage system from the project’s design. A condition of approval is that the Applicant is required to demonstrate that the project meets the current City of Somerville stormwater policy and a drainage report must be submitted to the Engineering Department for review and approval. The development will use low impact design techniques for stormwater management including enhanced landscaped areas, permeable pavers for parking, planting on roof decks, and underground chambers to infiltrate clean roof runoff in to the ground.

12. Historic or Architectural Significance: The project must be designed “with respect to Somerville’s heritage, any action detrimental to historic structures and their architectural elements shall be discouraged insofar as is practicable, whether those structures exist on the development parcel or on adjacent properties. If there is any removal, substantial alteration or other action detrimental to buildings of historic or architectural significance, these should be minimized and new uses or the erection of new buildings should be compatible with the buildings or places of historic or architectural significance on the development parcel or on adjacent properties.”

The demolition of the existing structure will be reviewed by the Historic Preservation Commission ~~in~~ October of 2013 at a future meeting. If the building is deemed significant, there will be another determination as to if it is preferably preserved. If the building is preferably preserved there is a nine month demolition delay until the building could be demolished and the proposed project could be built. If the building is not deemed significant or preferably preserved, there would be no time restriction on demolishing it.

13. Enhancement of Appearance: The Applicant must demonstrate that “the natural character and appearance of the City is enhanced. Awareness of the existence of a development, particularly a non residential development or a higher density residential development, should be minimized by screening views of the development from nearby streets, residential neighborhoods of City property by the effective use of existing land forms, or alteration thereto, such as berms, and by existing vegetation or supplemental planting.”

The overall appearance of the site will be improved by the redevelopment of it. The site is overgrown and not well maintained. The new structure will be made of high quality materials and although the parking will be on the first floor of the building, it will be screened by the first floor walls, garage doors and fencing.

14. Lighting: With respect to lighting, the Applicant must ensure that “all exterior spaces and interior public and semi-public spaces shall be adequately lit and designed as much as possible to allow for surveillance by neighbors and passersby.”

The lighting will be residential in nature and conditioned to not interfere with neighboring properties. The Board may include a condition that 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.

15. Emergency Access: The Applicant must ensure that “there is easy access to buildings, and the grounds adjoining them, for operations by fire, police, medical and other emergency personnel and equipment.”

Emergency vehicles will have access to the site via Hunting Street and South Street.

16. Location of Access: The Applicant must ensure that “the location of intersections of access drives with the City arterial or collector streets minimizes traffic congestion.”

Vehicular access to and from the property will occur through the same curb cuts as it does today. The parking areas have sufficient space for vehicles to maneuver and exit the site in a forward direction. The small City owned parcel between the applicant’s property and South Street will continue to be used by vehicles to access the site. The land will be improved as a sidewalk to make it more usable to the public. The future street plan that is currently being studied as part of an infrastructure plan for Boynton Yards may require utilizing this land for a right of way. Access to the site would still be maintained with the reconfiguration of South Street.

17. Utility Service: The Applicant must ensure that “electric, telephone, cable TV and other such lines and equipment are placed underground from the source or connection, or are effectively screened from public view.”

The Applicant is proposing to tie into the existing City services for electric, telephone, and cable. Any new lines would be placed underground from the source or connection in accordance with the policies of the Superintendent of Lights and Lines. There is a transformer location in the landscaped area behind the building. The transformer will likely need to be closer to the street for easy access by the electrical provider where the trash bins are shown the site plan. A condition of approval is that the trash is stored and screened in an extra parking space to make space for the transformer and to not clutter the rear yard.

18. Prevention of Adverse Impacts: The Applicant must demonstrate that “provisions have been made to prevent or minimize any detrimental effect on adjoining premises, and the general neighborhood, including, (1) minimizing any adverse impact from new hard surface ground cover, or machinery which emits heat, vapor, light or fumes; and (2) preventing adverse impacts to light, air and noise, wind and temperature levels in the immediate vicinity of the proposed development;”

Minimal negative impacts are anticipated as a result of the proposed use. The condenser units will be individual units on the roof, the trash will be enclosed and the residences will produce similar impact to their residential neighbors. The property to the west is commercial with no fenestration on the side of the building that abuts the subject property. No negative impacts to this property are anticipated.

19. Signage: The Applicant must ensure that “the size, location, design, color, texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall reflect the scale and character of the proposed buildings.”

Due to the residential nature of the building, signage is not anticipated at the site. The only signage being proposed at this time is a small address label above the main entrance.

20. Screening of Service Facilities: The Applicant must ensure that “exposed transformers and other machinery, storage, service and truck loading areas, dumpsters, utility buildings, and similar structures shall be effectively screened by plantings or other screening methods so that they are not directly visible from either the proposed development or the surrounding properties.”

Within a parking space will be the trash storage and it will be screened. The air conditioner compressors will be located on the roof. There are no service facilities located on the ground floor plan.

21. Screening of Parking:

Parking will be screened by the wall along the first floor, garage doors and metal fencing.

III. 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 §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."

The proposed structure will not be substantially more detrimental than the existing structure. The proposed building will retain the nonconforming rear yard. The structure behind the subject parcel is a commercial building with no fenestration on the rear of the building abutting the proposed structure. Continuing to have a nonconforming rear yard setback will be minimally impactful.

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."

See findings 3 and 8 in the Special Permit with Site Plan Review section above.

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."

See finding 4 in the Special Permit with Site Plan Review section above.

IV. FINDINGS FOR VARIANCE (SZO §8.5):

~~In order to grant a variance for lot area per dwelling unit and number of story requirements the SPGA 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."~~

~~Applicant's response: The Applicant's responses to the variance findings are attached.~~

~~Staff's response:~~

Lot Area per Dwelling Unit

~~The lot is located on a block with the rest of the land in Somerville zoned as a Transit Oriented District where the lot area per dwelling unit is 450. If the subject property was in the TOD 12 units would be allowed with 12 parking spaces in a building that is 120 feet tall or 135 feet if it was a green certifiable building. This circumstance creates a unique lot that acts as a transition from the BA district to the larger~~

~~TOD district. This situation along with the financial risk of being the first to first to redevelop in an area that has not have private investment in quite some time necessitates ensuring that there is enough development to profit from the development. Seven units would make the development financially feasible.~~

Number of Stories

~~The residential units as required by the explanation above and the parking need for a site that is not yet as pedestrian friendly as most of the rest of the City necessitates having parking on the ground floor. In order to access the upper stories and create a building that is grounded and attractive, a small lobby is required on the ground floor. There are four stories of living space and one story that creates a feasible building that addresses parking and the site shape.~~

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.”~~

~~Applicant’s response: The Applicant’s responses to the variance findings are attached.~~

~~Staff’s response:~~

Lot Area per Dwelling Unit

~~The lot area per dwelling unit variance is the minimum necessary allowing one additional unit beyond that which is allowed in the district to make a financeable project. 6,125 square feet would be needed for seven units and the site is 10 percent smaller at 5,565 square feet.~~

Number of Stories

~~The fifth floor is the minimum necessary to create a functional building. This floor is only approximately 600 gross square feet including a 228 square foot common hallway, two staircases and an elevator. There are only four floors of living space in the building. The fifth floor variance is the minimal relief necessary considering the building does not exceed the maximum height and the fifth floor is only common space for the building.~~

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.”~~

~~Applicant’s response: The Applicant’s responses to the variance findings are attached.~~

~~Staff’s response:~~

Lot Area per Dwelling Unit

~~Seven residential units as opposed to six will not be detrimental to the neighborhood. This parcel serves a transition from the BA district to the TOD district abutting it that will allow for a much greater density of uses. As designed there is sufficient space to have seven units with all of the appropriate amenities such as required vehicular parking and extra bike storage and usable open space on the site and on balconies and a roof deck.~~

Number of Stories

~~Granting the relief for the number of stories would not be injurious to the neighborhood. The overall mass of the building is not greater than that allowed on the site. The floor area ratio and height are conforming and the small first story does not negatively contribute to the appearance of the building. The design allows for the parking to be concealed on the first floor with four functional stories of the building.~~

V. RECOMMENDATION

Special Permit with Site Plan Review under §7.11.1.c, Special Permit under SZO §4.4.1, ~~Variance SZO §8.5~~

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 PERMIT with SITE PLAN REVIEW, AND SPECIAL PERMIT AND VARIANCES**.

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 a Special Permit with Site Plan Review to establish 7 <u>6</u> residential units, Special Permit to substantially demolish and construct a nonconforming structure and Variance for lot area per dwelling unit and number of stories. This approval is based upon the following application materials and the plans submitted by the Applicant:</p> <table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>June 11, 2013 (complete August 30, 2013)</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>August 30, 2013</td><td>Plans submitted to OSPCD (Site, Grading, Utility, Drainage, Civil Details, Plot Plan)</td></tr><tr><td>August 30, 2013</td><td>Floor Plans submitted to OSPCD (A1.1)</td></tr><tr><td><u>January 30, 2014</u></td><td>Elevations & Floor Plans submitted to OSPCD (A2.1, A2.2, A2.3, A2.4)</td></tr></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	June 11, 2013 (complete August 30, 2013)	Initial application submitted to the City Clerk’s Office	August 30, 2013	Plans submitted to OSPCD (Site, Grading, Utility, Drainage, Civil Details, Plot Plan)	August 30, 2013	Floor Plans submitted to OSPCD (A1.1)	<u>January 30, 2014</u>	Elevations & Floor Plans submitted to OSPCD (A2.1, A2.2, A2.3, A2.4)	BP/CO	ISD/Plng.	
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2	<p>Applicant shall provide final material samples for siding, trim, windows, and doors (to the Design Review Committee for review and comment and) to Planning Staff for review and approval prior to construction.</p>	BP	Plng.											

3	The front entrance to the building shall include additional detailing to make it appear more substantial and welcoming. <u>The garage screening mesh material shall match the fenestration pattern on the upper floors of the building.</u> The final details of the front entrance <u>these elements</u> shall be presented to the DRC for review and Planning staff for review and approval.	BP	Plng.	
4	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	
5	The applicant shall post the name and phone number of the general contractor at the site entrance where it is visible to people passing by.	During Construction	Plng.	
6	There shall be a minimum of one tree for each 1,000 sf of required landscaped area under SZO §10.3.	BP	Plng.	
7	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	
8	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.	
9	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.	
10	The Applicant shall submit a proposed drainage report, stamped by a registered PE in Massachusetts that demonstrates compliance with the City's stormwater policy.	BP	Eng.	
11	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.	
12	The Applicant shall reconstruct the entire sidewalk immediately abutting the subject property to DPW standards as is indicated on the civil plans.	CO	ISD	
13	One tree must be planted and maintained according to National Nurseryman's Standards, and in accordance with SZO §10.2.2 and §10.6.2;	CO	Plng.	
14	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
15	Trash and recycling storage shall be located in one of the extra parking spaces on the site and be screened on four sides.	CO	Plng.	

16	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	
17	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	
18	The Applicant shall provide notice of intent to strictly comply with applicable State and Federal regulations regarding air quality including without limitation continuous dust control during demolition and construction.	CO	Plng/OSE	
19	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	
20	Notification must be made, within the time period required under applicable regulations, to the Massachusetts Department of Environmental Protection (DEP) if there is any release of oil, hazardous materials, or regulated hazardous substances at the site. The City's OSE office, Fire Department and the Board of Health shall also be notified.	CO	OSE/FP/BOH	
21	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.	

47 Hunting Street

