



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
JOSEPH A. CURTATONE
MAYOR

MICHAEL F. GLAVIN
EXECUTIVE DIRECTOR

PLANNING DIVISION STAFF

GEORGE PROAKIS, *DIRECTOR OF PLANNING*
LORI MASSA, *SENIOR PLANNER*
SARAH WHITE, *PRESERVATION PLANNER*
ETHAN LAY-SLEEPER, *PLANNER*
DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*

Case #: ZBA 2015-78
Date: ~~October 21, 2015~~
cont'd to November 4, 2015
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 35 Moreland Street

Applicant Name: Kevin Slattery & Marie Mullarkey
Applicant Address: 21 Beacon Street, #4G, Boston, MA 02108
Owner Name: Kevin Slattery & Marie Mullarkey
Owner Address: 21 Beacon Street, #4G, Boston, MA 02108
Alderman: Tony Lafuente

Legal Notice: Applicants and owners of 35 Moreland Street, Kevin Slattery & Marie Mullarkey, seek a Special Permit per SZO §4.4.1 to alter a non-conforming structure from a single family to a 3-family. Applicants seek a Variance for parking relief per SZO §9.5.1.a*. RB zone. Ward 4.

***After further review it was determined that the variance is not required.**

Dates of Public Hearing: Zoning Board of Appeals – ~~October 21, 2015~~–November 4, 2015

I. PROJECT DESCRIPTION

1. **Subject Property:** The subject property is an existing single-family structure on a .13 acre (5663 sq. ft.) lot in the RB district.
2. **Proposal:** The proposal is to substantially demolish an existing single-family structure (see *Fig. 1*, right) and replace it with a new, 3-family building. Five parking spaces and two bicycle spaces are proposed for the replacement building.



Fig. 1 – Existing single-family structure to be demolished.

3. **Comments:**

Fire Prevention: All smoke alarms must be hard-wired.

Ward Alderman: Tony Lafuente has been contacted regarding the proposal.

Historic Preservation Commission:

During the 9-month demolition delay period, the Applicant worked extensively with members of the Historic Preservation Commission (HPC) and Preservation Staff to design a replacement structure that intentionally does not duplicate a typical Somerville triple-decker. Instead, the proposed replacement structure is intended to provide a sympathetic nod to historic design elements (such as the bracketed cornice, wide corner boards, two-over-one windows and a simulated curvature to deck openings) without copying another extant historic property. The building reads as "new" through the manner in which its front façade orients toward the street, the form of the bays and the materials used while including historic details. At their September meeting, the HPC voted to approve the replacement building design and the Memorandum of Agreement (MOA) to be recorded with the Middlesex County Registry of Deeds.

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 and §9.5.1.a. of the SZO. This section of the report goes through §4.4.1 and §9.5.1.a. in detail.

1. **Information Supplied:**

- Staff finds that the information provided by the Applicant conforms to the requirements of §4.4.1 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."*

Regarding §4.4.1 of the SZO:

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."

- The existing structure is currently non-conforming with respect to the left side yard setback. Because the existing structure is to be demolished, the Applicants must re-use a portion of the non-conforming section of the building in order to be able to build the 3-family structure. The required side yard setbacks in the RB district with conforming frontage (min. 50 feet) is 10 feet. This property has a 6' 3 ¼" left side yard setback, which triggers the Special Permit.

- In considering a special permit under §4.4.1 of the SZO, Staff finds that the alterations proposed to this property would not be substantially more detrimental to the neighborhood than those contained within the existing structure. The RB zone allows for 3-family use and this type of building is found throughout the surrounding neighborhood.
- In order for the property owner to build on this parcel after the teardown of the existing single-family structure, a portion of the existing non-conforming nature of the original structure must be utilized in the replacement building. In the case of 35 Moreland, this existing non-conformity is found in the left side yard setback. A portion of the existing foundation wall found within this setback must be re-used during the construction of the new 3-family building.

Regarding §9.5.1.a. of the SZO:

- The existing property is non-conforming to parking requirements because it has a single driveway for a house with two bedrooms. The SZO states that when the floor area of a structure that has nonconforming parking is expanded, the parking required by the new floor area shall be provided. On the other hand, since the old and new parking requirement is the same for one of the units, no additional parking is required for that unit. The addition of two dwelling units on the site requires 4 additional parking spaces and 4 additional parking spaces will be provided for a total of 5.
- The number of dedicated bicycle spaces will increase from none to two. The location of this structure also allows for increased use of public transportation as it is situated within quick walking distance two three bus route stops (the 101, 89, and 93 specifically). The inclusion of 5 parking spaces instead of 6 will be mitigated by both bicycle spaces and easy public transit access.

3. Consistency with Purposes: *The Applicant has to ensure that the project "is consistent with (1) the general purposes of this Ordinance as set forth in Article 1, and (2) the purposes, provisions, and specific objectives applicable to the requested special permit which may be set forth elsewhere in this Ordinance, such as, but not limited to, those purposes at the beginning of the various Articles."*

- The proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to promoting the health, safety, and welfare of the inhabitants of the City of Somerville; to secure safety from fire, panic and other dangers; to encourage the most appropriate use of land throughout the City; and to encourage housing for persons of all income levels.
- The proposal is consistent with the purpose 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 surrounding neighborhood is a mix of residential uses including 3-family conversions, 2-family and 2-family conversions. The surrounding neighborhood contains numerous structures of 2 ½ , 2 ¾ and 3 stories with similar massing.

- Though the left and right abutting 2.3 story residences will now be neighbored by a taller, 3-family structure, neither this use nor this size and massing of a structure is inconsistent with the RB zone in general nor with the immediate neighborhood specifically. The RB zone allows for 3-family use and this type of building is found throughout the surrounding neighborhood.
- In addition, the proposed landscaping plan includes multiple features that will further “green” the neighborhood with the inclusion of trees and numerous shrubs and bushes. The recycling and trash area will be screened both by wood board fencing as well as shrubbery. ~~Pervious pavers will be used for the driveway and front and side walkways allowing for water to percolate naturally in these areas.~~
- In response to ZBA comments during the public hearing on October 21, 2015, the applicant has submitted changes to the plans for the driveway and rear parking area. To wit, the pervious paver driveway has been extended from the rear right corner of the house to the trash and recycling area. A four-foot deep pervious paver area has been added to run along the rear width of the new structure. A six-foot deep area of pervious area will be created from the rear fence, extend into the parking area. Two feet of this depth will be pea stone and the remaining four feet will be the same pervious pavers utilized on the rest of the site. Lastly, additional Virginia Creeper will be planted along the rear fence. These changes are shown on the updated and attached landscaping plan.

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

- The existing unit is not restricted as an affordable unit and even without the expansion of the building the owner could increase the cost of the unit. The proposal will increase the supply of housing by two units. On a larger scale increasing supply to meet demand will decrease the cost of housing in the City.

7. SomerVision Plan: *Complies with the applicable goals, policies and actions of the SomerVision plan, including the following, as appropriate: Preserve and enhance the character of Somerville’s neighborhoods, transform key opportunity areas, preserve and expand an integrated, balanced mix of safe, affordable and environmentally sound rental and homeownership units for households of all sizes and types from diverse social and economic groups; and, make Somerville a regional employment center with a mix of diverse and high-quality jobs. The areas in the SomerVision map that are designated as enhance and transform should most significantly contribute towards the SomerVision goals that are outlined in the table below. The areas marked as conserve are not expected to greatly increase the figures in the table since these areas are not intended for large scale change.*

<u>SomerVision Summary</u>	<i>Existing</i>	<i>Proposed</i>
<i>Dwelling Units:</i>	1	3
<i>Parking Spaces:</i>	1	5

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	<p>Approval is to substantially alter a non-conforming single-family structure to a 3-family structure. 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>September 15, 2015</td><td>Application submitted to Planning Office. (Architectural plans to be used are dated 9/9/2015 and Landscaping Plans to be used are dated August 6, 2015)</td></tr><tr><td>October 27, 2015</td><td>Updated landscaping proposal submitted to Planning Office.</td></tr><tr><td>October 28, 2015</td><td>Further updates to the landscaping proposal submitted to Planning Office.</td></tr></table> <p>Any changes to the approved plan that are not <i>de minimis</i> must receive SPGA approval.</p>	Date (Stamp Date)	Submission	September 15, 2015	Application submitted to Planning Office. (Architectural plans to be used are dated 9/9/2015 and Landscaping Plans to be used are dated August 6, 2015)	October 27, 2015	Updated landscaping proposal submitted to Planning Office.	October 28, 2015	Further updates to the landscaping proposal submitted to Planning Office.	BP/CO	ISD/ Plng.	
Date (Stamp Date)	Submission											
September 15, 2015	Application submitted to Planning Office. (Architectural plans to be used are dated 9/9/2015 and Landscaping Plans to be used are dated August 6, 2015)											
October 27, 2015	Updated landscaping proposal submitted to Planning Office.											
October 28, 2015	Further updates to the landscaping proposal submitted to Planning Office.											
2	The Applicant or Owner shall meet the Fire Prevention Bureau’s requirements.	CO	FP									
3	<p>The replacement structure shall be built to in compliance with the signed Memorandum of Agreement (MOA) between the Somerville Historic Preservation Commission (SHPC) and the Applicant.</p> <p>Any changes to the plans that affect the exterior of the structure in any way shall be subject to the review of Planning/Preservation Staff and may potentially require a change to and re-recording of the Memorandum of Agreement (MOA) with the Middlesex County Registry of Deeds.</p>	CO	Plng.									

4	Paving over any pervious areas with asphalt or similar shall never be permitted.		ISD/Plng.	
Final Sign-Off				
3	The Applicant shall contact Planning Staff at least five (5) 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.	CO	ISD/Plng.	

