



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING AND COMMUNITY DEVELOPMENT
JOSEPH A. CURTATONE, MAYOR

STAFF

MADELEINE MASTERS, *DIRECTOR OF PLANNING*
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FREDERICK J. LUND, *SENIOR DRAFTSMAN*

Case #: ZBA2007-56-R-0908
Site: 1-4 Hayden Terrace
Date: October 10, 2008
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Applicant Name: One Hayden Terrace Trust
Applicant Address: 661 Main Street, Malden, MA 02148
Property Owner Name: same
Agent Name: Richard G. Di Girolamo
Agent Address: 424 Broadway, Somerville MA 02145
Alderman: O'Donovan

Legal Notice: The Applicant/Owner seeks a revision to Special Permit ZBA 2007-56 to eliminate a single parking space, alter the proposed parking layout and relocate the dumpster area.

Zoning District/Ward: RB / 5

Zoning Approval Sought: Revision to Special Permit 2007-56

Date of Application: September 10, 2008

Date(s) of Public Hearing: ZBA: October 15, 2008

I. PROJECT DESCRIPTION / FINDINGS

In November 2007 the applicant was granted a Special Permit pursuant to an Order on Joint Motion for Remand to modify the initial plans of the structure and for a shared driveway.

The applicant is requesting this Special Permit Revision in order to:

1. Modify the proposed parking layout

The applicant is proposing to relocate an additional section of the existing retaining wall and alter the layout of the parking spaces along the south side of the structure. The layout would change from a predominantly diagonal configuration to a less defined arrangement. Staff finds that the proposed parking layout is generally not an optimal configuration from the planning perspective. However, given the history of this case, outlined in the ZBA decision for 2007-56, the involvement of the courts and the agreement of all litigants in the case to support this layout, Staff finds the proposal acceptable.

2. Eliminate one parking space on the Hayden Terrace site

The applicant is proposing to eliminate one parking space in order to facilitate the relocation of the Linden Street Condominium's dumpster onto the Hayden Terrace property. The area created by the vacated dumpster would become an additional compact parking space for the Linden Street property. Staff finds that the 1-4 Hayden proposal would continue to conform with parking requirements under the SZO as no additional parking was required under the original proposal. Under the proposed configuration the applicant would be providing three (3) instead of four (4) additional spaces for the project.

3. Relocate the dumpster

The applicant is proposing to relocate the dumpster onto the Hayden Terrace property. Staff finds that the proposed location of the dumpster would be directly adjacent to and immediately beneath the first floor unit on the south side of the building. Staff does not find this to be an optimal location for the dumpster. However, it has been related to Staff from the applicant, that the waste management company that collects the refuse from the Linden Street Condominium property identified this as the best location for them to access the dumpster. Staff will condition complete screening on all sides and above the dumpster to address the proximity of the dumpster to the living area of the 1-4 Hayden Terrace property.

II. RECOMMENDATION

Considering the history of the 1-4 Hayden Terrace project, the involvement of the courts and the agreement of all litigants in the case to support the revision proposal, Planning Staff finds that the changes would be acceptable, are consistent with the original special permit and **RECOMMEND CONDITIONAL APPROVAL** of the **SPECIAL PERMIT REVISION**.

The original conditions attached to the Special Permit would still apply and are repeated here, modified to reflect the revised plan submission.

#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	This approval is to alter the site plan in order to eliminate a single parking space, alter the proposed parking layout and relocate the dumpster area. The previous approval is for expansion of a non-conforming four-unit dwelling. This approval is based upon the following application materials and the plans submitted by the Applicant and/or agent:	BP/CO	ISD/ Plng.							
	<table><tr><th>Date</th><th>Submission</th></tr><tr><td>Revised 18 September 2007 (plan date)</td><td>A-8 plan drawn by Peter Quinn Architects</td></tr><tr><td>October 10, 2008</td><td>Proposed Parking Layout</td></tr></table>				Date	Submission	Revised 18 September 2007 (plan date)	A-8 plan drawn by Peter Quinn Architects	October 10, 2008	Proposed Parking Layout
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Any changes to the approved use or submitted plans that are not <i>de minimis</i> must receive ZBA approval.										
2	A new Certificate of Compliance may be required from the Fire Prevention Bureau.	CO	FP							

3	Landscaping shall be installed sufficient to provide vegetation over 25% of the site, as verified in documents submitted to Planning staff; and shall be installed and maintained to National Nurserymen's Standards.	CO	Plng.	
4	Any exterior modifications (with the exception of maintenance and replacement, but including minor modifications) shall require an amendment of the special permit or such other zoning relief as is required by the Zoning Board of Appeals.	Continuous	ISD	
5	Parking shall be constructed as specified in connection with the approved site plan. Parking spaces shall not be conveyed independent of the premises or future condominium units therein.	CO/ Continuous	Plng.	
6	No roof deck may be constructed on the Premises.	Continuous	ISD	
7	The railings and shutters shown on Exhibit A must be completed and maintained substantially as shown thereon.	CO/ Continuous	Plng.	
8	Any exterior modifications (with the exception of maintenance and replacement, but including major and minor modifications) to the premises shall require an amendment of the special permit or such other zoning relief as is required by the ZBA with prior notice to the abutters.	Continuous	ISD	
9	The building siding at the premises shall be one color; however, the trim may be a second complementary color.	CO/ Continuous	ISD	
10	There shall be no more than four dwelling units at the premises.	CO/ Continuous	ISD	
11	The special permit is conditional upon the Applicant's right, title, and interest to any property included in the application.	BP	ISD	
12	The Applicant shall contact Planning Staff at least five working days in advance of a request for a final sign-off on the building permit to ensure the proposal was constructed in accordance with the plans and information submitted and the conditions attached to this approval.	CO	Plng.	
13	The dumpster shall be screened on all sides including the top with fencing that blocks any view of the dumpster itself. Fencing materials will be subject to Staff approval.	CO	Plng.	