



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2009-42
Date: November 18, 2010
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 15 Park Place

Applicant Name: Keith Glover and Lenore Hill

Applicant Address: 15 Linden Avenue, Somerville, MA 02143

Property Owner Name: Thomas Costagliola

Property Owner Address: 51 Lafayette Street, Unit 604 Salem, MA 01970

Agent Name: Richard G. Di Girolamo

Alderman: Heuston

Legal Notice: Applicant Keith Glover and Lenore Hill seek a Special Permit under SZO §4.4.1 in order to enlarge a non-conforming garage into an approximately 4,000 sf two-family dwelling.

Zoning District/Ward: Residence B / Ward 2

Zoning Approval Sought: Special Permit under SZO §4.4.1

Date of Application: August 26, 2009

Date(s) of Public Meeting/Hearing: Planning Board 11/4/10 / Zoning Board of Appeals 11/17/10

I. PROJECT DESCRIPTION

1. Subject Property: The subject property contains a one-story concrete block garage for 5 cars on a 3960 sf lot. The parcel is considered a buildable lot despite its nonconforming size because the garage structure is considered a principal structure on the lot and can be altered by special permit. The garage was a conforming structure on a conforming lot when it was divided in the 1980's from an abutting conforming residential use. The subject lot and abutting residential property were not under the same ownership when the lot size became nonconforming. Park Place is a small private way and there is no curb along the street in front of the property.



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15 Park Place



Project site in context



Neighborhood views of site

2. Proposal: The proposal is to construct a two-family dwelling that is 3 stories, or 33 feet tall with a gable roof. There are two gable dormers in the front of the third story and a full length shed dormer to the rear. The total net square feet will be 3,872. Some of the existing garage will be retained to be used as a vehicle entry and garage, allowing the applicant to retain the nonconforming nature of this portion of the building, and alter the remainder for the proposed project.

One unit will be on the first and second floors and include a living room, dining room, kitchen, two bedrooms, and two bathrooms. The other unit will be on the third floor and include a kitchen, living room, two bedrooms, two bathrooms, and a deck that is inset in the roof. Both units will be accessible from the garage. The curb will be closed except for the 14-foot opening for the driveway access to the parking garage.

The front and rear yards will be landscaped. There will be two uncovered pergolas in the front yard to mark the front doors and garage door.

3. Nature of Application: A 2-family dwelling is a by-right use in the RB district and the land area is sufficient to satisfy the lot area per dwelling unit requirement. The four proposed parking spaces will exceed the parking requirement. The structure is currently nonconforming with several dimensional requirements, including minimum lot size, landscaped area, and front, rear and side yard setbacks.

Many of the nonconformities would become conforming. The landscaped area would be 44% of the site, above the required 25%. The floor area ratio would be at the limit of 1.0. The front, rear and right side yard would become conforming with the following setbacks, 15 feet, 10 feet (with the reduction for shallow lot), and 10 feet, consecutively.

The left side yard setback would remain at the property line for the garage; however, the remainder of the new structure would be setback 10 feet. The lot size would remain at 3,960 sf. These nonconformities require the applicant to obtain a special permit under §4.4.1 of the SZO.

4. Surrounding Neighborhood: The surrounding area is residential with one-, two-, and three-family dwellings on Park Place. The street is a private way and is narrow with a 20 foot right-of-way.

5. Impacts of Proposal: The change in use will be an improvement to the site. A two-family dwelling is a more compatible use in the residential neighborhood than a dilapidated garage. Closing the continuous curb cut along Park Place and constructing a house will create a pedestrian friendly site. The applicant has kept the garage wall on the left side of the property, an existing lily bed to the right, and the vehicle access off of the southern side of the site to accommodate neighbors' desires.

6. Green Building Practices: The applicant stated that the construction will meet or exceed the current energy use threshold required under the new one- and two-family MA State Building Code.

7. Comments:

Fire Prevention: Fire Prevention will need to see the layout of smoke detectors and carbon monoxide detectors. If the project is constructed as townhouses, the building will have to be sprinklered. At a minimum the building will have to meet current codes for fire detection and/or fire suppression protective devices.

Traffic & Parking: Has been contacted but has not yet provided comments.

Ward Alderman: Alderman Heuston has conducted neighborhood meetings to discuss the project, and the project continues to generate some opposition on the street. Alderman Heuston has indicated that she is not in favor of the proposal because she believes the two dwelling units would make the area too dense, it does not fit well into the neighborhood, there are public safety issues, and there are already too many houses on this small street.

Abutter Comments: Through the Alderman and attendance at neighborhood meetings, Planning Staff is aware that some neighbors are not in support of having two residences on this lot because the street is narrow. The developers have stated that the plan is not economically feasible if only one dwelling is built on the site. As a result of neighborhood feedback, Planning Staff has worked with the developers to redesign an original proposal that was taller and had significant site circulation and parking issues. Nonetheless, the applicant is still proposing to construct two units on the site.

II. FINDINGS FOR SPECIAL PERMIT (SZO §5.1 & 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."

In considering a special permit under §4.4 of the SZO, Staff find that, while there would be neighborhood impacts from the two-unit proposal, the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The following nonconformities of the site would be eliminated including landscaped area, and front and rear yard setbacks. The only dimensions that would remain nonconforming are left side yard setback for the first story and lot size. The use of the property would change from a nonconforming garage to a conforming residential property.

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 conserving the value of land and buildings and encouraging the most appropriate use of land throughout the City. As a two-family house, the proposal is consistent with the purpose of the 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."

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 proposal as designed would be compatible with the built surrounding area. The house includes a garage to conceal the required parking. The treatment of the garage with windows the same size as the rest of the house

and a decorative door improves its appearance. The pergolas give prominence to the entrances and help to tie the garage into the structure, that is half a one-story structure and half part of the three-story structure. The garage encompasses less than half of the first floor causing living space to be desired on the third floor. The applicant designed the third story with a gable room and dormers to create more livable space while keeping with the roof styles in the area. While the two-unit project does take up a significant land area on the site, it is similar in size to the adjacent property.

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 change in use will decrease the adverse environmental impact at the site. The number of vehicles at the site would decrease reducing the amount of exhaust and glare. The two-family dwelling would not create excessive noise, illumination, glare, or pollution that would be higher than levels of the surrounding residential neighbors.

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.

The proposed 14-foot driveway will allow the applicants to close much of the continuous curb cut that currently exists. This will improve the safety conditions for pedestrians walking along the street. The proposal would provide the three required parking spaces onsite. The traffic to the site would be typical of any two-family house in the area.

III. RECOMMENDATION**Special Permit under §5.1 & 4.4.1**

Based on the above findings and subject to the following conditions, the Planning Staff recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT**.

#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	Approval is for the expansion of an existing nonconforming garage in order to construct a by-right two-family dwelling. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	Plng.							
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>(Aug 26, 2010) complete Oct 2010</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>June 22, 2010</td><td>Revised Plans submitted to OSPCD (A-0: zoning calculations, A-1: site plan, floor plans, elevations)</td></tr></table>				Date (Stamp Date)	Submission	(Aug 26, 2010) complete Oct 2010	Initial application submitted to the City Clerk's Office	June 22, 2010	Revised Plans submitted to OSPCD (A-0: zoning calculations, A-1: site plan, floor plans, elevations)
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Any changes to the approved plans that are not <i>de minimis</i> must receive SPGA approval.										
2	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							

3	<p>Because of the history of the site and the intended use, the Applicant shall, prior to issuance of any foundation permit and/or any building permit for the project, provide to the Planning Department and the Inspectional Services Division:</p> <p>a) a copy of the Response Action Outcome (RAO) Statement, signed by a Licensed Site Professional (LSP) and filed with DEP, verifying that a level of no significant risk for the proposed residential use has been achieved at the site; or</p> <p>b) if remediation has not reached the RAO stage, a statement signed by an LSP describing (i) the management of oil and hazardous materials/waste at the site, including release abatement measures intended to achieve a level of no significant risk for residential use at the site, treatment and storage on site, transportation off-site, and disposal at authorized facilities, (ii) a plan for protecting the health and safety of workers at the site, and (iii) a plan for monitoring air quality in the immediate neighborhood.</p>	Foundation Permit	Plng/ISD	
4	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	
5	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.	During Construction	OSE/FP/BOH	
6	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
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	The Applicant shall install curbing along the street except for in the location of the driveway.	CO	Plng. / DPW	

9	The tenants shall not park in the fire lane (that will be installed) on Park Place.	Perpetual	T&P	
10	The applicant shall work with Engineering to investigate the feasibility of installing a five foot sidewalk along the front of the subject property without impacting fire access, and shall install the sidewalk if it is deemed by Engineering to be feasible	BP	Eng.	
11	If permission is provided by the residents of Park Place, the applicant shall pave Park Place with new pavement that meets the specifications of the City of Somerville engineering department.	CO	Plng/Eng.	
10	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards.	Perpetual	Plng. / ISD	
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.	Perpetual	ISD	
12	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.	



15 PARK PLACE