



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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MAYOR

PLANNING BOARD

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Case #: ZBA 2008-53
Site: 163 Hudson Street
Date: November 4, 2009
Recommendation: Conditional Approval

PLANNING BOARD REPORT

Site: 163 Hudson Street

Applicant Name: Afarin Bellisario
Applicant Address: 79 Cliff Road, Wellesley, MA
Property Owner Name: same
Property Owner Address: same
Alderman: O'Donovan

Legal Notice: The applicant seeks Special Permit approval under SZO §4.4.1 for the alteration of a non-conforming structure in order to enlarge the existing structure with an increase of the gross floor area by more than 25 percent. This proposal would create a new unit as-of-right.

Zoning District/Ward: RB / 5

Zoning Approval Sought: Special Permit under SZO§4.4.1

Date of Application: September 15, 2008

Original Date(s) of Meeting/Public Hearing: [PB: 11/6/08 / ZBA: 11/19/08]

Date of Decision: N/A

Vote: N/A

Dear ZBA members:

At its regular meeting on October 22, 2009 the Planning Board heard the above-referenced application. Based on materials submitted by the Applicant and the Staff recommendation, the Board voted (5-0), to recommend **conditional approval** of the requested **Special Permit**.

In conducting its analysis, the Planning Board found:



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I. PROJECT DESCRIPTION

1. Subject Property: The subject property is an approximately 7,260 s.f. lot with 82.5 feet of frontage on which sits a 30 foot tall, wood frame two-family dwelling. The existing structure is 21.6 feet wide and located to the far left of the property approximately 2 feet from the left side lot line. The right side yard is approximately 58.9 feet wide. The property slopes away from Hudson Street and the rear yard line is approximately 11 feet lower than the front property line.

2. Proposal: The Applicant is seeking a special permit under SZO §4.4.1 to construct a 1,100nsf (1,800gsf) two-story addition in the existing right side yard. The addition is proposed in order to provide an additional unit which is allowed as-of-right. The addition would extend 24ft from the rear right side of the structure creating an "L" shaped building. A separate entrance would provide access to the new unit separate from that of the existing two-family. The new construction would be approximately 27ft 7in in height from the lowest point to the roof line (25ft high under the SZO). The driveway would be shifted to the right approximately 10ft to provide access to four onsite parking spaces. Two parking spaces will be located beneath the addition and two surface spaces are proposed for within the rear yard. The proposed driveway would be constructed with permeable paved materials within the circulation area.

Some alterations to the existing structure are proposed including the replacement of a hip roof with a flat roof, window alterations and enclosure of an open area beneath the rear section of the structure.

3. Nature of Application: This proposal would affect the nonconforming side yard setback on the left side of the house and would increase the Gross Floor Area by more than 25% requiring a Special Permit under SZO §4.4.1.

The existing structure is 3884gsf and the proposed addition would include approximately 1800gsf of new space. This is an approximately 46% increase, 21% more than is allowed by right.

The existing left side yard setback is 1ft 8in. The proposed addition includes work to be performed that would affect the existing structure within the required 8ft side yard. The proposal includes the relocation of windows, a replacement of the siding materials, the removal of a hip roof, and the enclosure of the area below the existing first floor, which is currently occupied by a series of columns supporting the two existing floors above. The side yard requirement in the RB zone is 8ft and the proposed addition would affect the structure within the required side yard.

The existing nonconformity allows the Applicant to apply for a special permits under §4.4.1 of the Somerville Zoning Ordinance (SZO). Section 4.4.1 states: "Lawfully existing one- and two-family dwellings which are used only as residences, which are nonconforming with respect to dimensional requirements, may be enlarged, expanded, renovated, or altered by special permit granted by the SPGA in accordance with the procedures of Article 5, when any such enlargement, extension, renovation or alteration increases the nonconforming nature of the structure or the Gross Floor Area of the dwelling is increased by more than twenty-five (25%). The SPGA must find that such extension, enlargement, renovation or alteration is not substantially more detrimental to the neighborhood than the existing nonconforming building."

4. Surrounding Neighborhood: The property is located in a Residence B (RB) district. The immediate neighborhood is predominantly residential, with a mix of one- and two-family homes. There is a larger multi-family residence 200' east on Hudson Street.



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5. Green Building Practices: Construction will incorporate low flow toilets, water saving fixtures, low maintenance materials, low VOC paints, energy efficient windows, high R value insulation and energy efficient appliances.

6. Parking: The applicant is required to provide two (2) new spaces for this proposal, in addition to the existing two (2) spaces on the property. The applicant is providing the four (4) required spaces on the property, two (2) in the rear yard and two (2) beneath the proposed addition.

7. Comments:

Fire Prevention: Peter St. Clair has been contacted and would require sprinklers to be installed if required by building code.

Traffic and Parking: Terry Smith has no objections to the parking proposal.

Alderman: Alderman O'Donovan has been contacted and is in support of the project moving through the review process.

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 §5.1.4 of the SZO. This section of the report goes through §5.1.4 in detail.

1. Information Supplied: The Board 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 Applicant requires a special permit under §4.4.1 of the SZO. Under §4.4.1, "the SPGA, as a condition of granting a special permit under this Section must find that such extension, enlargement, renovation or alteration is not substantially more detrimental to the neighborhood than the existing nonconforming structure."

The Board finds that the Applicant's proposal **would not be substantially more detrimental** to the surrounding neighborhood than the existing structure, as required under §4.4.1 of the SZO. The applicant has worked closely with the Board and with the neighbors during several community meetings to design an addition that is visually appealing, reduces the scale of the structure and maximizes the open area and landscaping on the right side of the lot. The lot has a large landscaped area along the right side of the property with some existing trees that would be maintained with this proposal. In addition, conditions will be placed in the report that would require the replacement of any mature trees that are removed during construction.

Several concerns have been raised by neighbors in the four community meetings that have been convened. Concern from neighbors regarding the blockage of sunlight has been addressed by the applicant with a flat roof design of the addition and the removal of a sloped roof on the existing structure. Drainage issues have been a legitimate concern since the subject property slopes away from the front yard towards the rear yard. The applicant has agreed to, and will be required under the



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conditions of approval, to hire a licensed engineer to design a drainage proposal to be approved by the City's Engineering Division. The applicant has indicated on the site plan that permeable pavement would be used in the driveway circulation area.

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 Board finds that the proposal **is consistent** with the purposes set forth in Article 1 of the Zoning Ordinance, and with, to the extent possible for a lawful pre-existing nonconforming structure, those purposes established for the Residence B (RB) zoning district in which the property is located, namely "(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."

This proposal includes the creation of an additional unit. The building would be converting from a two to three family, which is allowed by right in the RB district. The lot on which this building is situated is 7,260sf. The proposal would create a building of 4,547 nsf, which is almost 40% below the maximum FAR allowed on this property at .62. The Board has calculated the FAR of all the properties on the street and the average FAR is .60. The Board finds that the square footage of the proposed structure would be consistent with the massing of structures in relation to their lots. The proposed height of the structure at 25ft and at two stories would be lower than the predominant 2.5 story housing type in the area. The Board finds that with this proposal the character of the neighborhood would be maintained and that the three units would be consistent with the purpose of the RB 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 Board finds that the proposal **is compatible** with the site and area. The structure, as conditioned, would be compatible with characteristics of the surrounding homes related to height, FAR, façade appearance and materials. The proposed addition would be consistent will all dimensional requirements under the SZO. This property has a size and frontage that is generally twice the size of the other lots on that side of the street, making the scale of this proposal in relation to the lot appropriate for the area. Much of the pervious landscape in the right side yard will be maintained and would continue to be beneficial to the appearance of the neighborhood.

III. RECOMMENDATION

Special Permit under §4.4.1

Based on the above findings, the Planning Board recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT**.

Although the Planning Board is recommending approval of the requested Special Permit, the following conditions should be added to the permits:



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#	Condition	Timeframe for Compliance	Verified (initial)	Notes										
1	Approval is for the construction of a 1,100nsf addition. This approval is based upon the following application materials and the plans submitted by the Applicant and/or the Agent:	Building Permit	Plng.											
	<table><tr><th>Date (OSPCD)</th><th>Submission</th></tr><tr><td>9/15/08</td><td>Initial application and plot plan submitted to the City Clerk's Office</td></tr><tr><td>10/2/09 (10/21/09)</td><td>Site and floor plans</td></tr><tr><td>10/6/09 (10/21/09)</td><td>North, east and west elevations</td></tr><tr><td>10/9/09 (10/21/09)</td><td>South elevation</td></tr></table>				Date (OSPCD)	Submission	9/15/08	Initial application and plot plan submitted to the City Clerk's Office	10/2/09 (10/21/09)	Site and floor plans	10/6/09 (10/21/09)	North, east and west elevations	10/9/09 (10/21/09)	South elevation
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10/9/09 (10/21/09)	South elevation													
Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive ZBA approval.														
2	The applicant shall submit a landscaping plan, to be approved by Planning Staff, that depicts the location of existing trees with 6" caliper or greater.	Building Permit	Plng./ ISD											
3	The applicant shall replace any of the trees with 6" caliper or greater that are removed during construction with the same or better quality tree of 6" caliper or greater.	CO	Plng./ ISD											
4	Landscaping shall be installed and maintained in compliance with the American Nurserymen's Association.	Continued	Plng./ ISD											
5	Siding materials shall be wood or fiber cement clapboard and shall be applied to the existing and proposed structure.	CO	Plng.											
6	Sprinklers shall be installed throughout the structure if required by building code.	CO	Fire											
7	The applicant shall provide a "Drainage Plan" and an "Inspection and Maintenance Plan" for the drainage system. This report shall be prepared and stamped by a registered professional civil engineer and approved by the Engineering Staff and/or city consultant.	Building Permit	Eng.											
8	The applicant shall notify the neighbors by email when the applicant's civil engineer will be onsite.	Building Permit	Plng./ ISD											



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9	The applicant shall employ a licensed exterminator to undertake appropriate rodent control measures onsite.	Building Permit	ISD	
10	The applicant shall contact the Somerville Health Department and request that the appropriate rodent control measures are undertaken in the immediate neighborhood surrounding the construction site.	Building Permit	ISD/ Health Dept.	
11	All construction materials, dumpsters and equipment shall be stored onsite.	During construction	ISD	
12	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.	CO	DPW/ ISD	
13	All new sidewalks shall be installed by the applicant in accordance with the specifications of the Highway Superintendent. Specifically, all driveway aprons shall be concrete subject to DPW approval	CO	DPW/ ISD	
14	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.	Final Signoff	Plng./ ISD	
15	The applicant shall ensure the removal of waste dumpsters on a regular basis.	During construction	ISD	
16	The applicant shall comply with applicable State and Federal regulations regarding air quality including without limitation continuous dust control during excavation and construction.	During construction	Plng./ OSE	
17	The applicant shall meet with the abutter at 165 Hudson Street to discuss the trees between 163 and 165 Hudson Street. A landscaping plan shall be submitted to Planning Staff for approval.	Building Permit	Plng.	
18	The applicant shall install a wood fence at the rear yard between 163 and 165 Hudson Streets subject to Planning Staff approval.	CO	Plng.	
19	No roof deck shall be installed on the structure.	Continued	ISD	

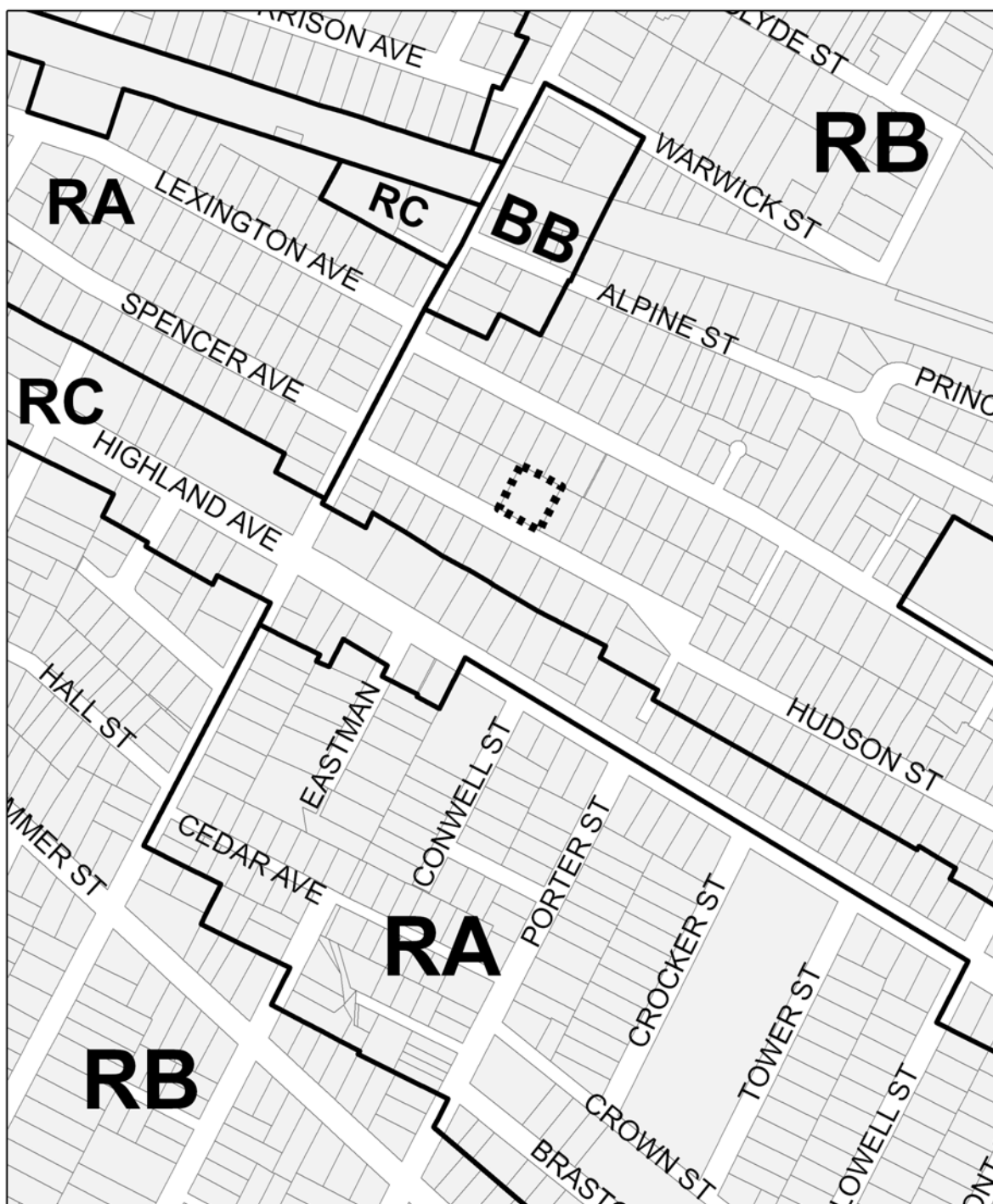
Sincerely,


Kevin Prior
ChairmanCITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
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