



CITY OF SOMERVILLE, MASSACHUSETTS

PLANNING BOARD

JOSEPH A. CURTATONE, MAYOR

MEMBERS

KEVIN PRIOR, *CHAIRMAN*

JOSEPH FAVALORO

ELIZABETH MORONEY

JAMES KIRYLO

LINDA BOHAN

MICHAEL A. CAPUANO, ESQ. (ALT.)

Case #: ZBA2008-31

Site: 2-10 Highland Road

Date: July 14, 2008

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Applicant Name: Alan Peterson

Applicant Address: 7 Fairfield Street, Medford, MA 02155

Property Owner Name: Richard and Nina Suchecki

Property Owner Address: 5215 S.W. 13th Ave., Cape Coral, FL 33514

Alderman: Gewirtz

Legal Notice: The applicant seeks Special Permit approval under SZO §4.4.1 for the alteration of a non-conforming structure in order to construct two townhouses.

Zoning District/Ward: RA / 6

Zoning Approval Sought: Special Permit under SZO§4.4.1

Date of Application: June 23, 2008

Date(s) of Public Hearing: [Planning Board: July 17, 2008 / ZBA: July 23, 2008]

Date of Decision: N/A

Vote: N/A

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a 5,875 s.f. property located adjacent to the community bike path at the corner of Highland Road and Morrison Avenue. This is the only property on the west side of Highland Road between Morrison Avenue and the bike path. Frontage on Morrison Avenue is 55' and on Highland Road is 107'. There is an existing one-story cement block building covering 4418 s.f. of the property that was previously used as a non-conforming bakery.

2. Proposal: The applicant seeks Special Permit approval under SZO§4.4.1 to alter and expand a non-conforming structure to build a 4,400 n.s.f. two and a half-story structure. Two, three bedroom townhouse units are proposed to front on Highland Road. The existing structure will be removed except a portion of the foundation that will be used to support the front porches. Four parking spaces will be located in the side and rear yards.

3. Nature of Application: The applicant seeks Special Permit approval under SZO§4.4.1 for the alteration and expansion of a non-conforming structure. Under §4.4.1 "Lawfully existing nonconforming structures...may be enlarged, extended, renovated or altered only by special permit authorized by the SPGA in accordance with the procedures of Article 5. The SPGA must find that such extension, enlargement, renovation or alteration is not substantially more detrimental to the neighborhood than the existing nonconforming building. The existing structure is non-conforming with respect to lot size, front, side and rear yard set backs, landscaped area and use.

4. Surrounding Neighborhood: The immediate neighborhood is predominantly residential with a mix of single-, two- and three-family detached wood-frame homes. Structures in the area are typically 2.5 stories. The property abuts the community path and there is an entrance to the bike path at the end of Highland Road.

5. Impacts on Abutting Properties: This proposal is not expected to negatively impact abutting properties. The building scale and massing is in context with the surrounding neighborhood and there is an existing townhouse development directly across Highland Road.

6. Parking: The proposal includes four (4) off-street parking spaces. Two spaces will be accessed from Morrison Avenue and two from Highland Road both with 10' curb cuts. Parking will be dispersed on the lot and screened from abutting properties.

6. Green Building Practices: Extra insulation, insulated doors and windows will be included during construction. Energy efficient mechanicals and appliances will be installed. Composite siding will be used and paving stones installed for the driveway to allow water to pass into the soil below.

7. Comments:

Historic Preservation: Kristi Chase has reviewed the existing structure and has the following comments: "The original structure is pre-1930. Building records show alterations due to change of use and repairs due to fire. A site visit shows that while the original building may have had some architectural merit, revealed only on careful inspection of what can be found above the brick pilasters; remnants of an egg & dart frieze, the remainder of the building is totally undistinguished concrete block and has no merit what so ever. Staff did not find time to go the Boston Public Library to research possible businesses that may have occupied the site. The 1900 Bromley map has no building on the structure".

Fire Prevention: Steve Keenan reviewed the proposal and would require that they have code compliant fire alarm systems in the townhouses

Alderman: Ward Alderman Gewirtz has been contacted but has not provided comments.
Ward Alderman O'Donovan has been contacted and supports the proposal.

II. FINDINGS FOR SPECIAL PERMIT (SZO§4.4.1 and SZO §7.11.1.c):

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 Staff 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 proposal is not substantially more detrimental in all relevant categories, including visual effects and neighborhood character. This development will replace a factory in poor condition and replace it with a residential structure of similar scale to the surrounding neighborhood bringing the property into use conformance. The proposal includes side yards that are greater in depth than required for a townhouse development in an RA district and the nearest abutting structure is at minimum 20' away. Rear yard requirements of 20', maximum ground coverage and landscaping requirements will be met. The nonconforming set back on Highland Road will be maintained for the location of the front porch. The undersized lot will remain nonconforming under the SZO requirements.

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 Planning Staff finds that the proposal **is consistent** with the purposes set forth in Article 1 of the Zoning Ordinance; and, to the extent possible for a lawful pre-existing nonconforming structure, with those purposes established for the Residential A (RA) zoning districts in which the property is located, namely "To establish and preserve quiet neighborhoods of one- and two-family homes, free from other uses except those which are both compatible with and convenient to the residents of such districts". This proposal is for a two-family townhouse which is consistent with the purpose of the RA zone.

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."

Planning Staff finds that the proposal **is consistent** with the site and area. The proposed residential structure will feature clapboard siding typical of other homes in the area and will maintain the 2.5 story context of the surrounding built environment. Staff finds the design to be of high quality and will be a substantial improvement over the current one-story concrete structure. This location is a high profile area due to the bike path entrance and the design will improve the appearance of the bike path and provide a better connection to the residential area to the north.

III. RECOMMENDATION

Special Permit under SZO§4.4.1

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

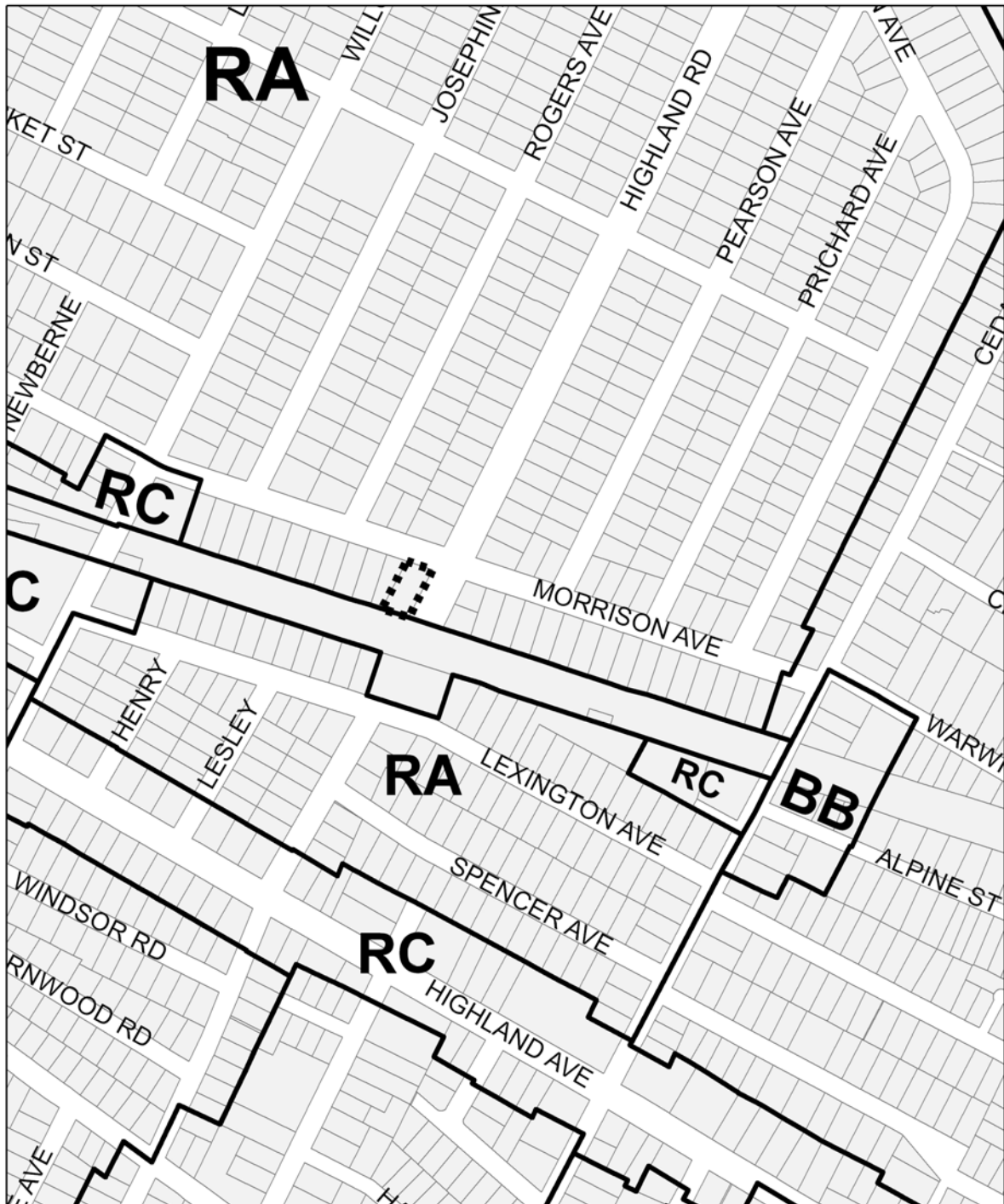
Staff finds that this application complies with the requirements for granting a special permit as set forth under §5.1.4 and that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure.

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

#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	Approval is for the alteration of a non-conforming structure to build a two-unit, 2.5-story townhouse development. This approval is based upon the following application materials and the plans submitted by the Applicant and/or its contractor:		Plng.							
	<table><tr><th>Date</th><th>Submission</th></tr><tr><td>June 23, 2008</td><td>Initial application submitted to the City Clerks Office</td></tr><tr><td>June 30, 2008</td><td>Plans submitted to OSPCD (A0-A7, and Site Plan)</td></tr></table>				Date	Submission	June 23, 2008	Initial application submitted to the City Clerks Office	June 30, 2008	Plans submitted to OSPCD (A0-A7, and Site Plan)
	Date				Submission					
	June 23, 2008				Initial application submitted to the City Clerks Office					
June 30, 2008	Plans submitted to OSPCD (A0-A7, and Site Plan)									
Any changes to the approved site plan or elevations must receive ZBA approval.										
2	Landscaping shall be installed and maintained in compliance with the American Nurserymen’s Association.	Perpetual	Plng. / ISD							
3	The applicant shall provide a fire alarm detection system and automatic fire suppression system compliant with all applicable codes, standards, laws, etc.	CO	FP							
4	The Applicant, 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 any storm water systems, ensuring they are clean, well kept and in good and safe working order.	Cont.	ISD							
5	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 of concrete subject to DPW approval.	CO	DPW							
6	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	During Construction	T&P							

	requirements of the Manual on Uniform Traffic Control Devices and the prior approval of the Traffic and Parking Department must be obtained.			
7	To the maximum extent feasible applicant will utilize strategies during demolition and construction to mitigate dust and control air quality, to minimize noise and to implement a waste recycling program for the removed debris.	During Demolition & Construction	OSE/ISD	
8	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 advance notification to abutters of demolition date and timing, animal control measures, minimization of dust, noise, odor, and debris outfall, and sensitivity to existing landscaping on adjacent sites;	Demolition Permitting	ISD/OSE	
9	Before demolition/building permits are issued, soil tests must be conducted. If soil contamination is observed by soil test results, the Applicant shall, prior to issuance of any foundation permit and/or any building permit for the project, provide to the Planning and the Inspectional Services Divisions: 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 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.	Demolition /Building Permitting	ISD/Plng.	
10	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 and the Board of Health shall also be notified.	CO	OSE /BOH	
11	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	CO	Plng.	

	constructed in accordance with the plans and information submitted and the conditions attached to this approval.			
--	--	--	--	--



2-10 HIGHLAND ROAD