



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

PLANNING DIVISION

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Case #: ZBA 2010-45
Date: September 2, 2010
Recommendation: Conditional Approval

PLANNING BOARD RECOMMENDATION

Site: 270 CEDAR STREET

Applicant Name: 270 Cedar Street LLC

Applicant Address: 661 Main Street, Malden MA

Property Owner Name: 270 Cedar Street Trust, Louis T Filosi, Trustee

Property Owner Address: 270 Cedar Street, Somerville MA

Alderman: O'Donovan

Legal Notice: Applicant 270 Cedar Street, LLC and owner 270 Cedar Street Trust seek Special Permits under SZO §7.3 to build a new structure with nine residential units and, and under SZO §9.13 to construct the required parking spaces without meeting required dimensions.

Zoning District/Ward: RB / 5

Zoning Approval Sought: Special Permit under SZO §7.3, §9.13 and Variance from §9.5

Date of Application: 8/10/2010

Date(s) of Public Meeting/Hearing: PB 9/2/10 - ZBA 9/15/10

Dear ZBA members:

At its regular meeting on September 2, 2010 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 a 14,286 square foot parcel on which is an existing two-story commercial structure. This structure sits on the far northern side of the site against the railroad tracks. The site has a second structure, a small garage, on the southern edge. The site is bordered on the north by the Lowell Commuter Rail tracks and the future location of the Green Line tracks. It is bordered to the South by a lot with a garage for a structure behind it on Boston Avenue. To the west are the back yards of homes on Boston Avenue. The lot is very close to Trum Field and it's parking area on Franey Road as well as the Public Works Building. The Community Path is a short walk to the south on Cedar Street, and the future Ball Square green line station will be a short walk up Cedar and Broadway. The structures have been vacant for some time.



Existing Conditions at 270 Cedar Street

2. Proposal: The applicant is proposing to demolish the two structures and build a single building with nine residential units. The new structure will be three stories tall and will occupy the northern portion of the site. The triangle of land closest to the railroad tracks will be reserved as landscape area, and the southern end of the site will provide surface parking for the project. The structure is generally set back 12.5 feet from the street, with landscaping. The project has identified a plan to include 14 parking spaces in the parking area, but separately is requesting a variance to do a 12 parking space lot that will be better designed for the neighborhood.

3. Nature of Application: The applicant would need special permit approval under §7.3 in order to construct more than three units on a lot in the RB district. The applicant will be required, through zoning section 7.3 to provide 12.5% affordable housing as a part of the project. The applicant has indicated that he will provide one on-site affordable housing unit and will provide a cash payment for the 1/8 fractional unit that he is otherwise required to provide. The applicant has been working with the housing staff on this process.

The proposal complies with all the dimensional requirements for the RB district including minimum FAR, front, side and rear setbacks and frontage. The extensive landscape area by the railroad tracks allows the applicant to provide up to 44% landscape area on the site.

The applicant is using the parking reduction allowed for having nearby public parking accessible at Trum Field and requesting a special permit under SZO section 9.13 for using spaces that do not meet dimensional requirements to create a complying lot with 14 parking spaces. As an alternative, the applicant has applied for a variance from regulations under SZO 9.5 for a well designed 12 space parking area.

Alderman O'Donovan and the applicant held a community meeting in August 2010 and reviewed the project with neighbors. This was the second meeting to review preliminary plans a few months earlier. The applicant reported that both meetings went well and that there was no neighborhood opposition at those meetings.

4. Surrounding Neighborhood: The subject property is located near Ball Square, a short distance from the future Ball Square station on the Green Line Extension. The subject property is mainly surrounded by residential properties, with 2 and 3 family properties to the rear and nearby along Cedar Street, but Cedar Street also has some commercial and multi-family properties as well. The railroad tracks are directly to the north and the project is very close to Trum Field and the Public Works building on Franey Road. The Community Path is also accessible from Cedar Street, just to the south of the property.

5. Green Building Practices: The applicant did not indicate any green building practices on their application. OSPCD staff has asked the applicant to provide more information about green building practices.

6. Comments:

Fire Prevention has not yet provided comments

Traffic & Parking has provided the following comments:

Traffic and Parking does not support Option #1 (SP for dimensional relief). There was no documentation submitted from a professional traffic engineering firm supporting this option for

review. Parking space dimensions should conform to Somerville Zoning Ordinance specifications, i.e. 9' x 18' with a 20' maneuvering aisle.

Traffic and parking does not object to Option #2 (variance for 12 spaces). It should be noted that the MaxPac development will be constructing 199 residential units in the vicinity of this proposed project. MaxPac sought and received parking space relief supplemented by traffic mitigation by submitting parking space utilization statistics from developments in the immediate vicinity of mass transit stops known as Transit Oriented Development (TOD). These locations were Kendall Square, Cambridge, Mass Ave, Arlington, Commonwealth Ave, Brighton and Alewife Station, Cambridge. This development in the same area should receive the same consideration. Traffic and Parking has no objections that 12 parking spaces will be sufficient for this proposed development.

Thus provided traffic mitigation is provided in the form of \$1000.00 being provided to the City to be placed in an account for the future purchase of pedestrian safety traffic control devices in the vicinity of 270 Cedar St, Traffic and Parking has no objections to the 2nd (variance) option.

Ward Alderman: Alderman O'Donovan has not provided formal comments on this project at this time. The applicant has been working with Alderman at large Bruce Desmond. Alderman Desmond assisted with setting up two community meetings on the subject. Alderman Desmond indicated to OSPCD that he supports the project.

Housing: Has been contacted but has not provided comments. The applicant will need to come to an agreement with the Housing Director and sign an Affordable Housing Implementation Plan (AHIP) prior to ZBA action on this project.

II. FINDINGS FOR SPECIAL PERMIT WITH SITE PLAN REVIEW (SZO §5.2.5):

In order to grant a special permit, the SPGA must make certain findings and determinations as outlined in §5.2.5 of the SZO. This section of the report goes through these sections in detail.

1. Information Supplied: The Planning Board finds that the information provided by the Applicant conforms to the requirements of §5.2.3 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." Staff finds that the information complies with criteria and standards as set forth in the sections below.

§5.2.4 of the SZO provides design guidelines for developments within residential zones seeking a special permit with site plan review. This section of the report goes through the various design guidelines to determine the compatibility of the proposed project.

1. *"Buildings should be generally of the same size and proportions as those that exist in the neighborhood".* The new building proposed takes many design elements, including size, massing and scale, from the buildings in the area.

2. *"Use of traditional and natural materials is strongly encouraged"*. The applicant will be working with Planning Staff to address the materials to be used on the facades of the buildings. Staff finds that cementitious clapboards would be acceptable should the applicant agree to this material.
3. *"Additions to existing structures should be consistent with the architecture of the existing structure in terms of window dimensions, roof lines, etc"*. The development does not add to existing structures.
4. *"Additions should not clash with the existing structure, but it is desirable for new construction to be distinguishable from existing buildings."* The development does not add to existing structures.
5. *"New infill building construction should share the same orientation to the street as is common in the neighborhood."* The new building has the same orientation and similar setbacks to existing structures in the area.
6. *"Driveways should be kept to minimal width (perhaps 12 ft)"*. The driveway is sized at 18 feet at the entry and opens into a 20 foot driveline to meet the minimum requirement to allow entry and exit of vehicles at the same time.
7. *"Transformers and HVAC systems should be located so they are not visible from the street or screened."* Screened HVAC units are noted on the plans. Conditions are recommended to address this topic.
8. *"Sites and buildings should comply with any guidelines set forth in Article 6 of this Ordinance for the specific base or overlay zoning district(s) the site is located within"*.
The subject property is located within a RB zoning district. Guidelines set forth under Article 6 of the Ordinance were addressed within this section of the report (above).

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. The project is located in a Residence B (RB) zoning district. The RB district seeks "to 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."

The Planning Board finds that the residential nature of the development is consistent with the predominantly residential character of the surrounding neighborhood. There are several multi-unit structures in the area. A nine-unit building at this location, next to the tracks, will serve as a benefit to the neighborhood, will fit the character of the neighborhood and will be less disruptive to the neighborhood than the existing commercial structure.

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."

Extra attention has been paid to the design of this development as it is an important project in a very visible location on a significant street. The property is larger than most in the area and the existing structure has not been serving an economically viable purpose for the community for some time now. There is no significant landscaping on the site, and the site is dominated by its existing parking area.

The proposed project is a benefit to the neighborhood as it will significantly increase landscaping on the site. It will provide for a building that is similar in height to others in the neighborhood and is well positioned along the street with a substantial landscaped front yard. The parking area is designed to be screened from the street with an attractive pergola. The Planning Board is recommending a condition to provide pavers in the driveway that will further reduce the impact of the paved area.

5. Impact on Public Systems: The development will not create adverse impacts on the public services and facilities serving the development.

The area has adequate water and sewer service. Lot permeability and landscaping will greatly improve under this proposal, thereby reducing the stormwater impacts. Traffic for a small residential development will be less than it would be for a commercial establishment in the existing building on the site. The proposal reduces the size of the curbcut on the site. Therefore, the development will not create adverse impact on public services and facilities.

6. Environmental Impacts: The development will not create adverse environmental impacts.

The nature of this residential use would not create adverse environmental impacts.

7. Functional Design: The development meets accepted standards and criteria for the functional design of facilities, structures, and site construction.

As conditioned the development meets functional design standards.

8. Historic or architectural significance: With respect to Somerville's heritage, any action detrimental to historic structures and their architectural elements shall be discouraged insofar as is practicable.

The structures to be demolished on this site are not historic structures. The proposed project is consistent in height with surrounding structures, and generally fits the character of the neighborhood. It is designed to be compatible with the neighborhood and support the design of neighboring properties.

9. Stormwater Drainage: The Applicant must demonstrate that "special attention has been given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Stormwater shall be removed from all roofs, canopies, and powered area, and routed through a well-engineered system designed with appropriate stormwater management techniques. Skimming devices, oil, and grease traps, and similar facilities at the collection or discharge points for paved surface runoff should be used, to retain oils, greases, and particles. Surface water on all paved areas shall be collected and/or routed so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create puddles in the paved area. In larger developments, where practical, the routing of runoff through sheet flow, swales or other means increasing filtration and percolation is strongly encouraged, as is use of retention or detention ponds. In instances of below grade parking (such as garages) or low lying areas prone to flooding, installation of pumps or other devices to prevent backflow through drains or catch basins may be required."

Additional review of drainage plans is required, and any approval of the SP should be conditional upon the City Engineer's approval of such plans and determination that no adverse impact will result to the drainage system from the project's design. Planning Staff also recommend conditioning the project to require permeable pavers in the driveway area. The completed site will be 44% landscaping, far more than the existing situation, further assisting with stormwater impact.

10. Enhancement of Appearance: The Applicant must demonstrate that "the natural character and appearance of the City is enhanced. Awareness of the existence of a development, particularly a non residential development or a higher density residential development, should be minimized by screening views of the development from nearby streets, residential neighborhoods of City property by the effective use of existing land forms, or alteration thereto, such as berms, and by existing vegetation or supplemental planting;"

Currently, a neglected vacant commercial building is located on the site. The proposal as designed will enhance the appearance of the area by infilling the site of this vacant building and replacing it with a structure that is comparable to its neighbors. The applicant has proposed a landscaping plan that will use a combination of trees and shrubs to screen the proposed structure from the neighbors and the railroad tracks. Conditions will be attached to this report in effort to minimize impacts on abutters.

11. Emergency Access: The Applicant must ensure that "there is easy access to buildings, and the grounds adjoining them, for operations by fire, police, medical and other emergency personnel and equipment;"

The Fire Prevention Bureau is reviewing the proposal.

12. Utility Service: The Applicant must ensure that "Electric, telephone, cable TV and other such lines and equipment are placed underground from the source or connection, or are effectively screened from public view."

The Applicant is proposing to tie into the existing services for electric, telephone and cable. Any new lines would be placed underground in accordance with the SZO and the policies of the Superintendent of Lights and Lines.

13. Prevention of Adverse Impacts: The Applicant must demonstrate that "provisions have been made to prevent or minimize any detrimental effect on adjoining premises, and the general neighborhood, including, (1) minimizing any adverse impact from new hard surface ground cover, or machinery which emits heat, vapor, light or fumes; and (2) preventing adverse impacts to light, air and noise, wind and temperature levels in the immediate vicinity of the proposed development;"

Staff finds that the project, as conditioned, will minimize effect on adjoining premises and the neighborhood. Landscaping is increased. Conditions will address equipment and machinery. Lighting will be directed so that it does not impact off-site properties. The project is a residential use, much like surrounding properties.

14. Screening of Service Facilities: The Applicant must ensure that "exposed transformers and other machinery, storage, service and truck loading areas, dumpsters, utility buildings, and similar structures shall be effectively screened by plantings or other screening methods so that they are not directly visible from either the proposed development or the surrounding properties."

Any exposed dumpster or transformer must be located in areas that are not visible from the street and surrounding structures or will be fully screened.

IV. RECOMMENDATION**Special Permit with Site Plan Review under §7.3**

Based on the above findings and subject to the following conditions, the Planning Board recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT WITH SITE PLAN REVIEW** with conditions as follows

#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	Approval is to establish a single structure on the site with nine residential units, along with associated landscaping and parking. 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>8/14/10</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>8/19/10</td><td>Plans submitted to OSPCD (A-1, Z-1), SP REV 2.</td></tr></table>				Date (Stamp Date)	Submission	8/14/10	Initial application submitted to the City Clerk's Office	8/19/10	Plans submitted to OSPCD (A-1, Z-1), SP REV 2.
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Any changes to the approved use or elevations that are not <i>de minimis</i> must receive ZBA approval.										
2	Applicant shall provide final material and color samples for siding, trim, windows and doors to the Planning Staff for review and approval prior to construction	BP	Plng.							
3	Applicant shall provide a landscape plan identifying type and location of all trees and plants to the Planning Staff for review and approval prior to construction.	BP	Plng.							
4	At least 50% of the parking area shall consist of a pervious material such as pervious pavers or asphalt. The applicant shall submit the paving materials to Planning Staff for review and approval prior to construction.	BP	Eng.							
5	Applicant shall update the plan, indicating the location of any dumpster and/or recycling storage. The applicant shall provide adequate location for storage of trash and separated recycling. The applicant shall screen any outdoor dumpster with wood fencing that blocks any view of the dumpster itself. The dumpster location and fencing shall be subject to review and approval of Planning staff.	BP	Plng.							
6	Any exposed transformers or HVAC equipment should be located in areas that are not visible from the street or are surrounded with landscaping so as to not be visible from the street	Electrical permits & CO	Plng.							

7	Any fencing installed shall not be chain link or vinyl.	CO	Plng.	
8	A code compliant fire alarm and/or sprinkler system must be installed.	CO	FP	
9	Applicant shall supply four bicycle parking spaces, which could be satisfied with two u-type bicycle racks. These should be located within the structure if possible.	CO	Plng.	
10	Applicant shall abide by the AHIP signed with the Housing Director, meet further legal requirements of the Housing Director and provide necessary application information to the Housing Director as required to proceed with the affordable housing development. As required, applicant shall provide one on-site residential unit and an appropriate cash payout for the fractional unit.	BP	Housing	
11	The Applicant, its successors and/or assigns, shall be responsible for maintenance of the building and all on-site amenities, including landscaping, fencing, lighting, parking areas, parking lot entrance pergola and storm water systems, ensuring they are clean, well kept and in good and safe working order.	Cont.	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. All new sidewalks and driveways must be constructed to meet DPW standards.	CO	DPW	
13	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	
14	The applicant shall provide notice of intent to strictly comply with applicable State and Federal regulations regarding air quality including without limitation continuous dust control during demolition and construction.	CO	Plng/OSE	
15	Notification must be made, within the time period required under applicable regulations, to the Massachusetts Department of Environmental Protection (DEP) if there is any discovery of hazardous materials, or regulated hazardous substances at the site. The City's OSE office and the Board of Health shall also be notified.	CO	Housing	

16	To the maximum extent feasible applicant will utilize strategies during construction to mitigate dust and control air quality, to minimize noise and to implement a waste recycling program for the removed debris.	During Construction	OSE/ISD	
17	Heavy construction activities shall be limited to Monday through Friday and conclude by 5:00 p.m. during those days.	Until construction completed	ISD	
18	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.	

Special Permit under §9.13

The Planning Staff was unable to recommend approval of the Special Permit under § 9.3, because it was unable to make the finding that the compact parking have the support from the Director of Traffic and Parking. The applicant indicated that they intended to withdraw the request for this Special Permit, and the Planning Board took no action on this item, instead recommending approval of the variance proposed in ZBA Case # 2010-46.

Sincerely,



Kevin Prior
Chairman

Cc: Applicant: 270 Cedar Street LLC, 661 Main St., Malden, MA
Owner: 270 Cedar Street Trust, Louis T Fibsi, 270 Cedar St., Somerville, MA

270 Cedar Street

