

DRAFT

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Case #: ZBA2008-01
Site: 308 Beacon Street
Date: February 7, 2008
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Applicant Name: Basnight, Buckingham & Partners, Inc.
Applicant Address: 111 Forest Street, Newton, MA 02465
Property Owner Name: Kyle E. Gale
Property Owner Address: 136 Huron Avenue, Cambridge, MA 02138
Agent Name: Adam Dash, Esq.
Alderman: Maryann Heuston

Legal Notice: The applicant seeks Special Permit approval under SZO §4.4.1 for the alteration of a non-conforming structure. The applicant seeks Special Permit approval under SZO §7.11.c to build a three-story, six-unit dwelling with parking underneath in a Residence C district.

Zoning District/Ward: RC / 2
Zoning Approval Sought: Special Permit under SZO§4.4.1 and SZO §7.11.1.c
Date of Application: January 7, 2008
Date(s) of Public Hearing: ZBA: February 20, 2008
Date of Decision: N/A
Vote: N/A

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a 6,346 s.f. (42' width by 151' length) property located partly within the City of Somerville and partly within the City of Cambridge. The lot is predominantly in Somerville with approximately 250 s.f. of the lot located in Cambridge. The property has frontage on opposite ends, bounded by Beacon Street on the Somerville side and Harris Street on the Cambridge side. There is an existing 1910 two-family, three story wood-frame house on the lot facing Beacon Street which is currently vacant and in poor condition. There is a 90' deep parking area on the Harris Street side of the lot.

2. Proposal: The applicant seeks Special Permit approval under SZO§4.4.1 to alter and expand a non-conforming structure to build a 8,976 n.s.f. three-story structure, and a Special Permit approval under SZO §7.11.1.c in order to establish a six-family dwelling. Three units are proposed to face Beacon Street and three units to face Harris Street. Due to poor structural conditions most of the existing structure will be removed except a portion of the front wall. The new structure will be narrower than the existing

structure at 23 feet in width and 121 feet in length. Parking will be located under the building with eight (8) spaces directly under the structure and two (2) in the below grade side yard.

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. In making the finding that the enlargement, extension, renovation or alteration will not be substantially more detrimental, the SPGA may consider, without limitation, impacts upon the following: traffic volumes, traffic congestion, adequacy of municipal water supply and sewer capacity, noise, odor, scale, on-street parking, shading, visual effects and neighborhood character.”

The applicant also seeks a Special Permit approval under SZO §7.11.1.c in order to build a six-unit dwelling. Under SZO §7.11.1.c developments of four to six units must obtain SPGA approval.

4. Surrounding Neighborhood: The immediate neighborhood is predominantly residential with a mix of two- and three-family wood-frame homes. Structures in the area are typically 2 1/2 to 3 1/2 stories. Beacon Street features residential and commercial uses with a moderate level of traffic while Harris Street and the surrounding streets on the Cambridge side have a very irregular pattern and are lightly trafficked.

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. Although there is no “rear yard”(see definitions SZO §2.2.93 and SZO §2.2.176), the new building would provide a larger front and side yards than the existing structure. The proposal includes side yards that are seven feet wider than exist currently, which should benefit side abutters. The removal of the at grade parking lot in what is currently the rear yard of the existing structure would also be a visual benefit to the abutting properties.

6. Parking: The proposal includes 10 spaces of off-street parking. Eight of these spaces will be below grade beneath the structure and two of the spaces will be below grade to the side of the structure. Access to all spaces will be provided by curb cuts along Beacon and Harris Streets and driveways along the southeastern side extending to four feet below grade.

6. Green Building Practices: The applicant is proposing to heat the project with geo-thermal technology, reducing the carbon production of the development.

7. Comments:

Traffic and Parking: Terry Smith reviewed the site plans and requests signage to be placed near the curb cuts and along the side of the building instructing exiting cars to yield to incoming traffic. Cars parking in the side area should be instructed with signage to back into the spaces. Also, the parking bumpers should be removed from all spaces on the lot to provide the 18’ required under the SZO.

Historic Preservation: HPC reviewed the plans and toured the existing structure and found that the building is not “significant”.

Fire Prevention: Steve Keenan reviewed the proposal and would require a fire alarm detection system and automatic fire suppression system compliant with all applicable codes, standards, laws, etc.

Alderman: Ward Alderman Heuston has been contacted but has not provided comments.

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 remove a vacant house in poor condition and replace it with a structure of similar scale to the surrounding neighborhood that fronts and is oriented toward both streets. While larger, the neighborhood benefits more from a structure facing both public streets than from extensive setbacks.

The Applicant requires a special permit under SZO §7.11.1.c to establish a six unit dwelling. This structure is configured as two triple-deckers back to back. The lot fronts on two streets; it will feature two front yards and two driveways to the underground parking structure. While the SZO would not allow subdivision of the lot, the Staff finds a six unit development thus configured appropriate for this unusual parcel.

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 C (RC) zoning districts in which the property is located, namely "(t)o establish and preserve a district for multi-family residential and other compatible uses which are of particular use and convenience to the residents of the 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."

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 three-story context of the surrounding built environment. The structure will conform to all SZO dimensional requirements for the site including parking, which will be located primarily under the structure and concealed from view of the surrounding community.

III. RECOMMENDATION

Special Permit under SZO§4.4.1 and SZO §7.11.1.c

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:

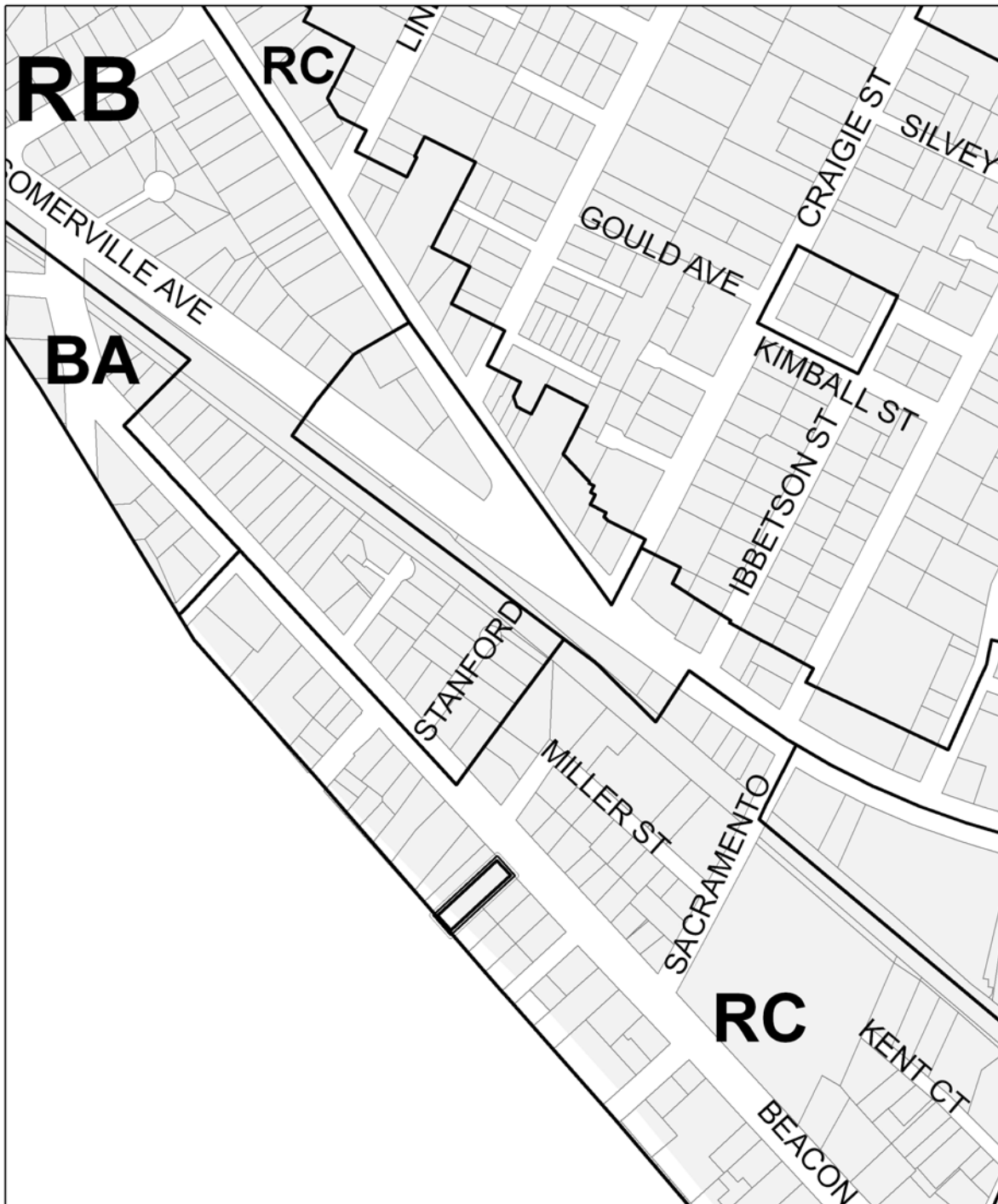
(Updated Recommendations for 02/07/2008 meeting)

#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	Approval is for the alteration of a non-conforming structure to build a six (6) unit, three-story residential building. 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>January 7, 2008</td><td>Initial plans submitted to the City Clerk's Office (Z1.0,V1.0,V1.1, C1.0, A1.0, A1.1, A1.2, A1.3, A2.3)</td></tr><tr><td>January 31, 2008</td><td>Modified plans submitted to OSPCD (A2.1a, A2.2a, A3.1)</td></tr></table>				Date	Submission	January 7, 2008	Initial plans submitted to the City Clerk's Office (Z1.0,V1.0,V1.1, C1.0, A1.0, A1.1, A1.2, A1.3, A2.3)	January 31, 2008	Modified plans submitted to OSPCD (A2.1a, A2.2a, A3.1)
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	January 31, 2008				Modified plans submitted to OSPCD (A2.1a, A2.2a, A3.1)					
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	One tree must be planted and maintained according to National Nurseryman's Standards, and in accordance with SZO §10.2.2 and §10.6.2.	CO	Plng.							

4	Signs shall be placed near the curb cuts and along the side of the building instructing exiting cars to yield to incoming traffic. Signs shall also instruct cars parking in the side area to back into the spaces.	CO	T&P	
5	The parking bumpers shall be removed from all spaces on the lot to provide the 18' depth required under the SZO.	CO	T&P	
6	The applicant shall provide a fire alarm detection system and automatic fire suppression system compliant with all applicable codes, standards, laws, etc.	CO	FP	
7	Any transformers shall be located as not to impact the historic building or landscaped area, and shall be fully screened.	Electrical permits & CO	Plng.	
8	Applicant will supply one bicycle parking space, which can be satisfied with a "U" type bicycle rack.	CO	Plng.	
9	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.	Cont.	ISD	
10	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.	CO	DPW	
11	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	
12	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	
13	The applicant shall develop a demolition plan in consultation with the City of Somerville Inspectional Services Department. Full compliance with proper demolition procedures shall be required, including timely advance notification to abutters of demolition date and timing, good animal control measures, minimization of dust, noise, odor, and debris outfall,	Demolition Permitting	ISD/OSE	

	and sensitivity to existing landscaping on adjacent sites;			
14	<p>Before demolition/building permits are issued, soil tests must be conducted. If soil contamination is observed by soil test results, the Applicant shall identify the Licensed Site Professional (LSP) responsible for the removal of any soil contamination at the site. The LSP shall submit to ISD and the Office of Sustainability and Environment (OSE) evidence showing that site cleanup has been carried out and has met the standards and requirements of the Massachusetts Department of Environmental Protection (DEP) <u>OR</u> a professional opinion by the LSP justifying the safety of the site in terms of health and safety of the workforce and occupants after submittal of Immediate Response Action Completion (IRAC) report to DEP but prior to filing Response Action Outcome (RAO) or Activity and Use Limitation (AUL). Because of the history of the site and the intended residential 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 Department:</p> <ul style="list-style-type: none"> 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.	

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 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	
16	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.	



308 Beacon Street