



CITY OF SOMERVILLE, MASSACHUSETTS
STRATEGIC PLANNING AND COMMUNITY DEVELOPMENT
JOSEPH A. CURTATONE, MAYOR

STAFF

MADELEINE MASTERS, *DIRECTOR OF PLANNING*
CHRISTOPHER DI IORIO, *PLANNER/ZONING ADMINISTRATOR*
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FREDERICK J. LUND, *SENIOR DRAFTSMAN*

Case #: 2007-11-R0508
Site: 292 Beacon Street
Date: June 4, 2008
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Applicant Name: Kenneth Spera
Applicant Address: Box 189 Still River, MA 01467
Property Owner Name: Kenneth Spera
Property Owner Address: Box 189 Still River, MA 01467
Agent Name: none
Alderman: Heuston

Legal Notice: Applicant and Owner, Kenneth Spera, seeks a revision to special permit ZBA2007-11 to modify an approved 2-3 story mixed-use project, which included 4 dwellings.

Zoning District/Ward: Residence C / Ward 2
Zoning Approval Sought: Revision to Special Permit 2007-11
Date of Application: May 12, 2008
Date(s) of Public Hearing: ZBA: June 4, 2008
Date of Decision: N/A
Vote: N/A

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a 7500 square foot lot on which sits a 3850 square foot flat-roofed wood-frame and masonry building previously used for a VFW hall, auto glass repair, and an auto repair shop. The lot is deep and narrow, and the auto glass and repair shops at the rear appear to be later additions to the structure. The existing structure is in disrepair and has been cited by the City's Neighborhood Impact Team for multiple violations. The unbuilt portion of the site is paved in asphalt and includes several parallel parking spaces and a narrow access way to those spaces.

2. Revision Proposal: The Applicant received special permits in 2007 for this redevelopment. Special Permit 2007-11 under SZO §4.4.1, §4.5.1 allowed for the construction of three ground-floor retail/office units, four two-bedroom residential units, and to change the nonconforming use of the

driveway access. Special Permit 2007-50 under SZO §7.11.1.c allowed the use as a four-family dwelling as part of an approved mixed-use structure.

The proposed revisions are shown on the plans submitted to OSPCD on May 29, 2008. Notices have been mailed to abutters and the case was advertised in the newspaper.

The applicant is proposing the following revisions to the original proposal:

1. Slightly alter the building footprint: The building footprint adjustment would be to align the south eastern wall. In the previous approval the rear two sections' of the building were two feet in from the edge of the front portion of the building.
2. Modify the façade: The façade changes would include adding two doors and several windows to the south eastern side of the building. Other adjustments include moving the location and style of other doors and windows.
3. Amend the site plan to increase the landscaping: The revised site plan includes a six foot cedar fence around much of the site, a black iron fence in the front of the property, hostas and ornamental shrubs and tree.



Front and left side view of the existing structure

3. Nature of Application: The Applicant is requesting a revision to special permit 2007-11 under SZO §5.3.8. The Special Permit allowed the Applicant to build a 2 and 3-story structure for retail/office and residential use, retaining a portion of the original structure, in order to protect its nonconforming status. The site and structure are nonconforming with respect to parking, landscaping, and front, side, and rear yard setbacks. The changes to these nonconformities were approved as part of the prior special permit.

4. Surrounding Neighborhood: The subject property is located in an RC district. The site is surrounded by a mix of commercial and residential uses.

5. Green Building Practices: None

6. Parking: The site plan shows six parking spaces. Under Special Permit 2007-11 the ZBA approved the altered parking and driveway access configuration.

7. Landscaping: The property is nonconforming with respect to the landscaping requirements of 25% in the RC district. The unbuilt portion of the site is completely covered in asphalt and does not provide any landscaping. The proposal would add 15% landscaped area to the site.

8. Comments:

Fire Prevention: "This building was the subject of a Neighborhood Impact Team investigation. It has been posted as unsafe for inside firefighting. We are assuming that the existing building will be demolished. Code compliant fire alarm and suppression systems will be required. Fire Prevention permits will be required before all work begins."

Ward Alderman: Alderman Heuston has not yet commented on this new proposal.

II. FINDINGS

Planning staff does not foresee any concerns with the slight alteration of the building footprint and modifications to the façade. The landscaping plan would improve the appearance of the site and help to mitigate stormwater runoff.

III. RECOMMENDATION

Planning Staff recommends approval of the requested revisions. The original conditions attached to the Special Permit may not apply to the current plans and Planning Staff recommends replacing them with the following conditions:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	Approval is for ground-floor retail/office use and four two-bedroom residential units. This approval is based upon the following application materials and the plans submitted by the Applicant and/or Agent:	Building Permit	Plng.							
	<table><tr><th>Date</th><th>Submission</th></tr><tr><td>June 26, 2007</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>May 29, 2008</td><td>Modified plans submitted to OSPCD</td></tr></table>				Date	Submission	June 26, 2007	Initial application submitted to the City Clerk’s Office	May 29, 2008	Modified plans submitted to OSPCD
	Date				Submission					
	June 26, 2007				Initial application submitted to the City Clerk’s Office					
May 29, 2008	Modified plans submitted to OSPCD									
Any changes to the approved site plan, elevations and use must receive ZBA approval.										
2	Code compliant fire alarm and fire suppression systems will be required, and Fire Prevention permits will be required before all work begins;	Building Permit	Fire							
3	The Applicant must install a sign at the driveway reading “Do Not Back Out of Driveway”.	CO	T&P Plng.							
4	The Applicant must supply bait prior to construction to ensure rodent control.	During Construction	ISD							
5	The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the building and all on-site amenities, ensuring they are clean, well kept and in good and safe working order.	Cont.	ISD							
6	The Applicant shall at his expense replace any existing equipment (including, but not limited to street sign poles, 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							
7	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							
8	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, minimization of dust, noise, odor, and debris outfall, and sensitivity to existing landscaping on adjacent sites;	Demolition Permitting	ISD/ OSE							
9	Because of the history of the site and the intended use, the	Demolition	ISD/							

	<p>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> <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>	/Building Permitting	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	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association.	Perpetual	Plng. / ISD	
12	The Applicant must contact the 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 Building Permit Signoff	Plng. / ISD	

The map displays a residential area in Cambridge, Massachusetts, with various zoning districts. The primary zoning is yellow, indicating residential use, with sub-districts RB, RC, and BA. A pink area in the upper right corner is designated as IA (Industrial). The map shows a grid of streets, including Beacon St, Sacramento St, Eustis St, and Miller St. A specific property at 292 Beacon St is highlighted with a callout. Other callouts include 'Stop & Shop' and 'RC'. The map also shows the Charles River and the city boundary.

The map displays a residential area with numerous lots, each labeled with a number. The streets shown are Beacon St, Miller St, Eustis St, and Sacramento St. A callout points to '292 Beacon St' with a line indicating the property. Another callout points to a large lot labeled 'Stop & Shop'. The map also shows various lot numbers and zoning codes like 'RB', 'RC', and 'BA'.