



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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**Case #:** PB 2009-17  
**Date:** April 12, 2010  
**Recommendation:** Conditional Approval

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**PLANNING STAFF REPORT**

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**Site:** 1 Benton Road

**Applicant Name:** MLM Realty Trust

**Applicant Address:** none listed

**Property Owner Name:** MLM Realty Trust

**Property Owner Address:** none listed

**Agent Name:** Richard G. Di Girolamo

**Agent Address:** 424 Broadway, Somerville, MA 02145

**Alderman:** Thomas Taylor

Description: The Applicant seeks Site Plan Approval under SZO §5.4 and §8.8 in order to subdivide an existing land parcel into two separate parcels of 12,296± sf and 9,622± sf.

Zoning District/Ward: RB / 3

Zoning Approval Sought: Site Plan Approval

Date of Application: Original application filed December 29, 2009

Complete Application: March 19, 2010

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This subdivision request was first forwarded to the Planning Board at the meeting on April 1, 2010. At that time, Planning Staff submitted a report to the Planning Board which included the full project description, initial findings, and a recommendation that the Planning Board request additional information in order to provide Staff with enough information to prepare a recommendation on this project. A copy of that report is attached, providing the full background on this project and the legal basis under which the staff requested additional information.

The following information has been provided since the April 1 meeting:

- architectural elevations for the new structure proposed on the new 9,622 sf lot;
- general drainage patterns for the site, including the location for a proposed drywell;



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- a conceptual landscape plan;
- an exterior lighting plan; and
- a revised site plan.

The Applicant will submit a shadow study for review before the start of construction.

A photographic montage of nearby existing buildings was shown to staff to provide information on the design context. The montage helps to provide examples of architectural detail that may be appropriate on the new structure. This montage will be available at the Planning Board meeting.

The Applicant has now satisfied the requirements of SZO Section 5.4.4.C and therefore the staff recommendation is below. This recommendation is based upon the standards for site plan review set out in the SZO and the Rules and Regulations. Section 5.4.4.c of the SZO states that the Planning Board “shall approve a submission in the form submitted or with reasonable conditions pertaining to the purpose of this Section 5.4 unless the Planning Board finds that:

1. The submission is incomplete;
2. The imposition of reasonable conditions would not ensure that the project would conform to the standards and criteria set forth in Section 5.4.6; and,
3. The project does not comply with other specifically applicable requirements of this Ordinance.”

As noted in the findings and recommendation below, the Planning Staff believes that the Applicant has provided a complete application, reasonable conditions can be placed on the proposal to ensure that the project conforms to the standards and criteria set forth in Section 5.4.6, and the project complies with applicable requirements of the Somerville Zoning Ordinance.

The new site plan shows a shared driveways and tandem parking that will require a special permit from the ZBA. While it is possible to design a conforming site design on this lot that would be allowed by-right with no special permit, such a plan would require much more on-site pavement on both the new lot and the lot with the existing house. The Applicant has therefore agreed to make a good faith effort to obtain a special permit for shared driveways and tandem parking.

The structure will be a 2 ½ story, 3 dwelling unit structure with a 1-story porch on the front that would wrap around to the right side of the building and a 3-story porch in the rear. The front elevation will also include a 14 foot wide bay and two gable dormers. The bay, porch and detailing of the columns, are elements that can be found on surrounding historic homes.

The applicants submitted two schemes for the roof of the front porch. One scheme was a flat roof with a decorative railing around it. There would not be doors to access the flat roof; however, since people could access the roof through the window, the railing height would need to be higher to meet building code regulations. Since the railing height would be higher than what is typical for decorative railings above porches, the second scheme with the sloped roof is preferred.

There will be three garage doors on the rear of the structure that would only be visible from the southern portion of the site.

**I. UPDATED FINDINGS FOR SITE PLAN APPROVAL (SZO §5.4):**

In order to grant a site plan approval, the SPGA must make certain findings and determinations as outlined in §5.4.6 of the SZO. This section of the report goes through §5.4.6 in detail.

The following findings have been updated since the Planning Board report for the April 1, 2010 meeting.

2. *“The development shall be integrated into the existing terrain and surrounding landscape. Building sites shall, to the extent feasible: minimize use of wetlands, steep slopes, floodplains, hilltops; preserve natural or historic features; maximize open space retention; preserve scenic views from publicly accessible locations; minimize tree, vegetation and soil removal, blasting and grade changes; screen objectionable features from neighboring properties and roadways.”*

There are no wetlands, floodplains or hilltops located onsite. There is a slope downward from the western portion of the site to the eastern portion. The slope appears to be incorporated into the proposed new design. The “landscape plan” shows a driveway along the lower grade of the site that would access a garage in the new structure which would be partially below grade. The parking spaces for the new structure would be hidden by the grade change. The new structure would be setback 24 feet from the street and incorporate elements similar to those in historic properties in the area. Since there are historic houses and local historic districts in the area, the preservation of historic character will ensure that any new structure on this lot fits the context of the existing neighborhood. The foreseen objectionable features on the site such as parking and trash would be hidden, to the extent possible, by the garage. The landscape plan indicates that three deciduous trees would be planted in the right side yard of the new structure and two deciduous trees would be planted in the front yard. The plan maximizes open space retention by pulling the parking underneath the building, utilizing tandem parking and shared driveways. The tandem spaces and shared driveways will require special permits before the new structure is constructed. The Applicant stated that no blasting and only minimal grade changes would be required and the only substantial trees that would be removed are currently dead. It should be noted that, in order to make this finding, the project as proposed will require a ZBA Special Permit. A by-right design can minimize impacts to an extent, but will require additional paved areas and surface parking on the site.

6. *“The development shall provide for safe vehicular and pedestrian movement within the site and to adjacent ways, including sidewalks, crosswalks and the like.”*

A curb cut along Summer Street was recently constructed and the plan indicates that the pre-existing curb cut along Benton Road will be reduced from approximately 35 feet to 13 feet. The reduction in the curb cut will provide an additional on-street parking space and improve pedestrian safety. The proposed parking scheme for the site involves cross easements for shared driveways. Two parking spaces for the existing house will use the Benton Road curbcut, while access to parking for the new lot will be through the curbcut on Summer Street. This design potentially reduces the amount and visibility of asphalt on the site. It should be noted that, in order to make this finding, the project as proposed will require a ZBA Special Permit. A by-right design can minimize impacts to an extent, but will require additional paved areas and surface parking on the site.

7. *“Building design and landscaping shall be in harmony with the prevailing character and scale of buildings in the neighborhood through the use of appropriate building materials, screening, and other architectural techniques.”*

The architectural elevations incorporate elements of historic buildings in the area. The developer has incorporated some suggestions from the Planning Staff to address the character of the new proposed

building. The scale of the building is similar to the scale of neighboring houses. As an alternative, Planning Staff and the developer discussed proposals for a 'carriage house' design for the new structure, but such a structure would require a larger footprint than the proposed structure, increasing impacts on neighboring properties to the north.

8. *"To the extent feasible, proposed projects shall be designed in such a way as to minimize shadows on neighboring properties."*

A shadow study of the new structure would ensure that the proposed project would minimize shadows on the neighboring properties. The covenant will specify that the Applicant must submit a shadow study to the Planning Staff for review prior to construction of a structure on the new lot.

8. *"There shall be no unreasonable glare onto public roads and other public ways into the night sky, or onto neighboring properties from lighting or reflection."*

It is unlikely that a new three-unit building would cause unreasonable glare onto the public roads, ways or onto neighboring properties from lighting or reflection. The lighting plan (on the landscape plan) indicates that there would be two lights on the front of the house by the front door, a light on the right side of the house that would be on a motion sensor, and two lights in the back of the house above the garage.

9. *"The site plan shall comply with all zoning requirements."*

No new zoning violations would be created by the proposed subdivision. The proposed site plan conforms to the minimum lot size and minimum frontage requirements set forth in Article 8 of the Ordinance. After subdivision, the existing structure continues to conform to other dimensional requirements such as minimum lot area per dwelling unit, floor area ratio, yard setbacks, etc. The Applicants have shown that a proposed development on the new lot could also conform to the dimensional and parking requirements. When the structure on the new lot is constructed, it will be subject to all applicable zoning. As noted above, a special permit will be required for a shared driveway and tandem parking in the garage. Planning Staff will support a special permit for sharing driveways and tandem parking if the Applicant can prove that site design, landscaping and impacts upon the neighborhood will be minimized through the use of a shared driveway, and that such an option will allow for a better project than would otherwise be allowed by-right on this lot.

## **II. RECOMMENDATION**

### **Site Plan Approval under §8.8**

SZO Section 5.4.4.C indicates that the Planning Board "shall approve a submission in the form submitted or with reasonable conditions pertaining to the purpose of this Section 5.4 unless the Planning Board finds that:

1. The submission is incomplete;
2. The imposition of reasonable conditions would not ensure that the project would conform to the standards and criteria set forth in Section 5.4.6; and
3. The project does not comply with other specifically applicable requirements of this Ordinance."

Based upon this standard and the above findings, the Planning Staff recommends **CONDITIONAL APPROVAL** of the requested **SITE PLAN APPROVAL**. The Applicant has provided a complete application, reasonable conditions can be placed on the proposal to ensure that the project conforms to the standards and criteria set forth in Section 5.4.6, and the project complies with applicable requirements of the Somerville Zoning Ordinance. The Rules and Regulations Chapter 6, Section 6.C. state that, “[w]hen an application is deemed generally acceptable, but is of a nature where specific approval of each standard or criteria of SZO Section 5.4.6 cannot be reached (such as in subdivision, where all physical site development plans may not be finalized at the time of the plot recording), the Planning Board may attach a condition(s) requiring recordation of deed restrictions or covenants ensuring future compliance with specifically applicable standards of SZO section 5.4.6.”

The following conditions should be added to the approval. The conditions include a covenant to be placed on the 9,622 s.f. lot to ensure that the subdivision, and subsequently-created conforming lot, is bound to the proposed plan, unless modifications are agreed upon by the Staff.

#	Condition	Timeframe for Compliance	Verified (initial)	Notes												
1	Approval is for a subdivision of parcel 43-G-14 into two parcels of 12,296± sf and 9,622 sf. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP	Plng.													
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>Mar 19, 2010 (completion date)</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>Dec 14, 2009 with revisions on Feb 18, 2010 prepared by Design Consultants, Inc.</td><td>subdivision plan</td></tr><tr><td>Mar 4, 2010 with revision on Mar 30, 2010 (Apr 12, 2010)</td><td>landscape plan (site plan)</td></tr><tr><td>Mar 4, 2010 with revisions on March 30, 2010 (Mar 31, 2010)</td><td>landscape plan (showing vegetation and lighting)</td></tr><tr><td>Mar 22, 2010 (Apr 12, 2010)</td><td>front, right side, and rear elevations</td></tr></table>				Date (Stamp Date)	Submission	Mar 19, 2010 (completion date)	Initial application submitted to the City Clerk's Office	Dec 14, 2009 with revisions on Feb 18, 2010 prepared by Design Consultants, Inc.	subdivision plan	Mar 4, 2010 with revision on Mar 30, 2010 (Apr 12, 2010)	landscape plan (site plan)	Mar 4, 2010 with revisions on March 30, 2010 (Mar 31, 2010)	landscape plan (showing vegetation and lighting)	Mar 22, 2010 (Apr 12, 2010)	front, right side, and rear elevations
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Following final review and approval by the City's Law Department, the Applicant shall record a development covenant with the Middlesex South District Registry of Deeds. The covenant shall be recorded with the subdivision plan and shall constitute a restriction running with the land which shall be binding upon the owner of the 9,622 sf lot, and such owner's successors and assigns. No restrictions shall apply to the 12,296 sf lot. The development covenant shall include the	Recording / Filing Subdivision	Plng.														

	<p>following provisions:</p> <ul style="list-style-type: none"> <li>• The new structure on the 9,622 sf lot shall conform to the plans and elevations referenced in Condition #1.</li> <li>• Applicant shall submit a shadow study for the new structure for Planning Staff approval prior to application for a building permit.</li> <li>• The Applicant shall submit building elevations a site plan, and a landscape plan to the Planning Staff prior to application for a building permit. All revisions, whether minor or major, shall be subject to Planning Staff approval. In addition, any significant revisions or any new elevations, site plan, or landscape plan for the 9,622 lot will be subject to review by the Design Review Committee (DRC). For review of significant revisions, the DRC shall notify abutters at the applicant's expense.</li> <li>• The development of the lot will be subject to all applicable zoning regulations.</li> <li>• The Applicant shall make a good faith effort to secure a special permit for shared driveways and tandem parking to reduce the paved areas on the lot. Regardless of approval or denial, the Applicant shall submit final driveway and parking plans to the Planning Staff for review and approval prior to application for a building permit.</li> </ul>			
3	The applicant, his successors and assignees shall make no objection to any application to place the existing structure at 1 Benton Road into a local historic district or any other architectural review district that is created to protect the historic structure, now or at any time in the future.	Perpetual	Plng.	
4	The trash storage for the use on the 9,622sf lot shall be located inside of the structure.	Perpetual	Plng.	
5	The Applicant shall submit to Planning Staff certified copies of the recorded/registered documents.	Building Permit	Plng.	