



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
JOSEPH A. CURTATONE
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PLANNING DIVISION

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DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*
FREDERICK J. LUND, *SENIOR DRAFTSMAN*

Case #: PB 2009-17
Date: May 4, 2010
Recommendation: Conditional Approval

SUPPLEMENTAL PLANNING STAFF REPORT

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

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 second staff report was submitted to the Planning Board for their meeting on April 15, 2010 which included updated findings and a recommendation for conditional approval. The following report includes comments from Traffic and Parking Staff as well as comments from the public hearing and updated recommended conditions to be attached to the site plan approval. The legal opinion from the City Solicitor that the Board requested at the April 15 hearing regarding denial of site plan approval is attached.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722

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I. COMMENTS

Comments from Traffic and Parking:

Traffic and Parking has received and reviewed the proposed site plan for 1 Benton Road. This site plan has 1 Benton Road subdivided into two lots. Eleven off street parking spaces have been provided. Only 10 off street parking spaces were required per the Somerville Zoning Ordinance (SZO) for the two subdivided lots at 1 Benton Road. These off street parking spaces have been located in three areas throughout the two lots. There are three tandem parking spaces for six vehicles located in a parking area. Each tandem parking space for two vehicles is associated with one unit.

Traffic and Parking has no objections to tandem parking spaces provided that the tandem parking spaces are associated with a single unit. This condition is provided for in this parking arrangement. Nine vehicles will access and egress the two lots in a forward manner via a curb cut on Summer St. Two vehicles will access and egress a lot via a curb cut on Benton Road. These two vehicles will most likely back out of the parking lot. Benton Road is a narrow two way bidirectional street with parking allowed on both sides of the street.

Benton Road is also a heavy pedestrian corridor for school children attending a local nearby elementary school on Summer St.

While the SZO allows this maneuver from a parking lot with six or fewer parking spaces, Traffic and Parking has concerns about this traffic pattern. However as stated above, the off street parking requirements for 1 Benton Rd are in compliance with the SZO. Traffic and Parking has no objections to this application.

Comments from the public hearing of April 15, 2010:

Alderman Connolly stated the subdivision will negatively impact the neighborhood and the City and felt that it was out of character with the neighborhood.

Alderman Taylor is against the project stating the RA/RB zones are over developed and it will negatively affect the character of the neighborhood. He also stated concerns regarding drainage, loss of trees and pervious surfaces, easements, taxing city services, curb cuts and traffic safety.

Alderman White stated that the Board can regulate the subdivision. His stated his concerns regarding traffic, safety, density and the effect the neighbors' investment in their properties.

Alderman Gewirtz appeared and opposed the subdivision. One of her concerns was regarding the decrease in green space.

Alderman Desmond could not appear due to a previous commitment but submitted his comments in opposition to the project.

Sara Rosenfeld appeared and spoke in support of the project. She said that the developers did a good job on the renovation to 1 Benton Road and that this property could increase the tax base in the City, which is greatly needed.

Elizabeth Bicknell appeared and was in opposition to the project, stating concerns regarding architecturally inferior of the renovations make to 1 Benton Road that mock the historic district.

Susan Karp Kelley appeared and testified in opposition to the project. She stated concerns regarding the watershed district line through the property, density and historic character.

Rita Edmonds appeared and spoke in opposition to the project stating concerns regarding density, water run off and traffic.

David Dahlbacka appeared and spoke in opposition to the project stating concerns regarding taxes and stated the city should encourage commercial development instead of residential development.

Louise Hale, direct abutter, appeared and stated her opposition to the project stating concerns regarding water run off, removal of trees, automobile fumes and the affect that the subdivision will have on the enjoyment of her property.

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, the subsequent clarification of this standard by the Assistant City Solicitor 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.

The changes to the conditions from those submitted to the Board on April 15 are underlined or ~~struck~~.

#	Condition	Timeframe for Compliance	Verified (initial)	Notes												
1	<p>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:</p> <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	BP	Plng.	
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2	<p>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 following provisions:</p> <ul style="list-style-type: none">The Applicant shall submit building elevations a site plan, and a landscape plan to the Planning Staff prior to application for a building permit.Applicant shall submit a shadow study for the new structure for Planning Staff approval prior to application for a building permit.The new structure on the 9,622 sf lot shall conform to be based on <u>be based on</u> the plans and elevations referenced in Condition #1. <u>The final plans</u> All revisions, whether minor or major, shall be subject to Planning Staff approval. In addition, any significant revisions or any new the	Recording / Filing Subdivision	Plng.													

	<p>elevations, site plan, or and landscape plan for <u>any development on the 9,622 lot</u> will be subject to review by the Design Review Committee (DRC) and the Historic Preservation Commission (HPC) for their recommendations at a joint meeting, before final approval by staff. For <u>this review of significant revisions</u>, the DRC <u>OSPCD staff</u> shall notify abutters at the applicant's expense.</p> <ul style="list-style-type: none"> • The development of the lot will be subject to all applicable zoning regulations. • 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. 			
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.	
6	<u>The Applicant shall relocate the electrical conduit on the structure at 1 Benton Rd so that it is not located on the front of the building. The new location shall not be on the Summer Street or Benton Road facades and shall be subject to the review and approval of Planning Staff.</u>	<u>CO for 3rd unit</u>	<u>Plng.</u>	