



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: PB 2009-17
Date: March 22, 2010
Recommendation: Conditional Approval

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

I. PROJECT DESCRIPTION

1. **Subject Property:** The subject property is a 21,918 sf parcel on the corner of Benton Road and Summer Street. There is a house on the property, the Benton-Corwin house, circa 1890, that was recently renovated from a single-family to a three-family. There is a curb cut to a parking area on Benton Road and a new curb cut to a parking area on Summer Street. The property was on the list of properties to be designated to a local historic district in the past; however, it was not designated due to the previous owner's hesitation towards the designation and assurance that he would work with the Historic Preservation Commission in the future. The property is a contributing portion of the National Register of



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Historic Places district called the Westwood Road Historic District. It is adjacent to, but not a part of, the local Westwood Road historic district.

2. Proposal: The proposal is to subdivide the lot into two parcels of 12,296 sf with the existing structure and a new vacant 9,622 sf lot. The newly created lot would be large enough to allow a by-right three-family development.

3. Nature of Application: In order to subdivide the lot, the Applicant requires Site Plan Approval under SZO §5.4 and §8.8. A subdivision that only creates one new lot is classified as a minor project under SZO §5.4.5 and the rules and regulations pertaining to site plan approval; however, since three members of the Planning Board requested review of this proposal, it will go before the full Board for a public hearing.



4. Surrounding Neighborhood: The property is surrounded by one-, two-, and multi-family homes. St. Catherine's church is in close proximity. As noted above, the Westwood Road local historic district abuts the property.

5. Impacts of Proposal: The purpose of the subdivision is to create a new lot on which a three-family dwelling may be constructed. The design of the new structure is important particularly in this neighborhood because there are several historic homes in the area, the lot abuts a local historic district, and the lot is within a National Register district. Staff and neighbors would like to ensure that the new structure is complementary to other structures in the area.

6. Comments:

Fire Prevention: Have been contacted but have not yet provided comments.

Engineering: Have been contacted but have not yet provided comments.

Historic Preservation: Have been contacted but have not yet provided comments.

Traffic & Parking: Have been contacted but have not yet provided comments.

Ward Alderman: Alderman Taylor is opposed to the subdivision of the lots. He is opposed because there would be no control over what happens on the subdivided lot, the subdivision would allow for an increase in density, and he is concerned about the proposed easement and drainage on the site.

II. 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.

1. The development complies with all standards set forth for the overlay district in which it is located.

The subject property is not located within an overlay district. The underlying or base zoning district in which the property is located is Residence B (RB). The purpose of the RB zoning district is “[t]o 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 development as two lots with a three-family dwelling on each would comply with the standard, provided that the new structure is compatible with the neighborhood.

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 new design. The “landscape plan” shows a driveway along the lower grade of the site, which would enter into a garage in the new structure so that the parking is partially hidden. The preservation of natural or historic features and screening of objectionable features from neighboring properties and roadways standards are difficult to determine without seeing the proposed elevations of the new structure on the site. Since there are historic houses and local historic districts in the area, the preservation of historic features is an important standard that must be met. The ability to determine maximization of open space retention relies on seeing a final site plan for the new parcel. 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.

Submittal of architectural elevations showing building design, height, entrances, windows and materials as well as a landscape plan, showing final grades, paved areas, and plantings would allow for the review of the remaining items in this finding.

3. “The development shall be served with adequate water supply and sewage disposal systems. For structures to be served by sewage disposal systems, the applicant shall document the status of Department of Environmental Management (DEM) and/or other sewage permits.”

The Applicant or future developer of the site will have to work with the Department of Public Works and the DEM to ensure that adequate water supply and sewage disposal systems are satisfactory to these departments.

4. “The development shall incorporate measures that are adequate to prevent pollution of surface and groundwater, to minimize erosion and sedimentation, and to prevent changes in groundwater levels, increased rates of runoff and minimize potential for flooding. Drainage shall be designed so that groundwater recharge is maximized, and at the project boundaries the runoff shall not be increased in amount or velocity.”

The Applicant stated that there would be minimal grade changes on the site and drywells would be installed to collect roof gutter runoff. Any future development on the lot would have to conform to the requirements of the City’s Engineering Department for stormwater management.

5. “To the extent feasible, development shall minimize demands placed on municipal services and infrastructure.”

The subdivision should not place any unforeseen demand on municipal services and infrastructure. However, any future development of either lot will be subject to all applicable requirements.

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 curb cut along Benton Road will be reduced from its existing width. The proposed parking scheme for the site involves cross easements for shared driveways. Two parking spaces for the existing house use the Benton Road curbcut on the new lot, while access to parking for the new lot is through the curbcut for the existing lot on Summer Street. This design potentially reduces the amount and visibility of asphalt on the site. If the parking scheme is built in this way, a special permit would be required for shared driveways. The final location of parking spaces is not clear on the plan and still needs to be determined.

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.”

Architectural elevations and a landscape plan are required to determine if the building design and landscaping is in harmony with the prevailing character and scale of the neighboring buildings.

8. “Electric, telephone, cable TV and other such utilities shall be underground except where this cannot be accomplished because it is physically or environmentally infeasible, in which case such utilities shall be screened.”

Any future development of either lot will be subject to all applicable requirements.

9. “Exposed storage areas, machinery, service areas, truck loading areas, utility buildings and structures and other unsightly uses shall be set back and/or screened to protect neighbors from objectionable features.”

The proposed use of the new site is a three-family structure that would not likely include exposed storage, machinery, service areas, truck loading areas, utility buildings and structures; however, if these items were present onsite, they would have to be screened.

10. “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.

11. “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.

12. “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 structured, it will be subject to all applicable zoning. As noted above, a special permit would be required for a shared driveway as shown on the “landscape plan”. Planning Staff would support a special permit for sharing driveways if the applicant can prove that site design, landscaping and impacts upon the neighborhood would be minimized through the use of a shared driveway.

III. RECOMMENDATION

Site Plan Approval under §8.8

The site plan application is based on the subdivision plan dated Dec 14, 2009 and the landscape plan dated Mar 4, 2010 both prepared by Design Consultants, Inc.

Based on the above findings and subject to the following conditions, the Planning Staff recommends that the Planning Board require the following items be submitted in order to fully evaluate the findings under §5.4.6 of the SZO. The items below are identified in the Rules and Regulations for Site Plan Review, Chapter 6, Section 4D. Section 4D notes that “the Planning Board . . . may request additional information beyond that submitted by the Applicant, but only that which is reasonably related to demonstrating compliance with a specific standard or criteria of Section 5.4.6”. Based upon this regulation, the Planning Staff recommends the Planning Board request the following before the Staff can provide a recommendation for this project:

1. Architectural elevations for (the) new structure specifying materials, colors and finishes . . . includ(ing) information on the design context by showing a photographic montage of (nearby) existing buildings, or similar study.
2. Building shadow analysis
3. General drainage patterns and plans, including drainage inlets/outfalls, and proposed erosion and sedimentation controls
4. Landscape plans, including schedule of materials and planting specifications

5. Exterior lighting plan

6. Any changes to paving plans, traffic circulation and parking plans. The applicant should identify if they intend to pursue the special permit for sharing driveways between the two lots.

Items 3-6 may be combined on one or more plan sheets.

Once these items are evaluated, a staff recommendation will follow. 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, if acceptable supplemental application information is submitted, establishing contextual building and site design for the new lot, the Planning Staff would seek to recommend a conditional approval in a form that will ensure that, after the subdivision is approved, development on the lots will conform to the approved plans. These limitations may be recommended to be in the form of a deed restriction or covenant, to ensure that the subdivision, and subsequently-created conforming lot, are bound to the proposed plan, unless modifications are agreed upon by the Staff and/or Board. These conditions would be based upon the standards in the Rules and Regulations Chapter 6, Section 6.C. which 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.”