



## CITY OF SOMERVILLE, MASSACHUSETTS

### PLANNING BOARD

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MICHAEL A. CAPUANO, ESQ. (ALT.)

**Case #:** ZBA2008-09

**Site:** 42 Craigie Street

**Date:** June 18, 2008

**Recommendation:** Conditional Approval

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## PLANNING BOARD REPORT

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**Applicant Name:** Felix Consilvio Jr.

**Applicant Address:**

**Property Owner Name:** Craigie Street, LLC

**Property Owner Address:** 92 High Street, suite 27, Medford, MA 02155

**Agent Name:** Richard DiGirolamo

**Alderman:** Taylor

Legal Notice: The applicant seeks Special Permit with Site Plan Review approval under SZO §7.2 to construct two principal structures on the same lot as an existing principal structure. The applicant seeks Special Permit with Site Plan Review approval under SZO §7.3 to develop eight (8) residential units containing 12.5% affordable in a Residence B district.

Zoning District/Ward: RB / 3

Zoning Approval Sought: SPSR under SZO§7.2 and SZO §7.3

Date of Application: February 14, 2008

Date(s) of Meeting/Hearing: [Planning Board: March 20, 2008 / ZBA: June 18, 2008]

Date of Decision: N/A

Vote: N/A

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Dear ZBA members:

At its regular meeting on March 20, 2008 the Planning Board heard the above-referenced application. Based on materials submitted by the Applicant and the Staff recommendation, the Board voted (5-0), with Kevin Prior absent, to recommend **conditional approval** of the requested **Special Permit**.

In conducting its analysis, the Planning Board found:

#### I. PROJECT DESCRIPTION

1. Subject Property: The property is a 15,335 s.f. lot (93.0' in width by 164.8' in length) located about a half-mile east of Porter Square. There is an existing 3,240 n.s.f. three-family, three-story structure towards the front of the property. The property generally slopes downward from north to south with a maximum variation of 12 feet in elevation.

2. Proposal: The applicant is proposing to construct two new buildings containing five (5) new units behind the existing residential structure. Together there will be eight (8) units total of housing. The proposal includes one unit of affordable housing which is required to conform to the Inclusionary Housing and affordability requirements under Article 13 of the SZO. The existing curb cut will be relocated in order to construct an 18' wide driveway that provides access and separates the two buildings.

"Building 1" on the north side of the property is shown containing three units and six parking spaces under the units. The building is constructed into the hillside with the basement/parking level accessible from the front side while completely underground in the rear. From average grade the building is proposed to be 29.2' in height by the legal definition of height in the SZO.

"Building 2" on the south side of the property is shown containing 2 units and four parking spaces under the units. This building is on more level terrain and will be 34' in height.

"Building 3" (existing building) will be renovated and continue to provide three units.

All new development meets dimensional requirements and the proposed parking scenario meets the SZO requirements for parking. Patios for all units will be located in the side yards.

3. Nature of Application: The applicant is proposing to waive the maximum three (3) dwelling units per lot to construct an eight (8) unit building within a Residence B (RB) district. Under the SZO §7.3 the SPGA may approve this waiver request through application for SPSR if the development includes 12.5% affordable housing units on-site, which the applicant is proposing. The applicant is also proposing to construct more than one principal structure on a lot which requires SPGA approval under SZO §7.2 through application for SPSR.

4. Surrounding Neighborhood: The subject property is located in a residential neighborhood of two and three family structures interspersed with apartment buildings of 4-8 units. The structures in this area are predominantly 2.5 and 3 story buildings. Abutting the project site to the north is a 33 unit, four-story apartment building and directly across the street is Craigie Park.

5. Impacts on Abutting Properties: The applicant conducted a community meeting and met with the Somerville Design Review Committee to better understand any issues that could be associated with this project. Members of the community expressed that the adjacent apartment building is not considered a visually appealing structure and the proposed development will make this structure less visible, while cleaning up a large overgrown and unkempt parcel of land. New plans were designed and conditions will be included with this approval to address community concerns.

5. Green Building Practices: Pervious surfaces will be used for all driveways and walkways. This will allow surface water to pass into a water retention system that will keep water on the property and limit runoff from affecting adjacent properties further down the slope.

6. Comments:

Bike & Pedestrian Coordinator: Steve Winslow reviewed the project and commented:

As a residential development with 7 or more units, they are required to provide bicycle parking. In this instance they must provide at least one bicycle parking space. I would also simply suggest that given its location near Porter Square and very near where new bike lanes will be going in on Somerville Avenue and Beacon, providing more bicycle parking would be warranted.

City Engineer: The City Engineer reviewed the project and had the following comments:

**Drainage:**

The design appears to satisfy most of the storm-water requirements of MA DEP and the City of Somerville. The dry wells, infiltration pipes, vegetated swale, permeable pavers and the infiltration pond/garden all need to be inspected and maintained to make sure they are working as designed. Therefore, a "*Inspection and Maintenance Plan*" must be generated by the design engineer. This plan must be strictly adhered to by the owners.

However, my biggest concern with the drainage design is the fact that the driveway and parking areas will drain directly to dry wells without any treatment. I believe this violates MA D E P's storm-water standards even though the surface is supposedly "permeable." I must insist that the design engineer verify with DEP that this design is acceptable or not acceptable.

**Water:**

The design calls for polyethylene water services, both domestic and sprinkler, from the sidewalk to the buildings. This type of material, though not typical, is acceptable as far as I can determine. The buildings' electrical systems must be properly grounded according to the latest requirements of the National Electrical Code in lieu of non-metal water pipes.

Fire flow tests must be run in the area with coordination with the Somerville Water Department.

**Sewerage:**

I will insist on the installation of a sewer manhole at the junction where the two sewer lines join with reference to Sheet C-2 of the plans, instead of a cleanout. Otherwise the design is acceptable to the Engineering Division. The permit to connect the sewer line must be taken out by a licensed drain-layer.

**Addresses:**

The buildings will be assigned the following numbers:

# 42R and #44R for building number 2 and #46A, #46B and #46C for building number 1.

Fire Prevention Bureau: Steve Keenan reviewed the project and had the following comments:

All units at the site would be required to have code compliant fire alarm/detection systems and code compliant sprinkler systems.

The plans show garage parking for the units and a visitor parking area. We would require that the auto court have no parking allowed. This would require that Traffic and parking designate the auto court as a "fire lane" and that sufficient "fire lane" signage be placed at the site. The signs should read "Fire Lane - No Parking" or something similar.

Aldermen: Ward Alderman Taylor has been contacted and has not yet provided comments.

Housing: The Director of Housing will be meeting with the applicant to discuss the affordable housing component of the proposal. (See conditions)

Traffic and Parking: The Traffic Engineer reviewed the proposal and had no concerns about the project.

DPW: Steve MacEachern reviewed the project and had the following comments:

DPW does not allow trees to be removed for curb cuts, if there are public shade trees where the curb cut is proposed they will deny the application. DPW will conduct a site visit and additional comments will be provided.

## **II. FINDINGS FOR SPECIAL PERMIT WITH SITE PLAN REVIEW (SZO §7.2 and §7.3):**

In considering the requested special permits with site plan review the Board must consider and make findings and determinations as outlined in §5.2.5 of the SZO. This section of the report goes through §5.2.5 in more detail.

1. Information Supplied: The Applicant must comply "with the information requirements in Section §5.2.3;"

The information provided by the Applicant allows for a comprehensive review of the proposed development and is in general compliance with the requirements set forth under §5.2.3 of the SZO.

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 with site plan review".

As conditioned, the proposal will comply with these standards.

3. Purpose of the District: The Applicant has to ensure that the project "is consistent with the intent of the specific zoning district as specified in Article 6". The project site is located within an RB district. The RB district seeks to "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."

SZO §7.3 states that in RB districts, where developments include a minimum of 12.5% affordable housing units on-site, the maximum dwelling units per lot can be waived through SPSR application. In all cases minimum lot size, minimum lot area per dwelling unit and other dimensional and parking requirements of Article 8 and Article 9 shall be met.

Due to the inclusion of an affordable housing component, the unusually large size of the subject parcel compared to surrounding properties, the breakdown of units into three distinct buildings of three families or less, and the conformity with all dimensional requirements under Article 8 and 9, The Board finds this project consistent with the purpose of the RB zoning district.

4. Site and Area Compatibility: The Applicant has to ensure that the project "Is designed in a manner that is compatible with the existing natural features of the site and is compatible with the characteristics of the surrounding area, and that the scale, massing and detailing of buildings are compatible with those prevalent in the surrounding area."

The land behind the existing structure is currently overgrown and poorly maintained with scattered debris and cracked pavement. The slope of the terrain causes storm runoff to negatively affect the neighbors towards the bottom of the hill. While the applicant will be removing several existing trees that have grown on the site, new trees, shrubs and other natural elements will be added to the landscape. The proposed landscaping and pervious surfaces used for vehicular and pedestrian access will work in conjunction with the proposed water retention system to limit storm runoff currently affecting the neighbors down slope.

"Building 1" will be built into the slope limiting the visual scale as viewed from the street and neighboring apartment building. "Building 2" will generally be screened from public view on Craigie Street by the existing building on the lot. All three buildings proposed for the lot will be consistent with the height and scale of surrounding two and three family buildings in the neighborhood and will be considerably lesser in height than the four story apartment building up the slope to the north.

5. Functional Design: The project must meet "accepted standards and criteria for the functional design of facilities, structures, and site construction."

Based upon the comments received from the City Engineer the applicant will need to address the drainage system and verify with DEP that the plan is acceptable and up to the state standards. (see conditions)

6. Impact on Public Systems: The project will "not create adverse impacts on the public services and facilities serving the development, such as the sanitary sewer system, the storm drainage system, the public water supply, the recreational system, the street system for vehicular traffic, and the sidewalks and footpaths for pedestrian traffic."

Additional review is still required for the proposed drainage systems. However, this can be completed subsequent to the zoning review, with a condition of approval requiring provision of a drainage plan satisfactory to the City Engineer prior to the issuance of any permits. The approval of the SPSR shall be contingent upon the City Engineer's determination that no adverse impacts on public systems will result from the development.

7. Environmental Impacts: "The proposed use, structure or activity will not constitute an adverse impact on the surrounding area resulting from: 1) excessive noise, level of illumination, glare, dust, smoke, or vibration which are higher than levels now experienced from uses permitted in the surrounding area; 2) emission of noxious or hazardous materials or substances; 3) pollution of water ways or ground water; or 4) transmission of signals that interfere with radio or television reception."

Due to the residential nature of the proposed structure no environmental impacts are foreseen as a direct result of this development. The community has voiced concern regarding the noise and dust that will be created by the construction of the buildings and this will be addressed in the conditions of approval for this SPSR. To reduce automobile noise and air pollution and because of the close proximity to Porter and Davis Squares, the Planning Board will condition that the applicant provide additional bicycle parking spaces to the single space required under the SZO.

8. Consistency with Purposes: "Is consistent with: 1) the purposes of this Ordinance, particularly those set forth in Article 1 and Article 5; and 2) the purposes, provisions, and specific objectives applicable to the requested special permit with site plan review which may be set forth elsewhere in this Ordinance, such as, but not limited to, those at the beginning of the various sections."

As the required findings of Article 5 have been made, and the proposal satisfies the purposes of Article 1, including "to encourage the most appropriate use of land" and "to encourage housing for persons of all income levels" and of Article 6, as already described, The Board find the proposal to be consistent with the purposes of the SZO.

9. Preservation of Landform and Open Space: The Applicant has to ensure that "the existing land form is preserved in its natural state, insofar as practicable, by minimizing grading and the erosion or stripping of steep slopes, and by maintaining man-made features that enhance the land form, such as stone walls, with minimal alteration or disruption. In addition, all open spaces should be designed and planted to enhance the attractiveness of the neighborhood. Whenever possible, the development parcel should be laid out so that some of the landscaped areas are visible to the neighborhood."

The project site features a relatively steep slope with a 12' elevation difference between the highest and lowest points of the property. The location of the buildings on the site, proposed improvements to the landscaping, inclusion of pervious surfaces and a water retention system will limit erosion on the slope. The Applicant's development plans incorporate the landscaping requirements of the SZO for a residential use. A significant portion of the landscaping is located along Craigie Street and in the side yard adjacent to the apartment building, which will enhance the attractiveness of the neighborhood.

10. Relation of Buildings to Environment: The Applicant must ensure that "buildings are: 1) located harmoniously with the land form, vegetation and other natural features of the site; 2) compatible in scale, design and use with those buildings and designs which are visually related to the development site; 3) effectively located for solar and wind orientation for energy conservation; and 4) advantageously located for views from the building while minimizing the intrusion on views from other buildings."

The natural landform of the slope in this area will generally be incorporated into the development. While some excavation and leveling is proposed, the natural landform will be maintained along the driveway, front and rear yards. The proposed landscaping plan will be a general improvement to the

overgrown and under-maintained vacant land behind the existing structure. The proposed buildings are consistent with the heights of other buildings in the area and do not extend to the height of the adjacent apartment building. The mass of the buildings is considerably less than the adjacent apartment building, and the location of the new buildings behind the existing structure limits any visual impact the buildings would have on the street. The larger size of the subject lot accommodates the buildings while remaining in relative scale with other structures in the neighborhood.

11. Stormwater Drainage: The Applicant must demonstrate that "special attention has been given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Storm water shall be removed from all roofs, canopies, and paved area, and routed through a well-engineered system designed with appropriate storm water management techniques. Skimming devices, oil, and grease traps, and similar facilities at the collection or discharge points for paved surface runoff should be used, to retain oils, greases, and particles. Surface water on all paved areas shall be collected and/or routed so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create puddles in the paved area. In larger developments, where practical, the routing of runoff through sheet flow, swales or other means increasing filtration and percolation is strongly encouraged, as is use of retention or detention ponds. In instances of below grade parking (such as garages) or low lying areas prone to flooding, installation of pumps or other devices to prevent backflow through drains or catch basins may be required."

While additional review is required of drainage plans, any approval of the SPSR should be conditional upon the City Engineer's approval of such plans and determination that no adverse impact will result to the drainage system from the project's design. The applicant is proposing to control storm water and erosion through a network of dry wells, infiltration pipes, vegetated swale, permeable pavers and an infiltration pond/garden. The Board finds this to be an inventive and environmentally notable means of accomplishing storm water control for this site.

12. Historic or Architectural Significance: The project must be designed "with respect to Somerville's heritage, any action detrimental to historic structures and their architectural elements shall be discouraged insofar as is practicable, whether those structures exist on the development parcel or on adjacent properties. If there is any removal, substantial alteration or other action detrimental to buildings of historic or architectural significance, these should be minimized and new uses or the erection of new buildings should be compatible with the buildings or places of historic or architectural significance on the development parcel or on adjacent properties;"

The applicant is proposing to rehabilitate the existing structure on the lot and for new construction to incorporate design elements of Somerville's architectural heritage such as bay windows, gables and clapboard siding. The most recent design features a cupola on "Building 1" that references historic carriage houses found in Somerville.

13. Enhancement of Appearance: The Applicant must demonstrate that "the natural character and appearance of the City is enhanced. Awareness of the existence of a development, particularly a non residential development or a higher density residential development, should be minimized by screening views of the development from nearby streets, residential neighborhoods of City property by the effective use of existing land forms, or alteration thereto, such as berms, and by existing vegetation or supplemental planting;"

The applicant has proposed a site plan that when combined with the landscaping plan will minimally impact the neighborhood. The new construction is proposed to be located behind the existing structure and also down the existing slope, below sidewalk grade. The existing building will generally screen "Building 2" and the slope will generally screen the garages of "Building 1", making only two stories visible from Craigie Street. The buildings will also act to reinforce the predominant architecture patterns, which are broken by the 33 unit adjacent apartment building.

14. Lighting: With respect to lighting, the Applicant must ensure that "all exterior spaces and interior public and semi-public spaces shall be adequately lit and designed as much as possible to allow for surveillance by neighbors and passersby."

The applicant is proposing to install lighting that meets the standards of the SZO and building code.

15. Emergency Access: The Applicant must ensure that "there is easy access to buildings, and the grounds adjoining them, for operations by fire, police, medical and other emergency personnel and equipment;"

The Fire Prevention Bureau has not yet provided comments regarding this proposal.

16. Location of Access: The Applicant must ensure that "the location of intersections of access drives with the City arterial or collector streets minimizes traffic congestion."

The proposal meets all requirements of the zoning regarding parking and driveway dimensions. All traffic will enter and exit from a single 18' wide driveway and curb cut on Craigie Street. The curb cut is the minimum size allowed under the SZO and its location provides good visibility and sight lines which will serve to minimize traffic conflicts.

17. Utility Service: The Applicant must ensure that "Electric, telephone, cable TV and other such lines and equipment are placed underground from the source or connection, or are effectively screened from public view."

The Applicant is proposing to tie into the existing City services for electric, telephone and cable. Any new lines would be placed underground in accordance with the SZO and the policies of the Superintendent of Lights and Lines.

18. Prevention of Adverse Impacts: The Applicant must demonstrate that "provisions have been made to prevent or minimize any detrimental effect on adjoining premises, and the general neighborhood, including, (1) minimizing any adverse impact from new hard surface ground cover, or machinery which emits heat, vapor, light or fumes; and (2) preventing adverse impacts to light, air and noise, wind and temperature levels in the immediate vicinity of the proposed development;"

No negative impacts are anticipated as a result of the proposed residential use, which will maximize use of pervious surface materials and improve conditions for adjacent homeowners down slope.

19. Signage: The Applicant must ensure that "the size, location, design, color, texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall reflect the scale and character of the proposed buildings;"



Due to the residential nature of the building, any signage will be minimal.

20. Screening of Service Facilities: The Applicant must ensure that "exposed transformers and other machinery, storage, service and truck loading areas, dumpsters, utility buildings, and similar structures shall be effectively screened by plantings or other screening methods so that they are not directly visible from either the proposed development or the surrounding properties."

Any exposed dumpster or transformer must be located in areas that are not visible from the street and surrounding structures so as to allow for full screening. (See conditions)

21. Screening of Parking: Thirteen (13) of the proposed eighteen (18) parking spaces will be located either under the second floor of the structures in a garage or behind the structures out of sight from the street. The remaining five (5) spaces will be screened from the street and surrounding structures through landscaping, fencing and to some extent from the sloping terrain depicted in the approved plans.

### **III. RECOMMENDATION**

#### **Special Permit with Site Plan Review under SZO §7.2 and §7.3**

Based on the above findings, the Planning Board recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT WITH SITE PLAN REVIEW**

The Board 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 Board is recommending approval of the requested Special Permit, the following conditions should be added to the permits:**

(Updated Conditions as of March 28, 2008)

#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	Approval is for the construction of two (2) new residential buildings creating three (3) on one lot, and for these buildings to have a combined eight (8) units including one affordable unit. This approval is based upon the following application materials and the plans submitted by the Applicant and/or it's contractor:		Plng.							
	<table><tr><th>Date</th><th>Submission</th></tr><tr><td>February 14, 2008</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>March 18, 2008</td><td>Modified plans submitted to OSPCD (A0-A4)</td></tr></table>	Date	Submission	February 14, 2008	Initial application submitted to the City Clerk's Office	March 18, 2008	Modified plans submitted to OSPCD (A0-A4)			
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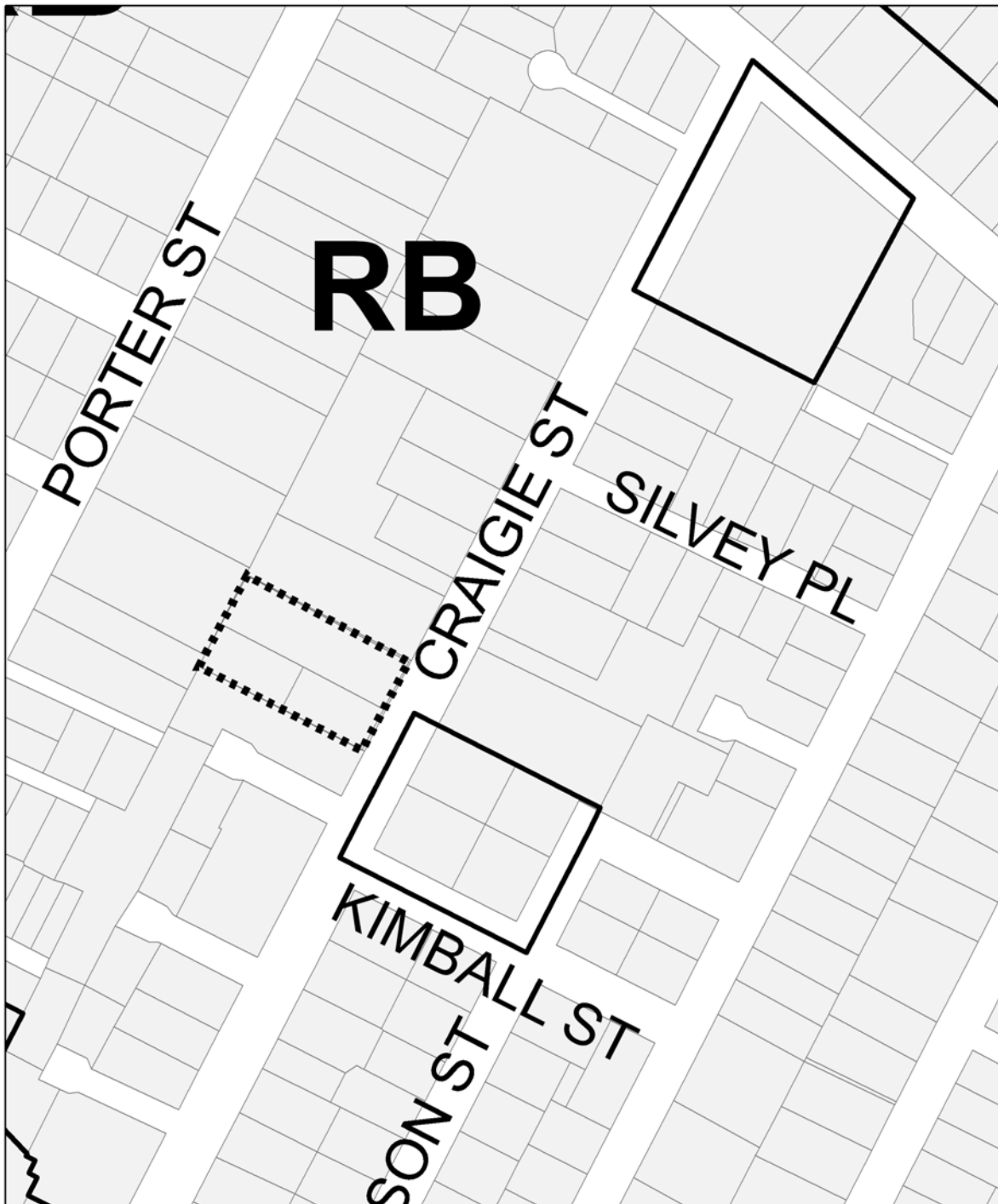
	Any changes to the approved site plan or elevations must receive ZBA approval.			
2	All units shall have code compliant fire alarm/detection systems and code compliant sprinkler systems;	CO	FP	
3	There shall be no parking in the auto-court area between the two new structures. Sufficient "fire lane" signage shall be placed at the site.	CO	FP	
4	Landscaping shall be installed and maintained in compliance with the American Nurserymen's Association;	Perpetual	Plng. / ISD	
5	The number of trees removed shall be documented and replaced by the same or better quality and larger caliper tree. In addition, three trees must be planted and maintained according to National Nurseryman's Standards, and in accordance with SZO §10.2.2 and §10.6.2. Also, every effort shall be made to preserve the existing tree in the back right corner of the property;	CO	Plng.	
6	All new sidewalks will be installed by the Applicant in accordance with the specifications of the Highway Superintendent. Specifically, all driveway aprons shall be concrete subject to DPW approval;	CO	DPW/Plng.	
7	The five (5) parking spaces abutting the property at 50 Craigie Street shall be screened from the street and the adjacent property by appropriate fences and plantings;	CO	Plng.	
8	A covenant to the condominium agreement should state that the property shall never combine with the adjacent lot abutting the rear of the property and/or provide access/egress between Craigie and Porter Streets.	Cont.	ISD/Plng.	
9	Applicant shall screen the dumpster with fencing that blocks any view of the dumpster itself;	CO	Plng.	
10	Any transformers shall be located as not to impact the landscaped area, and shall be fully screened;	Electrical permits & CO	ISD	
11	Applicant shall supply four (4) bicycle parking spaces;	CO	Plng.	
12	An implementation plan for the affordable housing units associated with this development shall be completed. Evidence of this approval will be submitted to the Planning Staff before final signoff.	CO	Housing	
13	The affordable unit shall be located onsite.	CO	Plng.	
14	The applicant must provide an "Inspection and Maintenance" plan for the drainage system. The report must be prepared and stamped by a registered professional civil engineer.	CO	Eng.	
15	A sewer manhole shall be installed at the junction of the two sewer lines instead of a cleanout (see sheet C-2 of drainage plans)	CO	Eng.	
16	The Applicant, successors and/or assigns, shall be responsible for maintenance of both the building and all	Cont.	ISD	

	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;			
17	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 subject to DPW approval.	CO	DPW	
18	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	
19	All exterior lighting must be confined to the subject property and must not intrude, interfere or spill onto neighboring properties;	CO	Plng.	
20	The applicant shall provide notice of intent to strictly comply with applicable State and Federal regulations regarding air quality including without limitation continuous dust control during excavation and construction.	CO	Plng/OSE	
21	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, Fire Department and the Board of Health shall also be notified.	CO	OSE/FP/B OH	
22	Heavy construction activities shall be limited to Monday through Friday and conclude by 5:00 p.m. during those days;	Until construction completed	ISD	
23	The garages shall not become living spaces without permits;	Cont	Plng./ISD	
24	The applicant shall designate a person the neighborhood can contact during construction to ensure project is built as designed and permitted	Cont	Plng.	
25	There shall be no more than two (2) bedrooms per unit	Cont.	ISD	
26	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.	

Sincerely,

Elizabeth Moroney  
Acting Chairman

Cc:     Applicant: Felix Consilvio Jr.  
          Owner: Craigie Street, LLC  
          Agent: Richard DiGirolamo



42 Craigie Street