



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

STAFF

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Case #: ZBA2007-45-R-0908
Site: 161-163 Elm Street
Date: October 10, 2008
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Applicant Name: 161-163 Elm St, LLC
Applicant Address: 311 Highland Ave, Somerville MA
Property Owner Name: same
Alderman: Gewirtz

Legal Notice: The Applicant/Owner seeks a revision to Special Permit ZBA 2007-45 to alter the proposed parking layout and the materials used for paving.

Zoning District/Ward: RB / 6

Zoning Approval Sought: Revision to Special Permit 2007-45

Date of Application: September 30, 2008

Date(s) of Public Hearing: ZBA: October 15, 2008

I. PROJECT DESCRIPTION / FINDINGS

As described in the Planning Board report dated November 15, 2007, the subject property is recorded as a 6,651 square foot lot on which sits a 5,746 net square foot six-family wood-framed dwelling. Also on the lot is a 232 square foot masonry structure with framed lean-to additions that was formerly used as a garage and now contains a seventh residential unit. The property is at the corner of Elm Street and St. James Avenue, both two-way streets with parking on both sides.

In 2007, the site received special permits under SZO §4.5.1 & §4.5.3 in order to alter and expand a dimensionally nonconforming structure by constructing two dormers and decks onto an existing six-family dwelling and to expand and change the nonconforming six-family use by converting an existing seventh dwelling in a detached structure to a detached accessory office use.

In November of 2007, the site received a special permit revision of the approved plans to remove existing windows and install sliding doors and wood stairs and railings to the west and east sides of the dwelling.

The applicant is requesting this Special Permit Revision in order to:

- 1. Modify the proposed driveway layout**

The applicant is proposing to revise the layout of the two driveways to allow for additional landscaping in areas where the driveways abut trees and to slightly increase the paved area of the Elm Street driveway immediately adjacent to the house. Staff finds the additional landscaping to be an improvement to the property and the increased paving to be minimal. The additional landscaping will be beneficial to the existing trees in the vicinity.

2. Modify the driveway paving materials

The applicant is proposing to change the paving materials on both driveways from pavers to 3/8" pea stone over 6" of compacted gravel with several rows of cobble stone where the driveway meets the concrete apron. Staff finds that a stone and gravel treatment would technically be considered "pavement" and the driveways a "paved area". Therefore, this proposal is in conflict to condition 5 of the original approval which states, "All new paved areas shall be cobblestone or brick". However, Staff finds that this alteration would be beneficial as it would enable the applicant to preserve two trees that have their roots growing into the driveway that would need to be cut for paver installation.

II. RECOMMENDATION

Based on the above findings, the Planning Staff recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT REVISION**.

The original conditions attached to the Special Permit and previous Revision would still apply and are repeated here, modified to reflect the revised plan submission.

#	Condition	Timeframe for Compliance	Verified (initial)	Notes
1	<p>This approval is to alter the site plan in order change the driveway dimensions and add landscaping, and to revise the original condition 5 in order to install a gravel and stone driveway.</p> <p>A previous revision approval allowed the applicant to remove existing windows and install sliding doors, wood stairs, and railings on the west and east sides of the dwelling.</p> <p>The original Special Permit approval allowed the alteration and expansion of a dimensionally nonconforming structure and the expansion of a nonconforming use by allowing the applicant to construct two dormers and decks onto an existing six-family dwelling. In addition, approval was granted for expansion and change of the nonconforming six-family use to allow the conversion of an existing seventh dwelling in a detached structure to a detached accessory office use.</p> <p>These approvals are based upon the following application materials and the plans submitted by the Applicant and/or agent:</p>	Building Permit / CO	ISD / Plng.	

	Date	Submission			
	Aug 16, 2007	Initial application submitted to the City Clerk's Office			
	Oct 12, 2007 - OSPCD	floor plans and elevations, sheets A1-A4			
	Nov 5, 2007 - OSPCD	accessory building proposed plan and elevations, sheet A-6			
	Aug 7, 2008 - OSPCD	Revision to right & left elevations, landing & stair detail, SK2-SK4			
	Aug 7, 2008 - OSPCD	Site plan (SK1)			
	September 29, 2008	Site plan (SK1, SK2)			
	Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive ZBA approval. These conditions replace all conditions attached to prior permits.				
2	The Applicant shall remove the deck and wood fence at the front of the concrete accessory structure and replace them replaced with landscaping materials.		CO	Plng.	
3	All new sidewalks in relation to the proposed curb cut will be installed by the Applicant in accordance with the specifications of the Highway Superintendent. Specifically, all driveway aprons shall be concrete.		CO	Plng.	
4	Prior to issuance of a certificate of occupancy, the Applicant shall submit for review and approval by the City Solicitor an appropriate legal instrument limiting the accessory office to use by a resident of the principal structure; upon approval by the City, the instrument shall be recorded in the Middlesex County Registry of Deeds.		CO	ISD	
5	All new paved areas shall be cobblestone, brick or stone and gravel. All new sidewalks in relation to the proposed curb cut will be installed by the Applicant in accordance with the specifications of the Highway Superintendent. Specifically, all driveway aprons shall be concrete;		CO	Plng.	
6	A code compliant fire alarm and suppression system will be required. Fire Prevention permits will be required before work begins.		Building Permit	FP	
7	A 6 foot wood fence shall be constructed in the rear of the property to replace the existing chain link fence;		CO	Plng.	
8	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association;		Perpetual	Plng.	
9	The clapboard siding must be made of wood or hardiplank;		CO	Plng.	
10	The Applicant will work with the Planning Staff to locate a spot for the trash storage.				
11	The Applicant is responsible for notifying the Planning Staff at least five (5) working days in advance of a request for a final sign-off on a 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	