



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

***PLANNING BOARD***

***MEMBERS***

KEVIN PRIOR, *CHAIRMAN*  
MICHAEL A. CAPUANO, ESQ.  
JOSEPH FAVALORO  
ELIZABETH MORONEY  
JAMES KIRYLO

**Case #:** ZBA 2009-12  
**Date:** May 7, 2009  
**Recommendation:** Conditional Approval

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**PLANNING BOARD REPORT**

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**Site:** 126 Orchard Street

**Applicant Name:** Axel Christensen

**Applicant Address:** 126 Orchard Street #2, Somerville MA

**Property Owner Name:** Same

**Agent Name:** None

**Alderman:** Gewirtz

Legal Notice: The Applicant & Owner seeks a special permit (SZO §4.4.1) to alter a nonconforming dwelling by constructing a 3700± s.f. addition.

Zoning District/Ward: RB / 6

Zoning Approval Sought: Special Permit §4.4.1

Date of Application: April 9, 2009

Date(s) of Public Hearing: ZBA: May 20, 2009

Date of Decision: N/A

Vote: N/A

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Dear ZBA members:

At its regular meeting on May 7, 2009 the Planning Board heard the above-referenced application. Based on materials submitted by the Applicant and the Staff recommendation, the Board voted (3-0) with Kevin Prior and Elizabeth Moroney 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 subject property consists of a wood-framed two-family dwelling on a 7,151 s.f. lot. One dwelling has two bedrooms and the other has three bedrooms. Orchard Street is one-way with resident parking on both sides. There is a driveway next to the house and a paved area in the rear yard with three parking spaces. The remainder of the rear yard is a grassy area.

In 2006 the ZBA granted the prior owner a special permit to add an addition to the structure and convert it from a two- to a three-family; however, the permit has since expired without being exercised.

2. Proposal: The proposal is to construct a 3,700± s.f., 2.5 story addition to the rear portion of the structure. The roof on the front of the house would increase in height from 19 feet to 36 feet 2 inches. The height of the rear portion of the building would be 29 feet 5 inches. Dormers and windows would be added to the sides of the structure and a porch would be added in front. The proposal is also to add a dwelling unit for a total of three units. Each floor of the house would contain a dwelling unit. Two of the units would have three bedrooms and one unit would have two bedrooms. The first floor of the addition would be open carports for five parking spaces.

The two large trees along the property line would remain.



126 Orchard St: L – front, R- back yard

3. Nature of Application: The structure is currently nonconforming with several dimensional requirements, including minimum lot size, side yard setback, landscaped area, and street frontage. A 3-unit dwelling is a by-right use in an RB district. The lot area per dwelling unit dimension would remain conforming. The Applicant has stated that the landscaped area will increase and be above the 25% requirement; this must be verified in a final landscaping plan prior to issuance of a Certificate of Occupancy.

The proposal would increase the height of the existing building within the nonconforming side yard and the rear addition would be constructed within the nonconforming side yard. The shortest side yard is currently 5 feet 5 inches and the addition would not be any closer to the side lot line than this dimension. A deeper side yard was initially proposed for the rear addition but in order to meet the driveway maneuvering requirements of the Somerville Zoning Ordinance (SZO), the addition had to be shifted. These existing nonconformities require the Applicant to obtain a special permit under §4.4.1 of the SZO.



The site is currently nonconforming with respect to parking requirements. The previous use required four parking spaces and only three legal spaces currently exist. The increase in net floor area for the additional three-bedroom unit requires two parking spaces. A total of five parking spaces is proposed and would satisfy the requirements of the SZO.

4. Surrounding Neighborhood: The surrounding neighborhood is residential with two-, three-, and multi-unit dwellings. The property is within walking distance to Davis Square. The rear property line is the Somerville/Cambridge City boundary.

5. Impacts of Proposal: The loss of visual open space in the back yard is an impact; however, the impacts of the proposal would mimic similar conditions of surrounding structures. The house to the left of the property has a similar mass and extends approximately as far into the rear yard as the current proposal. The structure to the right of the property is a four story brick building that extends further into the rear yard than the proposal. Behind the subject property is a parking lot and a commercial structure. The Applicant states that he has met with the abutters and they are not opposed to the project. The Applicant has mentioned that one abutter was concerned that the two mature trees in the rear yard would be cut down; however, according to the Applicant and as conditioned in this recommendation, they would not be affected.



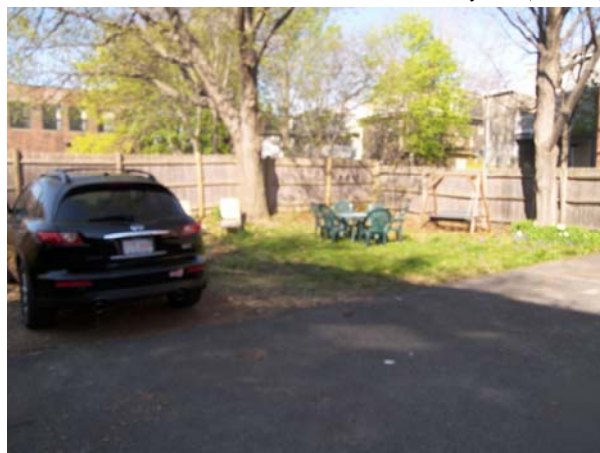
*Abutting properties to 126 Orchard Street (above)  
Trees in back yard (below)*

6. Green Building Practices: None.

7. Comments:

*Fire Prevention:* Has been contacted but has not provided comments.

*Traffic & Parking:* Staff have asked for documentation of eight foot wide garage doors with nine foot wide parking spaces. Also, the maneuvering aisle behind the parking spaces should be 20 feet.



*Ward Alderman:* Has been contacted but has not provided comments.



*Lights & Lines:* A transformer is not required at this location.

*Design Review Committee (DRC):* The DRC reviewed the proposal on May 22, 2008. The minutes from this meeting are attached. The Committee recommended that the style of the building be more consistent and simple. The Applicant has simplified the design of the structure but has not sought a second review from the DRC.

## **II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1):**

In order to grant a special permit, the SPGA must make certain findings and determinations as outlined in §5.1.4 of the SZO. This section of the report goes through §5.1.4 in detail.

1. Information Supplied: The Board finds that the information provided by the Applicant conforms to the requirements of §5.1.2 of the SZO and allows for a comprehensive analysis of the project with respect to the required Special Permits.

The Applicant will be submitting a revised site plan that shows a 20 foot maneuvering aisle behind the parking spaces and documenting eight foot wide garage doors with nine foot wide parking spaces.

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."

In considering a special permit under §4.4 of the SZO, the Board finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure specifically with regard to traffic, parking, noise, odor, scale, shading, visual effects, or neighborhood character. To the extent possible for a nonconforming structure, the proposal complies with the standards of the zoning ordinance.

3. Consistency with Purposes: The Applicant has to ensure that the project "is consistent with (1) the general purposes of this Ordinance as set forth in Article 1, and (2) the purposes, provisions, and specific objectives applicable to the requested special permit which may be set forth elsewhere in this Ordinance, such as, but not limited to, those purposes at the beginning of the various Articles."

The proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to providing for and maintaining the uniquely integrated structure of uses in the City and encouraging the most appropriate use of land throughout the City. The proposal is also consistent with the purpose of the RB district as a three-family home.

4. Site and Area Compatibility: The Applicant has to ensure that the project "(i)s designed in a manner that is compatible with the characteristics of the built and unbuilt surrounding area, including land uses."

The Applicant has incorporated design elements that are typically of homes in Somerville such as front porches, bay windows, and dormers. The bulk of the building is similar to the house to the left and less than that of the four story building to the right.

5. Vehicular and pedestrian circulation: The circulation patterns for motor vehicles and pedestrians which would result from the use or structure will not result in conditions that create traffic congestion or the potential for traffic accidents on the site or in the surrounding area.





The Applicant is submitting new plans with a 20 foot maneuvering area behind the parking spaces. The existing driveway width is narrower than the requirement for two-way use. Therefore, proper signage should be posted at the driveway: R1-2 (Yield) coupled with a R1-2a (To oncoming traffic).

### III. RECOMMENDATION

#### Special Permit under §4.4.1

Based on the above findings and subject to the following conditions, the Planning Board recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT**.

#	Condition	Timeframe for Compliance	Verified (initial)	Notes												
1	Approval is for the construction of a 3,700± s.f. addition and alterations to a nonconforming structure. This approval is based upon the following application materials and the plans submitted by the Applicant: <table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>(April 9, 2009)</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>January 12, 2009 (April 27, 2009)</td><td>Plans submitted to OSPCD (plot plan/site plan)</td></tr><tr><td>April 22, 2009 (April 27, 2009)</td><td>Plans submitted to OSPCD (floor plans: 1, rear elevation: 2)</td></tr><tr><td>May 11, 2008</td><td>Plans submitted to OSPCD (existing elevations and floor plans)</td></tr><tr><td>Plans showing a 20' maneuvering aisle behind the parking spaces</td><td>Modified plans submitted to OSPCD (TBD)</td></tr></table> Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive ZBA approval.	Date (Stamp Date)	Submission	(April 9, 2009)	Initial application submitted to the City Clerk's Office	January 12, 2009 (April 27, 2009)	Plans submitted to OSPCD (plot plan/site plan)	April 22, 2009 (April 27, 2009)	Plans submitted to OSPCD (floor plans: 1, rear elevation: 2)	May 11, 2008	Plans submitted to OSPCD (existing elevations and floor plans)	Plans showing a 20' maneuvering aisle behind the parking spaces	Modified plans submitted to OSPCD (TBD)	BP/CO	Plng.	
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2	The landscaped area shall cover at least 25% of the site as verified by a final landscaping plan to be submitted for staff approval prior to seeking final sign-offs. The two mature trees shown in the site plan shall be retained.	Final sign-off/ Perpetual	Plng. / ISD													
3	Front yard setback shall be 15'.															
4	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP													
5	The Applicant shall at his expense replace any existing equipment 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 to DPW standard.	CO	DPW													



6	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	
7	The applicant shall develop a demolition plan in consultation with the City of Somerville Inspectional Services Division. Full compliance with proper demolition procedures shall be required, including timely advance notification to abutters of demolition date and timing, good rodent control measures (i.e. rodent baiting), minimization of dust, noise, odor, and debris outfall, and sensitivity to existing landscaping on adjacent sites;	Demolition Permitting	ISD	
8	The Applicant shall install proper signage: R1-2 (Yield) coupled with a R1-2a (To oncoming traffic).	CO	T&P	
9	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.	Final sign off	Plng.	

Sincerely,


Joseph Favaloro  
Acting Chairman

Cc: Applicant/Owner: Axel Christensen



