



CITY OF SOMERVILLE, MASSACHUSETTS

PLANNING BOARD

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Case #: ZBA 2008-62

Date: December 4, 2008

Recommendation: Conditional Approval

PLANNING BOARD REPORT

Site: 52 Thurston Street

Applicant Name: Mark Kon

Applicant Address: 5 Ashton St, Cambridge, MA

Property Owner Name: The Convent Preservation Trust, LLC

Property Owner Address: 5 Ashton St, Cambridge, MA

Agent Name: Richard G. Di Girolamo

Agent Address: 424 Broadway, Somerville MA

Alderman: Pero

Legal Notice: The Applicant seeks a special permit (SZO §7.11.2.b) to convert an existing dwelling to three dwelling units.

Zoning District/Ward: RA / 4

Zoning Approval Sought: Special Permit (SZO §7.11.2.b)

Date of Application: November 19, 2008

Date(s) of Public Hearing: ZBA: December 17, 2008

Date of Decision: N/A

Vote: N/A

Dear ZBA members:

At its regular meeting on December 4, 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), 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 is a 10,758 s.f. parcel on which sits a one-family dwelling that was previously a convent. The structure is a brick building that is three stories and thirty-six feet tall. Seventy percent of the site is landscaped with grass, trees, and shrubs around the building. The lot was subdivided in 2006 from the property now called 50 Thurston St with map-block-lot number of 48-D-5, on which is a school building. The subject property is 52 Thurston Street with a map-block-lot number of 48-D-13.



52 Thurston St: Front (left), Side yard looking towards the street – location of proposed parking (right)

2. Proposal: The proposal is to convert the former dwelling to a three-family dwelling. There are no proposed changes to the structure. The proposed alterations are to the site and include a new curb cut, driveway, and six parallel parking spaces. Four trees ranging in size from 6 inches to 7.5 inches would be removed. The three large trees in the front yard would remain. Pavers would be used instead of asphalt in the front of the driveway to improve its appearance and drainage. The site would be regraded such that run-off would flow into the lawn.

3. Nature of Application: Under SZO §7.11.2.b, converting an existing dwelling for up to 3 dwelling units requires a Special Permit.

4. Surrounding Neighborhood: The surrounding neighborhood is a mix of religious (St. Ann's Church), educational, governmental (City Hall Annex) and residential uses (including two-, three- and multi- family dwellings). Medford Street is a half block to the south.

5. Impacts of Proposal: The negative impacts include the loss of four trees and pervious surface. The positive impacts consist of improving and preserving the appearance of this significant structure that has broken windows and a rusty fence. Another positive is the provision of the required parking spaces on-site.

6. Green Building Practices: The reuse of an existing building reduces material waste and land consumption.

7. Comments:

Fire Prevention: "The proposal to convert the existing one family dwelling to three dwelling units will require that a code compliant fire alarm system be installed. I would suggest that you contact ISD as to whether or not they will require that the proposed structure be sprinklered. The extent of work, renovations, etc. may require the installation of a sprinkler system. This decision is made by ISD."

DPW: Has been contacted but has not provided comments.

Historic Preservation: Since there is no proposed change to the structure it does not require historic review.

Traffic & Parking: Traffic and Parking Staff have no objections to this proposal.

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

II. FINDINGS FOR SPECIAL PERMIT (SZO §7.11.2.b):

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.

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."

The proposal conforms to the standards of Zoning Ordinance related to parking and dimensional requirements. The existing nonconformities of floor area ratio, height and rear yard setback would not be altered.

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, conserving the value of land and buildings, and preserving the historical and architectural resources of the City. The proposal is consistent with the purpose of the district, which is in part to establish and preserve quiet neighborhoods free from other uses except those which are both compatible with and convenient to the residents of such districts.

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 existing structure would be preserved with the change in use. The parking for the three dwelling units is designed in a manner that is compatible with the surrounding area. The parking area would be partially screened with existing trees in the front yard and include pavers in portions of the driveway that would be pervious to rainwater.

III. RECOMMENDATION

Special Permit under §7.11.2.b

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 conversion an existing dwelling to three dwelling units. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	Plng.									
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>Nov 3, 2008</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>Oct 23, 2008 (Nov 23, 2008)</td><td>Plans submitted to OSPCD (E-1: Existing Floor Plans, A1: Proposed Floor Plans, E-2: Existing Elevations)</td></tr><tr><td>Dec 3, 2008 (Dec 4, 2008)</td><td>Modified plans submitted to OSPCD (Z-1: Zoning Compliance)</td></tr></table>				Date (Stamp Date)	Submission	Nov 3, 2008	Initial application submitted to the City Clerk’s Office	Oct 23, 2008 (Nov 23, 2008)	Plans submitted to OSPCD (E-1: Existing Floor Plans, A1: Proposed Floor Plans, E-2: Existing Elevations)	Dec 3, 2008 (Dec 4, 2008)	Modified plans submitted to OSPCD (Z-1: Zoning Compliance)
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Any changes to the approved site plan, elevations, or use that are not <i>de minimis</i> must receive ZBA approval.												
2	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 to DPW standard.	CO	DPW									
3	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									
4	The Applicant shall remove the chain link fence in the front yard of the property.	CO	Plng.									
5	The Applicant shall install a code compliant fire alarm system.	CO	FP									
6	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,



Kevin Prior
Chairman

Cc: Applicant: Mark Kon
 Owner: The Convent Preservation Trust, LLC
 Agent: Richard G. Di Girolamo

