



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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GEORGE PROAKIS, *DIRECTOR OF PLANNING*  
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**Case #:** ZBA 2013-72

**Date:** July 11, 2014

**Recommendation:** Conditional Approval

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**PLANNING STAFF REPORT**

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**Site:** 8 Curtis Street

**Applicant Name:** Shree Ganesh Realty Trust

**Applicant Address:** 1274 Broadway, Unit 2, Somerville, MA 02144

**Property Owner Name:** Shree Ganesh Realty Trust

**Property Owner Address:** 1274 Broadway, Unit 2, Somerville, MA 02144

**Agent:** Richard D. Di Girolamo

**Agent Address:** 424 Broadway, Somerville MA 02145

**Alderman:** Katjana Ballantyne

Legal Notice: Applicant and Owner, Shree Ganesh Realty Trust, seeks a Variance (SZO §5.5) for lot size (§8.5.A) and number of stories (§8.5.F)\* to construct a two-family dwelling with six parking spaces. RA District / Ward 7

Dates of Public Hearing: July 16, 2014

\*The proposal was redesigned and the need for a variance for number of stories was eliminated.

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**I. PROJECT DESCRIPTION**

1. Subject Property: The subject property is a 5,548 square foot lot that is used as a parking lot. The Zoning Board of Appeals granted approval for the parking lot use in 1964. The lot does not have an outdoor parking license with the City to function as an open-air parking business. The owner of the lot also owns 1119-1133 Broadway, which is a mixed use property located around the corner from the subject parcel. Some of the tenants in the building on Broadway park in this lot as well as the owner.

Below is a table of the users of the 17 spaces.

Owner	3 cars	Due to renovation
Restaurant	2 cars	At will
Out of State plate	4 cars	Temporary Rental
Dentist	2 cars	Parking till 2pm
Liquor	1 car	At will
Laundry	1 car	At will
Convenience Store	1 car	At will
Tenant	3 cars	Lease



*8 Curtis Street – Aerial view of parking lot*

A postcard of Teele Square in 1910 reveals that there was a house with a mansard roof on this lot at that time. The house likely burned down and sat vacant until the owner applied for relief to use the lot as a parking lot in 1964.



*Postcard from 1910 of Teele Square – House with mansard roof is the subject property*

2. Proposal: The proposal is to construct a 3,530 net square foot, two-family dwelling on the lot with six parking spaces behind the building. The house will have a gable roof with a shed dormer on each side that is just less than half of the length of the roof. The units will be side-to-side with a common dividing wall for the basement, first, and second floors and the half story will be exclusively for the unit labeled as 2. Unit 1 will have two bedrooms and Unit 2 will have four bedrooms.

There will be heavily planted landscaping in the front yard, and along the left side and rear yards. The driveway will be on the right side of the house and will lead to six parking spaces. The two spaces directly behind the house will be made of pavers that they can be used as a patio space when they are not used for parking cars. An excess of parking is planned for this site in order to use the existing nonconformity as a parking lot in a Residence A (RA) district to provide spaces that are not needed for the 2-family dwelling to the residents at 1119-1133 Broadway. The businesses that currently use the parking lot can apply for business parking permits with the City and park on the street during the day when the number of onstreet parking spaces is ample. Technically the extra parking spaces cannot count towards fulfilling the parking requirements of 1119-1133 Broadway because the Special Permit to park on a separate lot is not allowed to cross into the RA district. The preexisting use as a parking lot for tenants of 1119-1133 Broadway allows for this continued practice to continue.

3. Green Building Practices: None listed on the application form.

4. Comments:

*Fire Prevention:* The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.

*Traffic & Parking:* The traffic and parking analysis was prepared jointly for the 8 Curtis Street and 1119-1133 Broadway proposed developments because they are under common ownership, are in close proximity, and the parking on the Curtis Street lot may provide space for the new Broadway residences.

The applicant is proposing to construct a total of 10 additional residential units at 8 Curtis St and 1119 – 1133 Broadway. On the Curtis St parcel which is currently used as a parking area, the applicant will construct 2 residential units. On the Broadway parcel the applicant proposes to add a third floor to a portion of the existing structure and construct 8 additional residential units. The ground floor of 1119 – 1133 Broadway consists of commercial units. These existing commercial units will remain as is during and after construction of the additional eight residential units at this location.

For both parcels combined the Somerville Zoning Ordinance (SZO) requires a total of seventeen off street parking spaces. The developer is providing only 6 off street parking spaces. Obviously eleven off street parking spaces are not being provided. The proposed developments are located at 8 Curtis St and 1119 – 1133 Broadway. Both parcels are located directly in Teele Square.

The applicant has hired a professional Transportation Consultant, Design Consultants Inc. to prepare a Parking Memorandum. This Consulting Firm has submitted a well prepared and professional Parking Memorandum. The Parking Memorandum states that there is available on-street parking spaces in the area surrounding 8 Curtis St and 1119 – 1133 Broadway. This Memorandum concludes that this existing parking supply in this area will be able to absorb the eleven parking spaces not being provided as required by the SZO. Based on the submitted Parking Memorandum, Traffic and Parking does not disagree with this assessment. However and notwithstanding the above, it should be noted that vehicles will be circulating through the Teele Sq. area to locate these available parking spaces. The lack of providing all the required off-street parking spaces will result in an increase of vehicle queues and delays and a minor decrease in pedestrian safety in this area. Traffic mitigation to offset this lack of required parking spaces and decrease in pedestrian safety and increase in vehicle congestion and queues via increased parking space turnover at parking meter locations can be provided by the applicant purchasing and delivering to Traffic and Parking eleven single spaced parking meters with the capacity to accept both coins and credit cards and are consistent with the current parking meter fleet in Somerville. Provided the above traffic mitigation is incorporated in the approval for 1119-1133 Broadway, Traffic and Parking has no objection to the application.

*Wiring Inspection:* An exterior light and electrical receptacle is required for the first level of the porch and an electrical receptacle is required for the second level.

*Lights and Lines:* The electric, telephone, cable TV and other such lines and equipment shall be placed underground from the source or connection. The utilities plan shall be supplied to the Wiring Inspector before installation.

*Engineering:* The Applicant has submitted a drainage study and civil plans. The City Engineer will review these documents and the standards conditions apply regarding compliance with city regulations.

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

**II. FINDINGS FOR VARIANCE (SZO §5.5 & §8.5) for LOT AREA DIMENSION:**

The dimensional and parking requirements can be found in the table below.

<b>Requirements</b>	<b>RA</b>	<b>Proposal</b>	<b>Permit Required</b>
<b>Min Lot Size</b>	10,000 sf	5,548sf	Variance
<b>Min Lot Area/Dwelling Unit</b>	2,250 sf	2774 sf	-
<b>Max Ground Coverage</b>	50%	22.4%	-
<b>Min Landscaped Area % of lot</b>	25%	25%	-
<b>Min Pervious Area</b>	35%	37%	-
<b>Floor Area Ratio (based on nsf)</b>	0.75	0.73	-
<b>Max Height</b>	2.5 stories / 35 ft	2.5 stories / 35 ft	-
<b>Min Front Yard</b>	15 ft	15 ft *	-
<b>Min Side Yard</b>	8 ft sum 17 ft	8 ft & 9 ft	-
<b>Min Rear Yard</b>	20 ft	66 ft	-
<b>Min Frontage</b>	50 ft	43 ft	**
<b>Parking</b>	4	6	-

\* The front yard setback dimension is not totally clear on the plan and therefore a condition of approval will ensure that this requirement is met.

\*\* The minimum lot frontage requirements shall not apply to lots in existence prior to May 18, 1988 which were non-conforming to these requirements.

In order to construct the proposal a variance for lot size (§8.5.A) is required. In order to grant a variance the Board must make certain findings and determinations as outlined in §5.5.3 of the SZO.

1. *There are “special circumstances relating to soil conditions, shape or topography of land or structures which especially affect such land or structures but not affecting generally the zoning district in which it is located, causing substantial hardship, financial or otherwise.”*

*Applicant response:* The unique shape of the property is such that special circumstances warrant the granting of a variance to the applicant. The proposal is on a site that is oddly shaped and vacant. To have a feasible project that is priced affordable with amenities for the residents a variance would be necessary for the undersized lot. The site layout allows for sufficient parking for the residents. The project is unique to this site and does not impact the zoning district.

*Staff response:* The site is unique in that it previously had a structure located on it and when it burned down or was demolished, it was not purchased by an immediate abutter. If it had been purchased by the owner of an abutting lot, it would have become part of an abutting lot for zoning purposes. This parcel stands alone because it is not held in common ownership with an abutting lot and it does not satisfy dimensional or parking requirements for another lot or use. There is a hardship because without the variance no structure could ever be built on this parcel that is larger than most in the residential districts in the city. Also, it is a hardship for the neighborhood to have to live with an eyesore of a parking lot in the residential district that leaves a hole in the urban fabric of the neighborhood that was once filled with a substantial house.

2. *“The variance requested is the minimum variance that will grant reasonable relief to the owner, and is necessary for a reasonable use of the building or land.”*

*Applicant response:* The site for the proposal is a vacant lot. The proposal will allow for a two (2) family dwelling with sufficient parking. There will also be adequate landscaping.

*Staff response:* The request is the minimum variance that will grant reasonable relief. SomerVision calls for the City’s residential districts to be conserved. The infill of this vacant parcel with a two-family house that matches the building form of the surrounding area is the kind of proposal that forwards the goals of the comprehensive plan. The rewrite of the zoning ordinance that is underway to ensure that the zoning regulation match the goals of the comprehensive plan will likely allow building types such as the one proposed on lots that are smaller than the existing 10,000 square foot requirement. This will make the urban fabric of the residential districts that the community values legal. Therefore it is a reasonable use to allow this proposal to go through as we plan for the new regulations.

Moreover, all of the parking and dimensional requirements except for lot size are met and the number of proposed units is less units than that on the surrounding parcels. All of the parcels in the RA district on the block have 3 or more residential units. A proposal for two units that meets all other dimensional requirements is a reasonable use of the land.

3. *“The granting of the variance would be in harmony with the general purpose and intent of this Ordinance and would not be injurious to the neighborhood or otherwise detrimental to the public welfare.”*

*Applicant response:* The proposal sought is for a two (2) family dwelling that would greatly benefit the surrounding neighborhood. This project is in harmony with the neighborhood. The site will provide larger than average units and therefore more suitable for families.

*Staff response:* The proposed structure will greatly improve the aesthetics of the block and provide a more pleasant streetscape. The existing parking lot does not have any landscaping or buffer between the approximately 20 parking spaces and the sidewalk that should provide screening for such a lot. The large area of asphalt and cars are clearly visible. The gap in the urban fabric and large curb cut for cars to pass over the sidewalk presents an unpleasant experience for pedestrians.

The proposed building is familiar in massing and fenestration to other structures on the street. The building will include front porches, dormers, and other elements of quality design that allow it to fit into the context of the neighborhood. The proposed landscaping on the site will be lush and the stormwater runoff from the site will be improved.

**III. RECOMMENDATION****Variance under SZO §5.5 & §8.5**

Based on the materials submitted by the Applicant, the above findings and subject to the following conditions, the Planning Staff recommends **CONDITIONAL APPROVAL** of the requested **VARIANCE**.

The recommendation is based upon a technical analysis by Planning Staff of the application material based upon the required findings of the Somerville Zoning Ordinance, and is based only upon information submitted prior to the public hearing. This report may be revised or updated with new recommendations, findings and/or conditions based upon additional information provided to the Planning Staff during the public hearing process.

#	Condition	Timeframe for Compliance	Verified (initial)	Notes										
1	Approval is for the construction of a two-family house on a 5,548 sf lot with 6 parking spaces in the rear. The prior approval to use the site to provide parking for tenants of 1119-1133 Broadway will continue. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD / Plng.											
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>Oct 7, 2013 (complete Jul 7, 2014)</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>Mar 6, 2014</td><td>Modified plans submitted to OSPCD (Landscape Plan)</td></tr><tr><td>Mar 17, 2014</td><td>Modified plans submitted to OSPCD (C-1 Site Utility &amp; Grading Plan, C-2 Details)</td></tr><tr><td>Jul 9, 2014</td><td>Modified plans submitted to OSPCD (A-010 Site Plan, A-100 Basement, 1<sup>st</sup>, 2<sup>nd</sup> &amp; 3<sup>rd</sup> Fl Plans, A-101 Roof Plans, A-300 Elevations, Z-003 Perspectives)</td></tr></table>				Date (Stamp Date)	Submission	Oct 7, 2013 (complete Jul 7, 2014)	Initial application submitted to the City Clerk's Office	Mar 6, 2014	Modified plans submitted to OSPCD (Landscape Plan)	Mar 17, 2014	Modified plans submitted to OSPCD (C-1 Site Utility & Grading Plan, C-2 Details)	Jul 9, 2014	Modified plans submitted to OSPCD (A-010 Site Plan, A-100 Basement, 1 <sup>st</sup> , 2 <sup>nd</sup> & 3 <sup>rd</sup> Fl Plans, A-101 Roof Plans, A-300 Elevations, Z-003 Perspectives)
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Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.														
2	Excess parking spaces at 8 Curtis Street shall be made available to the residents of 1119-1133 Broadway. The Owner shall provide to the City a list of users of the parking spaces every two years or upon request to ensure that this condition is met.													
Pre-Construction														

3	Applicant shall made adjustments to the utility, grading, and drainage plans, if deemed necessary by the Engineering Department to meet the current City of Somerville stormwater policy.	BP	Eng.	
4	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	
<b>Construction Impacts</b>				
5	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	
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	
<b>Design</b>				
7	Applicant shall provide final material samples for siding, trim, windows, and doors to Planning Staff for review and approval prior to construction.	BP	Plng.	
8	An exterior light and electrical receptacle is required for the first level of the porch and an electrical receptacle is required for the second level.	Final sign off	Wiring Inspector	
<b>Site</b>				
9	The main body of the house shall be setback ~15 feet from the front property line and the porch shall be setback a minimum of 10 feet from the front property line.	BP Set	Plng. / ISD	
10	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards.	Perpetual	Plng. / ISD	
11	There shall be a minimum of one tree for each 1,000 sf of required landscaped area under SZO §10.3.			
12	The electric, telephone, cable TV and other such lines and equipment shall be placed underground from the source or connection. The utilities plan shall be supplied to the Wiring Inspector before installation.	Installation of Utilities	Wiring Inspector	
13	The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the building and all 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.	Cont.	ISD	
<b>Public Safety</b>				
14	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	



15	To the extent possible, all exterior lighting must be confined to the subject property, cast light downward and must not intrude, interfere or spill onto neighboring properties.	CO	Plng.	
16	<p>Because of the history of the site and the intended use, the Applicant shall, prior to issuance of any foundation permit and/or any building permit for the project, provide to the Planning Department and the Inspectional Services Division:</p> <p>a) a copy of the Response Action Outcome (RAO) Statement, signed by a Licensed Site Professional (LSP) and filed with DEP, verifying that a level of no significant risk for the proposed residential use has been achieved at the site; or</p> <p>b) if remediation has not reached the RAO stage, a statement signed by an LSP describing (i) the management of oil and hazardous materials/waste at the site, including release abatement measures intended to achieve a level of no significant risk for residential use at the site, treatment and storage on site, transportation off-site, and disposal at authorized facilities, (ii) a plan for protecting the health and safety of workers at the site, and (iii) a plan for monitoring air quality in the immediate neighborhood.</p>	Foundation Permit	Plng/IS D	
<b>Final Sign-Off</b>				
17	The Applicant shall contact Planning Staff at least five working days in advance of a request for a final inspection by Inspectional Services 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.	

