



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2016-139

Date: January 18, 2017

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 19 Kent Court

Applicant Name: Eamon Fee

Applicant Address: 8 Richardson Street, Winchester, MA 01890

Owner Name: Gurmit Singh

Owner Address: 19 Kent Court, Somerville, MA 02143

Alderman: Maryann Heuston



Existing structure to be demolished at 19 Kent Court.

Legal Notice: Applicant, Eamon Fee, and Owner, Gurmit Singh, seek Special Permits under §4.4.1 of the SZO to substantially alter a non-conforming property, a Variance under §5.5 of the SZO for parking relief, and §7.11 of the SZO to construct 4 units. RC zone. Ward 2.

Dates of Public Hearing: January 18, 2017

I. PROJECT DESCRIPTION

1. **Subject Property:** The subject property is a 2.3-story 1,936 square foot, single-family residential structure situated on a 4,356 square foot lot in the RC zone.
2. **Proposal:** The proposal is to substantially alter the single-family property by razing the existing structure and constructing a new, 4-unit structure by building off of 19 feet worth of an existing non-conforming along the left side setback. The proposal also consists of 1 parking space of relief. 4 bike spaces will be provided.
3. **Green Building Practices:** See attached statement from Applicant at the end of this report.

4. **Comments:**

Ward Alderman: Maryann Heuston has been made aware of this project.

Historic Preservation: The Historic Preservation Commission (HPC) determined the existing property to be both historically significant and preferably preserved in 2016, imposing the 9-month demolition delay period in November, 2016. In the intervening weeks, the Applicant worked with preservation and planning staff on a design proposal for new construction on this site. At their December 20, 2016 meeting, the HPC voted to accept the design proposal and lift the demolition period. A Memorandum of Agreement (MOA) is to be signed between the HPC and the Applicant codifying the exterior design and material parameters of the new construction.

II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1 & §7.11):

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:**

Staff finds that the information provided by the Applicant conforms to the requirements of §4.4.1 and §7.11 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 existing structure is currently non-conforming with regard to frontage, lot size, and left side yard setback.

Section 4.4.1 states that "[l]awfully existing nonconforming structures other than one- and two-family dwellings may be enlarged, extended, renovated or altered only by special permit authorized by the SPGA in accordance with the procedures of Article 5. The SPGA must find that such extension, enlargement, renovation or alteration is not substantially more detrimental to the neighborhood than the existing nonconforming building. In making the finding that the enlargement, extension, renovation or alteration will not be substantially more detrimental, the SPGA may consider, without limitation, impacts upon the following: traffic volumes, traffic congestion, adequacy of municipal water supply and sewer capacity, noise, odor, scale, on-street parking, shading, visual effects and neighborhood character."

In considering a special permit under §4.4 of the SZO, Staff finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the current conditions. The multi-family proposal is consistent with the RC district and the triple-decker form is consistent with a common Somerville building style. The volume and massing of the structure at this property will be increasing, but such an increase is not inconsistent with other structures found in the immediate area as well as with the new construction projects that have been proposed or approved on this street.

Despite the increase in building size, no new dimensional non-conformities are created: the FAR remains under the allowable limit of 1 for the RC zone, the front yard setback remains consistent

and, despite the reduction in rear yard, the new setback complies with RC district requirements at 20 feet. Due to the flat roof design, the building height will be slightly lower than that of the existing structure. The proposed landscaping plan will provide a much-needed facelift to the site's landscaping.

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 current structure to be demolished is a single-family. In order to increase the number of units on the property, the Applicant must obtain a Special Permit from the ZBA to do so as per the SZO use table found in §7.11.

Both the increase in units and the extension of the existing non-conformities are consistent with the general purposes of the Ordinance as set forth under §1.2, which includes but are not limited to, promoting "the health, safety, and welfare of the inhabitants of the City of Somerville; to provide for and maintain the uniquely integrated structure of uses in the City; to provide adequate light and air; to conserve the value of land and buildings."

The proposal to construct a multi-unit residential structure is consistent with the purpose of the RC district which is "to establish and preserve a district for multi-family residential and other compatible uses which are of particular use and convenience to the residents of the district."

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."*

Kent Court has undergone a significant amount of change in a scant few years. Several buildings (former workers' cottages) have been demolished to make way for a large single-family and a 5-plex. The 19 Kent Court proposal follows this trend. The proposed design of a triple decker is in keeping with other structures on the street, in the immediate neighborhood and throughout the City where this building form is ubiquitous. The differentiating factor is the inclusion of a fourth unit at the rear of the building. Though unusual, Staff finds that, being at the rear of the property, its existence would be minimally if at all visible to public view from the public street.

7. Housing Impact: *Will not create adverse impacts on the stock of existing affordable housing.*

The proposal will not add to the City's stock of affordable housing.

8. SomerVision Plan: *Complies with the applicable goals, policies and actions of the SomerVision plan, including the following, as appropriate: Preserve and enhance the character of Somerville's neighborhoods, transform key opportunity areas, preserve and expand an integrated, balanced mix of safe, affordable and environmentally sound rental and homeownership units for households of all sizes and types from diverse social and economic groups; and, make Somerville a regional employment center with a mix of diverse and high-quality jobs. The areas in the SomerVision map that are designated as enhance and transform should most significantly contribute towards the SomerVision goals that are outlined in the table below. The areas marked as conserve are not expected to greatly increase the figures in the table since these areas are not intended for large scale change.*

This project contributes to SomerVision metrics by adding three additional residential units to the City's housing stock.

III. FINDINGS FOR VARIANCE (SZO §5.5):

A Variance (§5.5) is sought for relief for 1 parking space for the proposed new construction.

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.”*

As opposed to a renovation project on a property, when new, ground-up construction occurs, the City requires that an Applicant receive a Variance for any parking relief needed. In the case of 19 Kent Court, this lot long, but is quite narrow at 40.50 feet. Despite the increase in the total number of units, the bedroom count – the driver for parking calculations – is only increasing by two (2) from current conditions (4). The current, single-family property has a parking requirement of 4 spaces. The new structure, with two (2) bedrooms per unit, has a parking requirement of six (6). The parking calculation is as follows:

(new parking requirement – old parking requirement) x .5 = # of new spaces required

thus:

(6-4) = 2 x .5 = 1 space of relief needed.

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.”*

Staff finds that relief for one parking space a small amount of relief to request for this project. Two parking spaces are provided on site and the conditions require the Applicant to obtain off-site parking for future residents of the units with their use written into the condo docs.

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.”*

Particularly given the conditions established in item 2 above, Staff finds that this minimal parking relief would not be more detrimental to the neighborhood than the conditions already present on the street.

III. RECOMMENDATION

Special Permits under §4.4.1 & §7.11 and a Variance under §5.5 of the SZO.

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 **SPECIAL PERMITS and 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 4-unit residential structure and 1 space of parking relief.	BP/CO	ISD/Pln g.							
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>11/15/2016</td><td>Application and plans submitted to City Clerk's office</td></tr><tr><td>12/6/2016</td><td>Updated plan set submitted to OSPCD</td></tr></table>				Date (Stamp Date)	Submission	11/15/2016	Application and plans submitted to City Clerk's office	12/6/2016	Updated plan set submitted to OSPCD
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12/6/2016	Updated plan set submitted to OSPCD									
Any changes to this Special Permit must first be reviewed by Planning Staff to determine whether the changes are <i>de minimis</i> in nature. If they are not <i>de minimis</i>, then additional SPGA relief shall be required.										
Pre-Construction										
2	The Applicant must sign the Memorandum of Agreement (MOA) with the Historic Preservation Commission and register the signed MOA with the Middlesex County Registry of Deeds.	BP	HPC							
3	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							
4	The Applicant must contact the Engineering Department to obtain street addresses for all of the units prior to a building permit being issued	BP	Eng.							
5	The Applicant shall submit a proposed drainage report, stamped by a registered PE in Massachusetts that demonstrates compliance with the City's stormwater policy.	BP	Eng.							

6	The Applicant must contact the Engineering Department to coordinate the timeline for cutting or opening the street and/or sidewalk for utility connections or other construction. There is a moratorium on opening streets from November 1st to April 1st and there is a list of streets that have additional opening restrictions.	BP	Eng	
7	New sanitary connection flows over 2,000 GPD require a removal of infiltration and/or inflow by the Applicant. This will be achieved by submitting a mitigation payment, established by the City Engineers Office, to the City based on the cost per gallon of I/I to be removed from the sewer system and a removal ratio of 4:1. If a different ratio of removal or mitigation payment amount is adopted by the Board of Aldermen prior to the Applicant receiving a Certificate of Occupancy, payment will be adjusted to the BOA rate. The Applicant shall work with Engineering and meet this condition before a certificate of occupancy is issued.	BP	Eng.	
8	Applicant shall provide final material samples for siding, trim, windows, and doors (to the Design Review Committee for review and comment and) to Planning Staff for review and approval prior to construction.	BP	Plng.	
Construction Impacts				
9	The Applicant shall, at their 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	
10	All construction materials and equipment must be stored onsite.	During Construction	ISD	
11	The applicant shall post the name and phone number of the general contractor at the site entrance where it is visible to people passing by.	During Construction	Plng.	
12	Approval is subject to the Applicant's and/or successor's right, title and interest in the property.	Cont.	Plng.	Deed submitted & application form signed
Design				
13	The design and materials used in the new building shall follow the MOA exactly.	CO / Final sign off	ISD/Plng. Staff	
14	Design and materials shall be as rendered on the submitted plans.	CO / Final sign off	ISD/Plng. Staff	
15	Wood clapboarding/shingling or cementitious clapboarding/shingling shall be installed. No vinyl, aluminum or pressure-treated wood shall be used.	CO / Final sign off	ISD/Plng. Staff	

16	Windows shall be one-over-one or two-over one double-hung. Window sashes shall be dark. Mullions (window grids) shall be dark and shall be applied to the glass. <u>No between-glass grids shall be allowed.</u> Dark spacers shall be used between the glass. No reflective or tinted glass shall be used.	CO / Final sign off	ISD/Plng. Staff	
17	Trim materials shall be of wood or a composite material such as Azek, Wyton or similar. No vinyl, aluminum or pressure-treated wood shall be used.	CO / Final sign off	ISD/Plng. Staff	
18	All venting shall be painted or covered to match the portion of the building from which they exit.	CO / Final sign off	ISD/Plng. Staff	
19	Air-conditioning condensers shall be screened with vegetation.	CO / Final sign off	ISD/Plng. Staff	
20	Any fencing installed on the property shall be made of wood and the style, height and design of such shall be reviewed and approved by planning staff prior to installation.	CO / Final sign off	ISD/Plng. Staff	
Site				
21	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD	
22	If stored outside, all trash and recycling receptacles shall be screened from the public way.	Perpetual	Plng. / ISD	
23	The driveway shall be made of permeable pavers.	Perpetual / CO	Plng. / ISD	
24	The Applicant shall find off-site parking spaces for each of the units and their location and use shall be written into the condo docs.	CO	Plng. / ISD	
Public Safety				
25	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
26	All fire alarms shall be hard-wired.	CO	FP	
27	The building shall be sprinkled.	CO	FP	
28	All exterior lighting shall be confined to the subject property, cast light downward and must not intrude, interfere or spill onto neighboring properties.	CO	Plng.	
Miscellaneous				
29	No Certificate of Occupancy shall be issued until the OSPCD Housing Division has confirmed that: (for Condominium Projects) the Condominium Documents have been approved and the Developer has agreed to a form of Deed Rider for the Affordable Unit(s), or (for Rental Projects) the Developer has agreed to and executed a Memorandum of Understanding for Monitoring of the Affordable Unit(s).	CO	Housing	
Final Sign-Off				
30	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.	

Accessibility narrative

Introduction

The Department of Justice (“DOJ”) and the Department of Housing and Urban Development (“HUD”) are jointly responsible for enforcing the federal Fair Housing Act religion, sex, national origin, familial status, and disability.

Types of Dwellings Covered by the Act

What types of housing are covered by the Fair Housing Act’s design and construction requirements?

The Fair Housing Act requires all “covered multifamily dwellings” designed and constructed for first occupancy after March 13, 1991, to be readily accessible to and usable by persons with disabilities. In buildings with four or more dwelling units and at least one elevator, all dwelling units and all public and common use areas are subject to the Act’s design and construction requirements. In buildings with four or more dwelling units and no elevator, all ground floor units and public and common use areas are subject to the Act’s design and construction requirements.

19 Kent Court is a building with four dwelling units.

The first floor unit entrance will be at ground level to facilitate entrance via wheelchair.

The front entrance door shall be wide enough to facilitate entrance via a wheelchair. A closet shall be located in the living room adjacent to the common hallway to accommodate an elevator to aid in the movement of a wheelchair.

A similar closet shall be located in the basement family room directly under the first floor elevator to facilitate a wheelchair elevator if required.

All switches and plugs shall be at a sufficient height to accommodate the occupants of a wheelchair.

The kitchen shall be designed with turning radius that faceplate a wheelchair.

Hallways shall be widened to facilitate maneuverability of a wheelchair.

Bedroom doors shall be sized to facilitate wheelchairs.

Bathrooms shall be designed to accommodate turning radius of a wheelchair.

A closet shall be incorporated in the rear bedroom that could potentially serve as a lift shaft for a wheelchair.