



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

MICHAEL F. GLAVIN
EXECUTIVE DIRECTOR

PLANNING DIVISION STAFF

GEORGE PROAKIS, *DIRECTOR OF PLANNING*
LORI MASSA, *SENIOR PLANNER*
DAN BARTMAN, *SENIOR PLANNER*
AMIE HAYES, *PLANNER*
MELISSA WOODS, *PLANNER*
DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*

Case #: ZBA 2013-43

Date: June 20, 2013

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 34 Knowlton Street

Applicant Name: Richard Arnone

Applicant Address: 285 Commandants Way

Property Owner Name: Linda Humphries

Property Owner Address: 195 Court Road, Winthrop, MA 02152

Alderman: Maureen Bastardi

Legal Notice: Applicant, Richard Arnone, and Owner, George Humphries Jr. seek a Special Permit under SZO §4.4.1 to alter a nonconforming structure to create one new two-family dwelling and a Variance under SZO §9.5.1.a for one space of parking relief. RB Zone. Ward 1.

Zoning District/Ward: RB Zone / Ward 1

Zoning Approval Sought: Special Permit under SZO §4.4.1 and Variance under §9.5.1.a

Date of Application: June 11, 2013

Dates of Public Hearing: Zoning Board of Appeals – **Wednesday, July 10, 2013**

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a 3,171 square foot angled parcel which consists of a single-story angled concrete block garage structure that is approximately 1,708 gross square feet and located along the right side property line. The structure faces the dwelling to the left of the property and is currently vacant. The structure has two garage doors and two pedestrian doors, located on the left side façade. A lean-to at the rear of the garage structure is attached by a party wall; this lean-to is located at the back of the parcel at 13 Morton Street and the party wall is located along the rear property line between these two parcels. There is no record of a Certificate of Occupancy for the subject parcel; therefore, the existing parking situation for two cars is determined to be conforming. A 1933 Sanborn map illustrates



that this parcel was at one point under the same ownership as 13 Morton Street, though deed research explains these parcels were not joined.

The ground coverage is currently 54% while the floor area ratio is 0.54. There is currently no landscaped area and the pervious area is 42%, which consists of the left side portion of the lot that is composed of cobblestones and grass. The property is located at the end of Knowlton Street, a dead end street in a Residence B district adjacent to the Capuano Early Childhood Learning Center in East Somerville, and is surrounded by two- and three-family dwellings.

There has been no prior zoning relief.



34 Knowlton Street concrete block garage structure

2. Proposal: Applicant, Richard Arnone, and Owner, George Humphries, propose to alter this single-story nonconforming concrete block garage structure to create one new two-family dwelling with two parking stalls located behind the proposed dwelling.

The proposal is to demolish the existing single-story concrete block garage structure and retain a portion of the existing concrete slab at the existing one foot front yard setback, which would be integrated into the front porch. The proposed two-family dwelling would be a 2½ story, gable-end structure with a projecting right bay and a front porch that extends the width of the structure. The right side yard setback would be increased to three feet and the right side façade would have four gable dormers. The rear façade would have a rear egress for both units. Materials will include Hardi Board siding and vinyl two-over two Anderson windows.

The gross floor area is proposed to be approximately 4,060 square feet, which includes a full unfinished basement. The total net floor area would be 2,410 with a 0.76 floor area ratio. Unit one would occupy the first floor and unit two would occupy the second and third floors. Unit one is proposed to be 980 net square feet and would consist of a kitchen, living/dining room, two bedrooms, and one bathroom. Unit two is proposed to be 1,430 net square feet and would consist of a kitchen, living/dining room, two bedrooms, three bathrooms, a study on the second floor, and a family room on the third floor. The units

would have individual entries from the front porch and share the egress at the rear which would also access to an unfinished basement.

The ground coverage would be reduced from 54% to 41% while the landscape area would be increased from zero to approximately 20%. The pervious area would remain at approximately 42% through the pervious driveway, parking and landscapes areas. The driveway would maintain the existing material of cobblestones and grass, but would be reset and extend behind the proposed dwelling. There will be a fence located at the rear of the lot, which would be located in front of the wall that previously joined the structures located on two lots.

3. Nature of Application: The existing structure is currently non-conforming with regard to minimum lot size; right side, rear and front yard setbacks; maximum ground coverage and landscaped area. In accordance with the Somerville Zoning Ordinance (SZO) §4.4.1, a nonconforming structure may be altered through Special Permit approval. Therefore, as a portion of the existing concrete slab located at the front yard one foot setback is to remain, the proposed alteration of this nonconforming structure, to create a two-family dwelling, requires Special Permit approval.

The existing parking situation of the subject parcel provides two parking spaces, which has been determined to be conforming with respect to parking requirements for the existing garage structure. The proposal to create 2 two-bedroom residential units requires three on-site parking spaces. In accordance with SZO §9.5.1.a, a Variance is required for one space of parking relief due to the existing conforming parking situation for the garage structure.

4. Surrounding Neighborhood: The subject property is located at the end of Knowlton Street, a dead end street in a Residence B district adjacent to the Capuano Early Childhood Learning Center in East Somerville, and is surrounded by two- and three-family dwellings.

5. Impacts of Proposal: The proposal to modify a nonconforming structure to create one new two-family dwelling will alter the existing structure indefinitely. However, the existing structure is vacant and is a visual blight within this residential neighborhood. The proposed new two-family dwelling (with gable roof, projecting bay and front porch) will contextually blend into the fabric of the existing neighborhood as the proposed building is a common form found along this streetscape. Additionally, the proposed structure will continue the roofline rhythm and enhance the streetscape.

6. Green Building Practices: The Application indicates that the proposed dwelling will meet Massachusetts Stretch Code standards.

7. Comments:

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

Traffic & Parking: Has been contacted and has requested a Parking Memo.

Engineering: Has been contacted but has not yet provided comments.

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

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 Staff 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."

In considering a Special Permit under §4.4 of the SZO, Staff find that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. Altering the existing nonconforming structure to create a new two-family dwelling will enhance the neighborhood by removing visual blight and will enhance the existing streetscape through the proposed building form and by continuing the roofline rhythm.

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 "promoting the health, safety, and welfare of the inhabitants of the City of Somerville; to protect health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to conserve the value of land and buildings; and to encourage the most appropriate use of land throughout the City.

The proposal is consistent with the purpose of the Residence B district, SZO §6.1.2, which is, "To establish and preserve medium density neighborhoods of one-, two- and three-family homes, 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 proposal to alter a nonconforming structure to create one new two-family dwelling is more compatible with the neighborhood and streetscape than the existing structure. The proposed dwelling (with gable roof, projecting bay and front porch) will contextually blend into the fabric of the existing neighborhood as the proposed building is a common form found along this streetscape. Additionally, the proposed structure will continue the roofline rhythm and enhance the streetscape by removing the blight that is the existing structure.

5. Adverse environmental impacts: The proposed use, structure or activity will not constitute an adverse impact on the surrounding area resulting from: 1) excessive noise, level of illumination, glare, dust, smoke, or vibration which are higher than levels now experienced from uses permitted in the surrounding area; 2) emission of noxious or hazardous materials or substances; 3) pollution of water ways or ground water; or 4) transmission of signals that interfere with radio or television reception.

6. Vehicular and pedestrian circulation: The circulation patterns for motor vehicles and pedestrians which would result from the 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 proposed structure will not create traffic congestion or the potential for accidents as the subject parcel is located at the end of a dead end street and proposes to maintain the two existing on-site parking spaces. While one space of parking relief is requested, due to the number of bedrooms, one on-site parking space would be provided for each of the two proposed residential units.

III. FINDINGS FOR VARIANCE (SZO §9.5.1.a):

In order to grant a Variance, the Board must make certain findings and determinations as outlined in §5.5.3 of the SZO.

Please find the Applicants' responses to these questions on their application form attached to this Staff Report.

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."

The irregular shape of the subject parcel as well as the lack of information regarding the previous use limit the ability to provide parking in excess of 2 spaces and makes necessary the request for a Variance for one space of parking relief. The size of the lot (3,171 square feet) is not unique to the neighborhood, but is challenging with regard to redevelopment of this parcel, which requires some portion of the existing building to be retained. The proposal for a two-family dwelling is the most appropriate use of the property and attempts to maximum the potential of this parcel. The lot size and irregular property line restricts the ability to build more than the proposed and to create more on-site parking than the two spaces that currently exist creating a hardship to the proposed project.

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."

The requested space of parking relief to construct a two-family residential dwelling is the minimum necessary that would grant reasonable relief to develop the subject parcel. This Residence B zoned neighborhood indicates that the best and most appropriate use for the subject property is residential. There is, currently, no legitimate use of the property as there is no known Certificate of Occupancy for this address. However, the apparent commercial storage use is out of character with the neighborhood and not allowed in accordance with the SZO. The proposed two-family residential use is by-right and should another use be requested, the approval of a Variance would be required. The proposed two-family residential dwelling is allowed by zoning and is consistent with the neighborhood, but necessarily requires that a Variance for one space of parking relief is the minimum relief to be granted.

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."

Granting the request for a Variance will enhance the neighborhood through construction of the proposed two-family dwelling, which will contextually blend into the fabric of the existing neighborhood as the proposed building is a common form found along the streetscape. The proposed project will be consistent

with the existing buildings on Knowlton Street in form and massing, siting and orientation, and setbacks. By changing the use of the parcel from an illegitimate garage and storage facility into a two-family residential use, a visual blight will be eliminated from the neighborhood and the City will be provided with two more dwellings, which is consistent with and more appropriate for this neighborhood. Additionally, the location of the subject parcel, which is at the end of a dead end street, will have minimal to no impact regarding on-street parking and traffic congestion

IV. RECOMMENDATION

Special Permit under §4.4.1 and Variance under §9.5.1.a

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 PERMIT 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 a Special Permit to alter a nonconforming structure to create one new two-family dwelling and a Variance for one space of parking relief. 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>(June 11, 2013)</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>June 10, 2013 (July 1, 2013)</td><td>Plot plan and proposed site plan submitted to OSPCD</td></tr><tr><td>June 28, 2013 (July 2, 2013)</td><td>Landscape plan submitted to OSPCD</td></tr><tr><td>June 20, 2013 (July 1, 2013)</td><td>Rear elevation, second and third floor plans submitted to OSPCD</td></tr><tr><td>June 20, 2013 June 24, 2013 (July 1, 2013)</td><td>Revised elevations and floor plans submitted to OSPCD (Front, Right & Left Elevations, and First Floor plan)</td></tr><tr><td>(July 3, 2013)</td><td>Foundation plan</td></tr></table>				Date (Stamp Date)	Submission	(June 11, 2013)	Initial application submitted to the City Clerk's Office	June 10, 2013 (July 1, 2013)	Plot plan and proposed site plan submitted to OSPCD	June 28, 2013 (July 2, 2013)	Landscape plan submitted to OSPCD	June 20, 2013 (July 1, 2013)	Rear elevation, second and third floor plans submitted to OSPCD	June 20, 2013 June 24, 2013 (July 1, 2013)	Revised elevations and floor plans submitted to OSPCD (Front, Right & Left Elevations, and First Floor plan)	(July 3, 2013)	Foundation plan
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Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.																		

Pre-Construction				
2	The Applicant will be required to demonstrate that the updated project plans meet the current City of Somerville stormwater policy. Utility, grading, and drainage plans must be submitted to the Engineering Department for review and approval.	BP	Eng.	
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	
Construction Impacts				
4	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.	
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	
Design				
7	An exterior light and electrical receptacle is required for the first (or all) level of the porch and an electrical receptacle is required for the second level (if there is no access to the ground).	Final sign off	Wiring Inspector	
8	The one foot between the front property line and the beginning of the front porch shall be paved to match the adjacent sidewalk.	Final sign off	Plng.	
9	As the cobblestones and grass that shall compose the driveway will necessary be dug up and reset in accordance with the landscape plan, there shall be a 1-2 foot planted strip located down the center of the driveway that extends from the sidewalk to the rear façade of the new dwelling.	Final sign off	Plng.	
Public Safety				
10	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
11	Notification must be made, within the time period required under applicable regulations, to the Massachusetts Department of Environmental Protection (DEP) if there is any release of oil, hazardous materials, or regulated hazardous substances at the site. The City's OSE office, Fire Department and the Board of Health shall also be notified.	CO	OSE/FP /BOH	

Final Sign-Off				
12	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.	

34 Knowlton Street

