



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2015-36

Date: July 9, 2015

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 56 Line Street

Applicant Name: Eamon Fee

Applicant Address: 6 Richardson St, Winchester, MA 01890

Owner Name: Eamon Fee

Owner Address: 6 Richardson St, Winchester, MA 01890

Alderman: Maryann Heuston

Legal Notice: Applicant & Owner, Eamon Fee, seeks a Special Permit under SZO §4.4.1 to substantially alter a nonconforming single-family house to construct a 3-family structure and an approximately 2,000 sf addition and parking relief for 2 spaces under §9.13. RB zone. Ward 2.

Dates of Public Hearing: July 15, 2015

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a 1,169 square foot single-family house on a 5103 square foot lot. There is a long driveway next to the house.
2. Proposal: The proposal is to substantially demolish the structure and build a three-family triple decker on the lot. Each unit would have 3-bedrooms. There would be a driveway to three parking spaces in the backyard. The form is typical of a triple-decker. There is a front bay and side bays. In the rear there is a three-floor porch that leads to a roof deck. The Somerville Historic Preservation Commission reviewed the proposal on account of the demolition and the parties signed a memorandum of agreement that includes design specifications.





3. Green Building Practices: The Applicant listed the following items as part of the application form: building a structure with a smaller footprint has less impervious land cover, such as paving and roofing, which reduces overall stormwater runoff, traditional three-family homes have less surface area from which they can lose heat to the outside, the easterly exposure helps to maximize passive solar gain in the winter, some of the building materials will be donated to green Goat Home-to-Home program, use of wood such as mahogany and cedar that are naturally rot-resistant preventing the need to replace every five years, use of hardie plank clapboard for the siding, use of plastic lumber in high rot areas, install drainage and radon-mitigation system in the basement, paint with low VOC paint, use of HVAC systems that meet the stretch code, insulate, tankless hot water heaters, energy star rated windows and lighting, low flow toilets, sinks, dishwashers and washing machines, dual flush toilets, waterless urinals, shower head and sink aerators, all appliances will be energy star approved, stormwater management report, erosion and sediment control plan and operations and maintenance plan, and full use of energy star programs.

4. Comments:

Fire Prevention: Has not yet provided comments.

Traffic & Parking: Has not yet provided comments.

Wiring Inspection: An exterior light and electrical receptacle is required for all levels of the porch. 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 will be required to demonstrate that the updated project plans meet the current City of Somerville stormwater policy. Utility, grading, and drainage report and plans stamped by a registered PE in Massachusetts must be submitted to the Engineering Department for review and approval.

New sanitary connection flows over 2,000 GPD require a 4:1 removal of infiltration and/or inflow by the Applicant. This will be achieved by submitting a mitigation payment to the City based on the cost per gallon of I/I to be removed from the sewer system. The Applicant shall work with Engineering to meet this condition before a certificate of occupancy is issued.

Historic Preservation: The Historic Preservation Commission determined that the existing structure is significant and preferably preserved. The HPC and the Owner signed a Memorandum of Agreement on June 23, 2015. There are a number of design specifications listed many of which are shown on the plans before the ZBA. There are some changes to the window placement called out in the memorandum that Planning Staff also recommend changing that are conditions attached to this report. Specifically, the stair hall windows should be centered over the front entry, both stair hall windows and the two other double-hung window sashes on the main façade shall be set the same distance from the edges of the wall plane, and the oval window shall be centered midway between the edge of the porch posts and the edge of the bay and directly below the windows above.

Ward Alderman: 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."*

The structure is currently nonconforming with respect to the following dimensional requirements: lot area, pervious area, left side yard setback, and street frontage.

The front and side setbacks will be retained to keep the nonconforming aspects of the building. The proposal will impact the following nonconforming dimensions: side yard setback. The current dimension is 2.3 feet, the proposal is to have a bay on the side of the house that is 2.3 feet to the side lot line. The rest of the structure will be setback 5 feet. The requirement in the district is 10 feet for a three-story structure. This alteration to a nonconforming structure requires the Applicant to obtain special permits under §4.4.1 of the Somerville Zoning Ordinance (SZO).

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 find that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The triple decker will be taller than the existing 1 ½ story house along the nonconforming side yard, however, it will be pulled back 5 feet from the property line for the majority of the structure with only a 12.5 foot wide bay remaining at 2.3 feet. The bay will have glass block windows due to building code requirements but these windows will also provide privacy for the subject property and abutter to the north. This neighbor has a building that is close to the adjoining property line and will feel the most impact by a change at this site. The proposal has been designed to help alleviate the close proximity of these buildings by pulling a significant portion of the building back from the existing setback and installing glass block for the windows. The pervious area will become conforming as a result of the proposal and the property will continue to be conforming to the requirements of the SZO except for the side yard setback.

The existing property is nonconforming to parking requirements because it has a single driveway for a house with one or more bedrooms. The addition of two dwelling units on the site requires 4 additional parking spaces and 2 additional parking spaces will be provided for a total of 3. Relief for 1 parking space is required.

SZO §9.13 allows for sites with nonconforming parking to apply for a Special Permit to modify parking requirements if the total number of spaces is less than six. In considering a special permit under §9.13 of the SZO the Applicant must be able to demonstrate that granting the requested special permit would not cause detriment to the surrounding neighborhood through any of the criteria as set forth under SZO §9.13, which are as follows:

- 1) increase in traffic volumes;
- 2) increased traffic congestion or queuing of vehicles;
- 3) change in the type(s) of traffic;
- 4) change in traffic patterns and access to the site;
- 5) reduction in on-street parking;
- 6) unsafe conflict of motor vehicle and pedestrian traffic.

Each unit would have one parking space with sufficient maneuvering space to the street. Adding excessive parking spaces than the demand for parking in other projects in walkable areas with public transit would have negative impacts such as increasing traffic and decreasing pedestrian safety.

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 conserving the value of land and buildings.

The proposal to construct a three family house is consistent with the purpose of the RB district, which is, “[t]o 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.”

In considering a special permit under §9.13 of the SZO the SPGA may grant such a special permit only when consistent with the purposes set forth in Section 9.1. The proposal to reduce the required parking by one space will not be counter to the purposes of this section. The parking spaces will be located behind the building so that they will not be visible, the headlights will not project into the neighboring structures and pervious material will be used for some of the driveway and the parking area to allow for a conforming permeability of the site.

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 project has been designed to be compatible with the surrounding area. The building form is typically for a triple decker and there are several triple deckers in the neighborhood. The Historic Preservation Commission has recommended design changes that should be incorporated into the building and are conditions of this approval.

The proposal will result in the property to the left experiencing a taller building within close proximity to it. The proposed design tries to respect this house by keeping the front yard setback of the building on the subject property the same as the existing building. This neighboring building is close to the street and the existing building on the subject property is setback giving the neighboring property direct light into the house on three sides for the front portion of the building. The proposal will not change this condition. Also, the new building will be setback 5 feet for the majority of the structure and only a bay will remain at the 2 foot setback to retain the buildings nonconforming status.

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

The existing unit is not restricted as an affordable unit and even without the expansion of the building the owner could increase the cost of the unit. The proposal will increase the supply of housing by two units. On a larger scale increasing supply to meet demand will decrease the cost of housing in the City.

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.*

<u>SomerVision Summary</u>	<i>Existing</i>	<i>Proposed</i>
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<i>Dwelling Units:</i>	1	3
<i>Parking Spaces:</i>	1	3

III. RECOMMENDATION**Special Permit under §4.4.1 & 9.13**

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**.

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 3-unit triple decker with 3 parking spaces. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/Pln g.															
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>June 11, 2015</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>June 11, 2014</td><td>Plans submitted to OSPCD (plot plan)</td></tr><tr><td>June 5, 2015</td><td>Plans submitted to OSPCD (perspective drawing)</td></tr><tr><td>June 10, 2015</td><td>Plans submitted to OSPCD (illustrative landscape plan)</td></tr><tr><td>March 2015</td><td>Plans submitted to OSPCD (C1 zoning info)</td></tr><tr><td>May 2015</td><td>Plans submitted to OSPCD (A1-3 Elevations, A4-6 Floor Plans)</td></tr></table>				Date (Stamp Date)	Submission	June 11, 2015	Initial application submitted to the City Clerk’s Office	June 11, 2014	Plans submitted to OSPCD (plot plan)	June 5, 2015	Plans submitted to OSPCD (perspective drawing)	June 10, 2015	Plans submitted to OSPCD (illustrative landscape plan)	March 2015	Plans submitted to OSPCD (C1 zoning info)	May 2015	Plans submitted to OSPCD (A1-3 Elevations, A4-6 Floor Plans)
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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 report and plans stamped by a registered PE in Massachusetts 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	
4	New sanitary connection flows over 2,000 GPD require a 4:1 removal of infiltration and/or inflow by the Applicant. This will be achieved by submitting a mitigation payment to the City based on the cost per gallon of I/I to be removed from the sewer system. The Applicant shall work with Engineering to meet this condition before a certificate of occupancy is issued.	CO	Eng.	
Construction Impacts				
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 levels of the porch that have access to the ground and an electrical receptacle is required for the levels that do not have access to the ground.	Final sign off	Wiring Inspector	
8	The design shall be altered in the construction documents to reflect that the following changes found in the MOA with the SHPC: the stair hall windows should be centered over the front entry, both stair hall windows and the two other double-hung window sashes on the main façade shall be set the same distance from the edges of the wall plane, and the oval window shall be centered midway between the edge of the porch posts and the edge of the bay and directly below the windows above.	BP	Plng.	
Site				
9	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD	
10	There shall be a minimum of two trees as required under SZO §10.3.	CO	Plng.	
11	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	

12	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	
Public Safety				
13	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
14	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.	
Final Sign-Off				
15	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.	

