



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

PLANNING DIVISION

STAFF

GEORGE PROAKIS, *DIRECTOR OF PLANNING*
LORI MASSA, *SENIOR PLANNER*
ADAM DUCHESNEAU, *PLANNER*
DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*

Case #: ZBA 2011-96
Date: January 12, 2011
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 15 Park Place

Applicant Name: Vladimir and Aleksandra Pezel
Applicant Address: 11B Baldwin St, Newton, MA 02458
Property Owner Name: same
Agent Name: Declan Keefe, Placetaylor, Inc.
Agent Address: 67 Dudley St, Roxbury, MA 02135
Alderman: Heuston

Legal Notice: Applicants and Owners, Vladimir and Aleksandra Pezel, seek a Special Permit to alter a nonconforming structure under SZO §4.4.1 in order to convert a garage into a 2 ½ story single-family dwelling.

Zoning District/Ward: RB / 2

Zoning Approval Sought: Special Permit SZO §4.4.1

Date of Application: Nov 29, 2011

Dates of Public Hearing: Zoning Board of Appeals Jan 18, 2011

I. PROJECT DESCRIPTION

1. Subject Property: The subject property contains a one-story concrete block garage for 5 cars on a 3960 sf lot. The garage has not been in use for many years and the lot and building are in disrepair. The parcel is considered a buildable lot despite its nonconforming size because the garage structure is considered a principal structure on the lot and can be altered by special permit. The garage was a conforming structure on a conforming lot when it was divided in the 1980's from an abutting conforming residential use. The subject lot and abutting residential property were not under the same ownership when the lot size became nonconforming. Park Place is a small private way and there is no curb along the street in front of the property.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722

www.somervillema.gov



Top: View of 15 Park Pl from the road just before the bend, Middle: Existing garage on the subject property, Bottom: The wall of the garage abutting 17 Park Pl



A special permit for a two-family structure was proposed on the site in 2010 by a different owner; however, the owner at that time withdrew the application.

2. Proposal: The proposal is to alter the garage to become a 2 ½ story single-family dwelling. The existing footprint of the garage is not proposed to change in order to convert the garage to a residence.

The total net square feet will be approximately 1,500. The first floor will contain a two-car parking garage, kitchen, bathroom and living room, and the second floor will contain three bedrooms and two bathrooms.

There will be a one-story deck at the entrance to the building that projects into the side yard.

The site will include a rounded permeable driveway/plaza with a walkway at the outer edge of the driveway to provide a clear pedestrian way from the street to the front door. The rest of the site will be landscaped. One existing tree on the site will be preserved and three other trees will be planted. There will be a small waste and recycling disposal area next to the driveway that will have a wood screen.

3. Nature of Application: A single-family dwelling is a by-right use in the Residence B zoning district.

The structure is currently nonconforming with respect to a few dimensional requirements, including lot area, front, rear and left side yard setback. The proposal alters the nonconforming front, rear and left side yard with the extension of the building from 1 to 2 ½ stories. The nonconforming front, side and rear yard setbacks are currently approximately 1 foot, which will not change as a result of the proposal. The alteration to the nonconforming structure requires the Applicant to obtain a special permit under §4.4.1 of the Somerville Zoning Ordinance (SZO).

The remaining dimensions will be conforming. The lot area per dwelling unit will be 3,960 sf and the minimum allowed is 1,500 sf. The building mass is conforming: the ground coverage is 30% and the maximum allowed is 50%, the floor area ratio is 0.38 and the maximum allowed is 1.0, and the height is 27 feet and the maximum allowed is 40 feet. The right side yard setback will remain conforming at 45 feet. The 70% landscaped area will far exceed the requirement of 25%.

4. Surrounding Neighborhood: The surrounding area is residential with one-, two-, and three-family dwellings on Park Place. The street is a private way and is narrow with a 20 foot right-of-way. There is no curb along the property.

5. Impacts of Proposal: The proposal will bring the site into a productive use that is compatible with the surrounding residential neighborhood. The large amount of open space on the site will remain the same. The walls of the property that will be close to the property lines of the residential neighbors will not contain windows so privacy is not anticipated to be a concern.

6. Green Building Practices: Several green building practices will be utilized. The application form lists the following: "The house is designed to meet the exacting Passivhaus and Energy Start Tier 3 standards for energy efficiency. This equals up to a 90% reduction in energy use compared to homes built to code. Natural, non-toxic materials and components will be used in construction while maximizing inclusion of recycled content and building elements. A rain catchment system, dry well and porous driveway pavers will be used to eliminate stormwater runoff from the lot."

7. Comments:

Fire Prevention: A code compliant fire alarm system will be required. The fire lane designation on the street in front of the site shall remain in order to keep the passageway open for fire apparatus to make the turn onto this portion of Park Place.

Traffic & Parking: Traffic and Parking was concerned that the original plan had a pedestrian walkway along the garage door entrances. The walkway has since been relocated so that it does not conflict with vehicular traffic.

Lights and Lines: The utilities for the building shall be placed underground from the source or connection.

Engineering: Has reviewed the plans and does not have concerns with the proposal.

Design Review Committee: The Design Review Committee (DRC) reviewed the proposal at their meeting on January 12, 2012. The Committee thought that the passive/green design of the house was commendable. They asked about the detailing of materials. The architect stated that the siding will be a modern take of clapboards. The proportions of the house will stay within the context of the neighborhood. The DRC also asked about rainwater runoff from the roof which will be addressed by having a gutter on the north façade that will lead to an underground dry well. One comment was that the garage doors take up a large portion of the house. The response was that the Applicant tried to reduce this by locating them on the side corner of the house and the orientation of the deck helps to draw one's attention away from the garage doors. The DRC was supportive of the proposal but asked to see material and color samples before construction.

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

II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1 & 5.1):

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. The proposal will bring the site into a productive use that is compatible with the surrounding residential neighborhood. The large amount of open space on the site will remain the same. The walls of the property that will be close to the property lines of the residential neighbors will not contain windows so privacy is not anticipated to be a concern.

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 conserving the value of land and buildings and encouraging the most appropriate use of land throughout the City. As a single-family house, the proposal is consistent with the purpose of the 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."

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 as designed would be compatible with the built surrounding area. The house has a modern design that includes elements of traditional 2 ½ story houses in Somerville such as a gable roof, clapboard siding, and simple ornamentation. The green building practices proposed will reduce the energy consumption from a typical single-family house as well as reduce the spillover of stormwater runoff onto neighboring properties. The large open space on the site will be retained and planted with trees and other vegetation to preserve the form of the built environment and provide an attractive, usable open space. The required parking for the site is concealed in garages and the driveway/plaza area allows for visitor parking on a pervious surface. The windows have been designed to maximize the southern exposure.

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.

The proposal will not have an adverse impact on the surrounding area resulting from excess noise, illumination, glare, dust, smoke or vibration. There will be no emissions of hazardous materials, pollution of ground water or transmission of signals from the single-family use. The Applicant found no records of 21E reports and there will be minimal disruption of soil because the structure will not have a basement. The rain catchment system, drywell, and pervious driveway proposed for the site will reduce water runoff from the site and prevent the alterations from negatively impacting the City's storm drainage system.

6. Vehicular and pedestrian circulation: The circulation patterns for motor vehicles and pedestrians which would result from the use of 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 proposal will not result in a condition that creates traffic congestion or the potential for traffic accidents. The site currently does not have a curb cut and the proposal will designate 20 feet as a driveway entrance as opposed to the entire length of the side yard as is the current situation. This will make the pedestrian experience on the street safer. The driveway has been designed so that cars in the garage can back out and leave the site in a forward direction. A walkway from the street to the front door is proposed that will provide safe and clear access for pedestrians to the front door.

III. RECOMMENDATION**Special Permit under §4.4.1 & 5.1**

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	<p>Approval is for the alteration of a nonconforming structure to construct an approx 1500 nsf single-family house. This approval is based upon the following application materials and the plans submitted by the Applicant:</p> <table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>Nov 29, 2011</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>Nov 14, 2011</td><td>Plans submitted to OSPCD (Plot Plan)</td></tr><tr><td>Nov 29, 2011</td><td>Plans submitted to OSPCD (G01 Cover Page, 02 Existing Site Plan,)</td></tr><tr><td>Jul 6, 2011</td><td>Modified plans submitted to OSPCD (02 Proposed Site Plan, 03 Floor Plans, 04 S&W Elevations, N&E Elevations,)</td></tr></table> <p>Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.</p>	Date (Stamp Date)	Submission	Nov 29, 2011	Initial application submitted to the City Clerk’s Office	Nov 14, 2011	Plans submitted to OSPCD (Plot Plan)	Nov 29, 2011	Plans submitted to OSPCD (G01 Cover Page, 02 Existing Site Plan,)	Jul 6, 2011	Modified plans submitted to OSPCD (02 Proposed Site Plan, 03 Floor Plans, 04 S&W Elevations, N&E Elevations,)	BP/CO	ISD/Plng.	
Date (Stamp Date)	Submission													
Nov 29, 2011	Initial application submitted to the City Clerk’s Office													
Nov 14, 2011	Plans submitted to OSPCD (Plot Plan)													
Nov 29, 2011	Plans submitted to OSPCD (G01 Cover Page, 02 Existing Site Plan,)													
Jul 6, 2011	Modified plans submitted to OSPCD (02 Proposed Site Plan, 03 Floor Plans, 04 S&W Elevations, N&E Elevations,)													
2	<p>Applicant shall provide final material samples for siding, trim, windows and doors to the DRC during a public meeting and to the Planning Staff for review and approval prior to construction.</p>	BP	Plng.											

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	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	
5	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	
6	The rainwater runoff from the roof will be captured so that it does not fall onto neighboring properties.	CO	Plng./ISD	
7	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
8	Applicant will screen the trash/recycling area with fencing that blocks off the receptacles.	CO	Plng.	
9	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	
10	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	
11	There shall be no parking in the fire lane designated on Park Place.	Perpetual	T&P	
12	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards.	Perpetual	Plng. / ISD	

13	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.	
----	---	----------------	-------	--

