



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2014-82
Site: 53 Kent Street
Date of Decision: December 10, 2014
Decision: Petition Approved with Conditions
Date Filed with City Clerk: December 18, 2014

ZBA DECISION

Applicant Name:	Kent Street Partners, LLC
Applicant Address:	1167 Broadway, Somerville, MA 02144
Property Owner Name:	Kent Street Partners, LLC
Property Owner Address:	1167 Broadway, Somerville, MA 02144
Agent Name:	Richard G. DiGirolamo, Esq.
Agent Address:	424 Broadway, Somerville, MA 02145

Legal Notice: Applicant and Owner, Kent Street Partners, LLC, seeks Special Permits to establish 4 dwelling units under SZO §7.11.1.c, provide one less parking spaces than is required under §9.5 & 9.13, and substantially alter the existing nonconforming structure to construct the dwelling.

<u>Zoning District/Ward:</u>	RC zone/Ward 2
<u>Zoning Approval Sought:</u>	§7.11.1.c, §9.5 & §9.13
<u>Date of Application:</u>	August 7, 2014
<u>Date(s) of Public Hearing:</u>	December 10, 2014
<u>Date of Decision:</u>	December 10, 2014
<u>Vote:</u>	5-0

Appeal #ZBA 2014-82 was opened before the Zoning Board of Appeals at Somerville City Hall on December 10, 2014. Notice of the Public Hearing was given to persons affected and was published and posted, all as required by M.G.L. c. 40A, sec. 11 and the Somerville Zoning Ordinance. After one hearing of deliberation, the Zoning Board of Appeals took a vote.



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

DESCRIPTION:

The proposal is to substantially alter the dwelling to construct four residential units. There will be two, 2-bedroom units with a study and two, 1-bedroom units. The building will be three-stories and there will be a penthouse to provide a stair to a roof deck.

Landscaping will be provided in the front and side yards. There will be a wall at the edge of the corner of the property at Beacon and Kent Streets that can serve as bench.

There will be four parking spaces in a basement of the building and one parking space outside. The curb cut will remain in the same location as it is today.

FINDINGS FOR SPECIAL PERMIT (SZO §7.11.1.c, §9.5, §9.13, §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 Board 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."*

Under SZO §7.11.1.c a special permit is required to establish 4 dwelling units under SZO.

The site is nonconforming in terms of parking. There is a single width driveway that counts as 1 parking space and a one- or two-bedroom house, which requires 2 spaces. Under SZO §9.13 modification of parking requirements for nonconforming structures and lots are allowed by special permit where the total number of parking spaces required by the ordinance is six or fewer. The 4 one- and two-bedroom units require 6 parking spaces and 5 will be provided. The applicant is apply to not provide one of the require parking spaces.

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.

Providing 5 as opposed to 6 parking spaces for a residential building with 4 units that is located along Beacon Street will not cause detriment to the surrounding neighborhood. Beacon Street is a major bicycle route and a bus route that connects the subject property to surrounding cities. The tenants that choose to live in this location will likely not have two cars per household and will know that there is only one parking space per unit. One of the 4 units could have two cars or the fifth parking space could be used for visitors.



The proposal includes the alteration to a nonconforming structure under §4.4.1 to remain the nonconforming rear yard setback. The rest of the building dimensions will be conforming to the SZO. The zoning table is located on page A-101 of the plans. The Board finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The rear yard could also be considered to be a side yard because the property is a corner lot. The structure conforms to the requirement if this was a side yard. Also, the large brick building abutting the property to the rear is setback from the property line and does not have a lot of fenestration on this side of the building.

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 as a whole 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 is consistent with the purpose of the Residence C district in providing multi-family housing.

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 Board finds that the proposal to not provide 6 as opposed to 5 parking spaces will not negatively impact pedestrian safety or congestion in the street.

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 surrounding properties on Beacon Street are mostly multi-family homes and commercial uses and the proposed three-story, 4 unit building is compatible with these uses. The houses on Kent Street and the residential neighborhood to the east of the site are mostly two- and three-family homes. The current building faces Kent Street. This creates a strange condition along Beacon Street where, in between large multi-family buildings, there is the side of a 1 ½ story house. Despite the negative consequence of demolishing a house that was deemed preferably preserved by the HPC, the new structure will provide a front door on Beacon Street and a massing that is more compatible with the character of Beacon Street.

The design of the building takes some traditional building elements and makes them contemporary such as the front entry canopy and sloping roof on the front bay. The design includes large windows that will provide natural light inside of the building and make it transparent and interesting for passersby. The site plan provides an amenity of a 2 foot wall that will serve as a bench at the corner of Beacon and Kent Street. This wall also always helps with the high height of the first floor windows which are elevated due to the height of the basement level for parking. The site will be heavily landscaped in the front and sides of the site. Parking will be mostly concealed in the building except for one space.

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

The existing single-family house was not deemed as an affordable unit. The development of four units will increase the supply of housing, which will indirectly help with affordability by satisfying the demand. Also, the proposal will likely provide more affordable units than the single-family home if it were renovated.

7. 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.

Beacon Street is marked as a Neighborhood Mixed Use area on the Future Land Context Map and as an area to Enhance in the SomerVision Map. The proposal will improve the experience along Beacon Street and add people to patron the businesses and enhance the vibrancy of the area.

<i><u>SomerVision Summary</u></i>	<i>Existing</i>	<i>Proposed</i>
<i>Dwelling Units:</i>	1	4
<i>Parking Spaces:</i>	1	5



DECISION:

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Danielle Evans , Elaine Severino and Josh Safdie with Herbert Foster absent. Upon making the above findings, Richard Rossetti made a motion to approve the request for a Special Permit. Elaine Severino seconded the motion. Wherefore the Zoning Board of Appeals voted **5-0** to **APPROVE** the request. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes										
1	Approval is for the alteration of a nonconforming structure and establishment of 4 dwelling units with 5 parking spaces. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/PIng.											
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>Aug 7, 2014</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>Oct 28, 2014 – print date Nov 24, 2014</td> <td>Modified plans submitted to OSPCD (A-000 cover sheet, A-100 site plan, A-101 garage plan & zoning chart, A-102 floor plans, A-300 elevations, AV-1 perspectives, AV-2 Rendering, A-905 shadow study)</td> </tr> <tr> <td>Jul 15, 2014</td> <td>Modified plans submitted to OSPCD (C1.0 Site Plan, C2.0 Construction Details, C2.1 Construction Details)</td> </tr> <tr> <td>Nov 24, 2014</td> <td>Modified plans submitted to OSPCD (Landscape Plan)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	Aug 7, 2014	Initial application submitted to the City Clerk's Office	Oct 28, 2014 – print date Nov 24, 2014	Modified plans submitted to OSPCD (A-000 cover sheet, A-100 site plan, A-101 garage plan & zoning chart, A-102 floor plans, A-300 elevations, AV-1 perspectives, AV-2 Rendering, A-905 shadow study)	Jul 15, 2014	Modified plans submitted to OSPCD (C1.0 Site Plan, C2.0 Construction Details, C2.1 Construction Details)	Nov 24, 2014	Modified plans submitted to OSPCD (Landscape 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 must contact the Engineering Department to obtain a street address prior to a building permit being issued.	BP	Engineering											
3	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.											



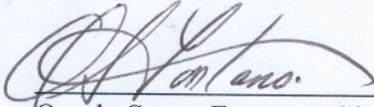
4	The Applicant shall develop a demolition plan in consultation with the City of Somerville Inspectional Services Division. Full compliance with proper demolition procedures shall be required, including timely advance notification to abutters of demolition date and timing, good rodent control measures (i.e. rodent baiting), minimization of dust, noise, odor, and debris outfall, and sensitivity to existing landscaping on adjacent sites.	Demolition Permitting	ISD	
5	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.			
Construction Impacts				
6	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	
7	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				
8	Applicant shall provide final material samples for siding, trim, windows, and doors to Planning Staff for review and approval prior to construction.	BP	Plng.	
9	An electrical receptacle is required for the upper level decks if there is no access to the ground and a light and receptacle for the first floor deck.	Final sign off	Wiring Inspector	
Site				
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	Applicant will supply bicycle racks for at least 4 spaces on the site or in the building.	CO	Plng.	
Public Safety				
14	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	



15	Any transformers should be located as not to impact the historic building or landscaped area, and shall be fully screened.	Electrical permits & CO		
16	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.	
17	The Applicant shall provide notice of intent to strictly comply with applicable State and Federal regulations regarding air quality including without limitation continuous dust control during demolition and construction.	CO	Plng/OSE	
Final Sign-Off				
18	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.	



Attest, by the Zoning Board of Appeals:



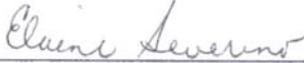
Orsola Susan Fontano, Clerk



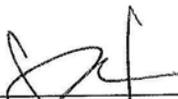
Richard Rossetti



Danielle Evans



Elaine Severino, (Alt.)



Josh Safdie (Alt.)

Copies of this decision are filed in the Somerville City Clerk's office.
Copies of all plans referred to in this decision and a detailed record of the
SPGA proceedings are filed in the Somerville Planning Dept.

CLERK'S CERTIFICATE

Any appeal of this decision must be filed within twenty days after the date this notice is filed in the Office of the City Clerk, and must be filed in accordance with M.G.L. c. 40A, sec. 17 and SZO sec. 3.2.10.



In accordance with M.G.L. c. 40 A, sec. 11, no variance shall take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title.

Also in accordance with M.G.L. c. 40 A, sec. 11, a special permit shall not take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and either that no appeal has been filed or the appeal has been filed within such time, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The person exercising rights under a duly appealed Special Permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone.

The owner or applicant shall pay the fee for recording or registering. Furthermore, a permit from the Division of Inspectional Services shall be required in order to proceed with any project favorably decided upon by this decision, and upon request, the Applicant shall present evidence to the Building Official that this decision is properly recorded.

This is a true and correct copy of the decision filed on _____ in the Office of the City Clerk, and twenty days have elapsed, and

FOR VARIANCE(S) WITHIN

_____ there have been no appeals filed in the Office of the City Clerk, or
_____ any appeals that were filed have been finally dismissed or denied.

FOR SPECIAL PERMIT(S) WITHIN

_____ there have been no appeals filed in the Office of the City Clerk, or
_____ there has been an appeal filed.

Signed _____ City Clerk Date _____

