



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

MICHAEL F. GLAVIN
EXECUTIVE DIRECTOR

PLANNING DIVISION

ZONING BOARD OF APPEALS MEMBERS

HERBERT F. FOSTER, JR., *CHAIRMAN*
ORSOLA SUSAN FONTANO, *CLERK*
RICHARD ROSSETTI
DANIELLE EVANS
ELAINE SEVERINO (ALT.)
JOSH SAFDIE (ALT.)

Case #: ZBA # 2012-27
Site: 11 Linden Avenue
Date of Decision: October 2, 2013
Decision: Petition Approved with Conditions
Date Filed with City Clerk: October 9, 2013

ZBA DECISION

| | |
|--------------------------------|--|
| Applicant Name: | Linden Tree Realty Trust |
| Applicant Address: | 11 Linden Avenue, Somerville, MA 02143 |
| Property Owner Name: | Linden Tree Realty Trust |
| Property Owner Address: | 11 Linden Avenue, Somerville, MA 02143 |
| Agent Name: | Richard G. DiGirolamo, Esq. |
| Agent Address: | 424 Broadway, Somerville, MA 02145 |

Legal Notice: Applicant and Owner Linden Tree Realty Trust, seek a Special Permit with Site Plan Review under SZO §7.2 to construct a second principal structure at the property containing two additional dwelling units and a Special permit under SZO §9.13.b to modify parking design standards.

| | |
|-----------------------------------|---|
| <u>Zoning District/Ward:</u> | RB zone/Ward 5 |
| <u>Zoning Approval Sought:</u> | §7.2 & §9.13.b |
| <u>Date of Application:</u> | April 3, 2012 |
| <u>Date(s) of Public Hearing:</u> | (originally opened on 5-2-12, re-advertised for 5-1-13) 5/1, 5/15, 6/19, 7/10, 8/7, 8/21 & 10/2/13 |
| <u>Date of Decision:</u> | October 2, 2013 |
| <u>Vote:</u> | 5-0 |

Appeal #ZBA 2012-27 was opened before the Zoning Board of Appeals at Somerville City Hall on May 2, 2012 and re-advertised for the October 3, 2012 hearing. 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 three hearing(s) 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 Applicant proposes to construct a second principal structure at the rear of the property, which would contain two new dwelling units that are approximately 1,500 gross square feet. As instructed by the Historic Preservation Commission, the new structure would be designed to look like a barn and be approximately 1½ stories in height with a cross gable roof. A pedestrian path would lead from the street and-parking area to the front of the barn structure, which would have simulated sliding barn doors below a shed roof canopy. Entries into each unit would be located on either side of the simulated barn doors. To the right and left of the front entries would be a window bay with historically appropriate windows located in both the first and second. Each side of the structure would contain numerous windows, all double hung in a two over one style, with the exception of the small windows in the half-story. A single door at the rear of each unit would open out onto the 8 foot by 10 foot patios at the rear. The right side yard patio has been removed for more open space. Each unit would also contain a basement which could be accessed through an internal stairwell. Each unit would also have a bulkhead that will lead down to the basement from grade level in the rear yard.

The exterior siding of the new building would consist primarily of four inch wood or fiber cement clapboards. The siding of the projecting bay on the front façade would contain wood shingles on all sides and these same shingles would be used in the gable of each façade. The interior plan of these two new dwelling units would be mirror images of each other. The first floor would contain an entry hall, dining/living room (14'-6"x29'-4"), kitchen, half bath, and access to the rear patio. The second floor would contain three bedrooms, two full bathrooms, and a laundry area.

As required by the Somerville Zoning Ordinance (SZO), six parking spaces (side by side, 8 feet by 16 feet in size), would be provided in a defined area on the right side of the property allowing ample room for each car to back out and exit from the site in a forward manner. Due to the proposed building being reduced in size, the six parking spaces are now all located behind the adjacent abutting dwelling. The existing curb cut at the site on Linden Avenue is 12 feet. While the curb cut will be widened to 14 feet, to provide for emergency vehicle and fire access to the property, the existing curb cut will need to be aligned with the existing driveway. The existing curb will be extended two feet on the left side of the driveway while the right curb will be reduced four feet, for a total opening of 14 feet. Only 14 feet of access will be necessary as the proposed building will have a sprinkler system. A new six foot high fence and heavy landscaping would be implemented in the area that separates the parking spaces from the right side property line. While some blue spruce, white pines, and a sugar maple tree will be removed from the site to make room for the new building, three new white pines will be planted along the right property line to help screen the proposed second principal structure. Other new landscaping at the site will include plantings, a rail fence, and concrete unit pavers in front of the main entrance to the proposed structure, as well as increased plantings between the parking area and the Linden Avenue streetscape.

As part of this overall project, the Applicant will also make some by right alterations to the existing single-family dwelling. A second story deck will be rebuilt on the right side which would be accessible from one of the bedrooms. One new window will also be added to the right rear first floor. On the interior, the second internal stairway would be removed to allow for a first floor renovation that will provide for a more open floor plan between the living room, dining room, and family room. On the second floor a study would be turned into a second full bathroom and closet space would be created for one of the existing bedrooms.



FINDINGS FOR SPECIAL PERMIT with SITE PLAN REVIEW (SZO §5.2 & §7.3):

In order to grant a Special Permit with Site Plan Review, the SPGA must make certain findings and determinations as outlined in §5.2.5 of the SZO. This section of the report goes through §5.2.5 in detail.

1. Information Supplied: The Board finds that the information provided by the Applicant conforms to the requirements of §5.2.3 of the SZO and allows for a comprehensive analysis of the project.
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 with site plan review.”

In considering a Special Permit with Site Plan Review under §7.2 of the SZO, the Board finds that the use proposed would not be substantially more detrimental to the neighborhood than the existing use. Additionally, the proposed second principal structure will meet all dimensional requirements of SZO §8.5.

3. Purpose of District: The Applicant has to ensure that the project “is consistent with the intent of the specific zoning district as specified in Article 6.”

The proposal is consistent with the purpose of the district (6.1.2. RB - Residence Districts), 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.” The property will remain residential, consistent with the surrounding area and, therefore, will not be more detrimental to the abutters or the surrounding neighborhood than the existing use of the property.

4. Site and Area Compatibility: The Applicant has to ensure that the project “is designed in a manner that is compatible with the existing natural features of the site and is compatible with the characteristics of the surrounding area, and that the scale, massing and detailing of buildings are compatible with those prevalent in the surrounding area.”

The proposed three unit residential use would be compatible with the surrounding residential uses of the existing neighborhood. The impact of having two additional residences in this location is anticipated to be minimal as there are a number of multi-unit properties in the surrounding area already. The left side of the subject property abuts a lot that contains two principal structures with a total of three dwellings units. Abutting the subject property on its right rear is a 27 unit condominium building that fronts onto Elm Street. Just two lots to the north are several three- and multi-family dwellings situated on Gilson Terrace and Linden Circle. To the right, across the street, and to the rear of the project site are single- and two-family dwellings. The remainder of the surrounding neighborhood is a combination of single-, two-, three-, and multi-family dwellings. The majority of these dwellings are between 2½ and 3 stories.

The design and location of the proposed second principal structure will help the new structure blend into the existing residential fabric of the neighborhood. The barn-like appearance of the proposed 2½ story building will suggest that the structure has always been accessory to the single-family dwelling at the front of the property. Additionally, the location of the new structure at the rear of the lot will suggest that it is secondary in nature to the existing historic dwelling. Many properties in Somerville, especially those with historic dwellings, often contain these types of secondary accessory outbuildings at the rear of the parcel and the proposed structure would fit into this context. The location of the second principal structure, as well as the design and proposed landscaping, will help prevent views of the Linden Avenue streetscape from being altered. The actual viewshed to the back of the property is much narrower than the entire 80 feet of property frontage, as views to the rear of the property are screened by the existing single-family home on the property, neighboring buildings, and the existing vegetation on and around the property. There will also be an approximately 40 foot deep landscaped buffer between the parking area and the streetscape. This will help screen views of the parked vehicles on the site; therefore, the parking area should not greatly impact views of the Linden Avenue streetscape either. The impact of additional residences in this location is anticipated to be minimal as there are a number of multi-unit properties in the surrounding area already. The property will remain



residential, consistent with the surrounding area and, therefore, will not be more detrimental to the abutters or the surrounding neighborhood than the existing use of the property.

5. Functional Design: The project must meet “accepted standards and criteria for the functional design of facilities, structures, and site construction.”

The site meets the accepted standards for a functional design. The design and location of the proposed second principal structure will assist the new building to blend into the existing residential fabric of the neighborhood. The barn-like appearance of the proposed building will suggest that the structure has always been an accessory structure for the single-family dwelling at the front of the property. Additionally, the location of the new structure at the rear of the lot will suggest that it is secondary in nature to the existing historic structure. Many properties in Somerville, especially those with historic dwellings, often contain these types of secondary accessory outbuildings at the rear of the parcel and the proposed structure would fit into this context. The location of the second principal structure, as well as the design and proposed landscaping, will help to prevent the Linden Avenue streetscape from being altered. While landscaping at the property will be decreased by 12%, the property will still maintain 50% landscaping at the site, which is far greater than most properties throughout the City.

The number of vehicles at the site will likely increase as a result of the project as the number of dwelling units at the property is being increased by three times the existing number. However, due to the property’s close proximity to the MBTA’s Porter Square Red Line Station (1/3 of a mile), it is anticipated this will help to reduce any potential traffic impacts that the project may create. The parking situation for the project is not anticipated to greatly impact the surrounding neighborhood either. The off-street parking spaces on the site are located side by side and provide ample room for a driver to back out and exit the site in a forward direction which results in a safer environment for both pedestrians and other motorists. The proposed 8 foot wide by 16 foot long parking spaces should not negatively impact parking or vehicle maneuvering at the site. In fact, the drive aisle, 22 feet wide, will actually be greater than the minimum 20 foot requirement in the SZO, and will be easier for cars to back out and exit the property in a forward manner. The new six foot fence and heavy landscaping along the right property line should help to reduce any sound, odor, and light impacts that the vehicles may have on neighboring properties. Furthermore, there will also be an approximately 40 foot deep landscape buffer between the parking area and the Linden Avenue streetscape. This will help to screen views of the vehicles on site and, therefore, the parking area should not greatly impact views of the Linden Avenue streetscape. The Applicant will need to confirm with the City Engineer that the drainage system is acceptable, as conditioned.

6. Impact on Public Systems: The project will “not create adverse impacts on the public services and facilities serving the development, such as the sanitary sewer system, the storm drainage system, the public water supply, the recreational system, the street system for vehicular traffic, and the sidewalks and footpaths for pedestrian traffic.”

The approval of the Special Permit with Site Plan Review shall be contingent upon the City Engineer’s determination that no adverse impacts on public systems will result from the development. The existing use at the site is a single-family residence, but an additional two units at the site would not appear to greatly impact the City’s sanitary sewer system. Planning Staff has proposed a condition that requires the Applicant to demonstrate that that the project is in compliance with the City’s stormwater policy. The number of vehicles at the site will likely increase as a result of the project as the number of dwelling units at the property is being increased by three times the existing number. However, due to the property’s close proximity to the MBTA’s Porter Square Red Line Station (1/3 of a mile), it is anticipated this will help to reduce any potential traffic impacts that the project may create. The parking situation for the project is not anticipated to greatly impact the surrounding neighborhood either. However, it should be noted that the existing curb cut at the site will be widened to 14 feet to provide for emergency vehicle and fire access to the property. By situating the second principal structure at the rear of the lot, near the left property line, all required off-street parking is located on-site, adjacent to the existing single-family dwelling. The spaces are located side by side and have ample room for a driver to back out and exit the site in a forward direction which results in a safer environment for both pedestrians and other motorists.



7. Environmental Impacts: The Applicant has to ensure that the project “will not create adverse environmental impacts, including those that may occur off the site, or such potential adverse impacts will be mitigated in connection with the proposed development, so that the development will be compatible with the surrounding area.”

Due to the residential nature of the proposed structure, minimal negative environmental impacts are foreseen as a direct result of this development. Landscaping at the site will be reduced from 62% to 50% but the project will still retain a large portion of the site for landscaping. In fact, 50% landscaping is far greater than most properties throughout the entire City. Additionally, supplemental landscaping will be added throughout the site including substantial new plantings, a rail fence, and concrete unit pavers in front of the main entrance to the proposed structure, as well as increased plantings between the parking area and the Linden Avenue streetscape. The new six foot fence and heavy landscaping along the right property line should help to reduce sound, odor, and light impacts that the vehicles may have on neighboring properties. There will also be an approximately 40 foot deep landscaped buffer between the parking area and the streetscape. This will help screen views of the parked vehicles on-site. The parking area should not greatly impact views of the Linden Avenue streetscape.

8. Consistency with Purposes: The Applicant has to ensure that the project "is consistent with (1) the purposes of this Ordinance, particularly those set forth in Article 1 and Article 5; and (2) the purposes, provisions, and specific objectives applicable to the requested special permit with site plan review which may be set forth elsewhere in this Ordinance, such as, but not limited to, those at the beginning of the various sections.”

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 provide for and maintain the uniquely integrated structure of uses in the City; to lessen congestion in the streets; to protect health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to conserve the value of land and buildings; to preserve the historical and architectural resources of the City; to adequately protect the natural environment; to encourage the most appropriate use of land throughout the City; and to encourage housing for persons of all income levels.”

The proposal is also consistent with the purpose of the district (6.1.2. RB - Residence Districts), 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.”

9. Preservation of Landform and Open Space: The Applicant has to ensure that “the existing land form is preserved in its natural state, insofar as practicable, by minimizing grading and the erosion or stripping of steep slopes, and by maintaining man-made features that enhance the land form, such as stone walls, with minimal alteration or disruption. In addition, all open spaces should be designed and planted to enhance the attractiveness of the neighborhood. Whenever possible, the development parcel should be laid out so that some of the landscaped areas are visible to the neighborhood.”

The existing land form of the lot will be maintained as the proposed structure at the rear of the lot will minimize the need for grading at the site. The second principal structure will contain basements for each unit. Other than the excavation for the basement, there will be minimal grade changes at the site. While landscaping at the property will be decreased by 12%, the property will still maintain 50% landscaping at the site, which is far greater than most properties throughout the City. The location of the second principal structure, as well as the design and proposed landscape, will help prevent the Linden Avenue streetscape from alterations. The actual viewshed to the back of the property is much narrower than the entire 80 feet of property frontage, as views to the rear of the property are screened by the existing single-family home on the property, neighboring buildings, and the existing vegetation on and around the property.

10. Relation of Buildings to Environment: The Applicant must ensure that “buildings are: 1) located harmoniously with the land form, vegetation and other natural features of the site; 2) compatible in scale, design and use with those buildings and designs which are visually related to the development site; 3) effectively located for



solar and wind orientation for energy conservation; and 4) advantageously located for views from the building while minimizing the intrusion on views from other buildings.”

The existing lot is quite large compared to most properties in the surrounding area. The largest impact of this proposal will be the change from a single dwelling unit property to a three dwelling unit property, which will lower the lot area per dwelling unit to 4,160 square feet per unit. However, the impact of having additional residences in this location is anticipated to be minimal as there are a number of multi-unit properties in the surrounding area already. The left side of the subject property abuts a lot that contains two principal structures with a total of three dwellings units. Abutting the subject property on its right rear is a 27 unit condominium building that fronts onto Elm Street. Just two lots to the north are several three- and multi-family dwellings situated on Gilson Terrace and Linden Circle. To the right, across the street, and to the rear of the project site are single- and two-family dwellings. The remainder of the surrounding neighborhood is a complete mixture of single-, two-, three-, and multi-family dwellings. The new principal structure would also increase the building footprint ground coverage from 21% to 33%, decrease the landscaped area from 62% to 50%, increase the property’s net floor area from 2,290 square feet to 6,190 square feet, and increase the Floor Area Ratio from 0.18 to 0.50. The rear yard setback of the property will also be reduced from 85 feet to 20 feet. However, it should be noted here that all of these figures meet the dimensional requirements of SZO §8.5.

The design and location of the proposed second principal structure will help the new building blend into the existing residential fabric of the neighborhood. The 2½ story, barn-like appearance of the proposed building will suggest that the structure has always been used as an accessory structure for the single-family dwelling at the front of the property. Additionally, the location of the new structure at the rear of the lot will suggest that it is secondary in nature to the existing historic structure. Many properties in Somerville, especially those with historic dwellings, often contain these types of secondary accessory outbuildings at the rear of the parcel and the proposed structure would fit into this context. The location of the second principal structure, as well as the design and proposed landscaping, will help prevent the Linden Avenue streetscape from being altered. The actual viewshed to the back of the property is much narrower than the entire 80 feet of property frontage, as views to the rear of the property are screened by the existing single-family home on the property, neighboring buildings, and the existing vegetation on and around the property. While landscaping at the property will be decreased by 12%, the property will still maintain 50% landscaping at the site, which is far greater than most properties throughout the City.

11. Stormwater Drainage: The Applicant must demonstrate that “special attention has been given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Storm water shall be removed from all roofs, canopies, and paved area, and routed through a well-engineered system designed with appropriate storm water management techniques. Skimming devices, oil, and grease traps, and similar facilities at the collection or discharge points for paved surface runoff should be used, to retain oils, greases, and particles. Surface water on all paved areas shall be collected and/or routed so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create puddles in the paved area. In larger developments, where practical, the routing of runoff through sheet flow, swales or other means increasing filtration and percolation is strongly encouraged, as is use of retention or detention ponds. In instances of below grade parking (such as garages) or low lying areas prone to flooding, installation of pumps or other devices to prevent backflow through drains or catch basins may be required.”

While additional review is required of drainage plans, any approval of the Special Permit with Site Plan Review should be conditional upon the City Engineer’s approval of such plans and determination that no adverse impact will result to the drainage system from the project’s design. Planning Staff is therefore proposing a condition that the Applicant be required to demonstrate that the project meets the current City of Somerville stormwater policy and that utility, grading, and drainage plans must be submitted to the Engineering Department for review and approval.

12. Historic or Architectural Significance: The project must be designed “with respect to Somerville’s heritage, any action detrimental to historic structures and their architectural elements shall be discouraged insofar as is practicable, whether those structures exist on the development parcel or on adjacent properties. If there is any removal, substantial alteration or other action detrimental to buildings of historic or architectural significance, these



should be minimized and new uses or the erection of new buildings should be compatible with the buildings or places of historic or architectural significance on the development parcel or on adjacent properties.”

Please see the attached documents from Preservation Planner Kristi Chase.

13. Enhancement of Appearance: The Applicant must demonstrate that “the natural character and appearance of the City is enhanced. Awareness of the existence of a development, particularly a non residential development or a higher density residential development, should be minimized by screening views of the development from nearby streets, residential neighborhoods of City property by the effective use of existing land forms, or alteration thereto, such as berms, and by existing vegetation or supplemental planting.”

The design and location of the proposed second principal structure will help the new building blend into the existing residential fabric of the neighborhood. The 2½ story, barn-like appearance of the proposed building will suggest that the structure has always been used as an accessory structure for the single-family dwelling at the front of the property. Additionally, the location of the new structure at the rear of the lot will suggest that it is secondary in nature to the existing historic structure. Many properties in Somerville, especially those with historic dwellings, often contain these types of secondary accessory outbuildings at the rear of the parcel and the proposed structure would fit into this context. The location of the second principal structure, as well as the design and proposed landscaping, will help prevent the Linden Avenue streetscape from being altered. The actual viewshed to the back of the property is much narrower than the entire 80 feet of property frontage, as views to the rear of the property are screened by the existing single-family home on the property, neighboring buildings, and the existing vegetation on and around the property.

A new six foot high fence and heavy landscaping would be implemented in the area that separates the parking spaces from the right side property line. While some blue spruce, white pines, and a sugar maple tree will be removed from the site to make room for the new building, three new white pines will be planted along the right property line to help screen the proposed second principal structure. Other new landscaping at the site will include plantings, a rail fence, and concrete unit pavers in front of the main entrance to the proposed structure, as well as increased plantings between the parking area and the Linden Avenue streetscape. The property will remain residential, consistent with the surrounding area and, therefore, will not be more detrimental to the abutters or the surrounding neighborhood than the existing use at the property.

14. Lighting: With respect to lighting, the Applicant must ensure that “all exterior spaces and interior public and semi-public spaces shall be adequately lit and designed as much as possible to allow for surveillance by neighbors and passersby.”

Lighting is not proposed as part of the new design; however, as lighting will likely be added near the front entry doors, the lighting shall be residential in nature and conditioned to not interfere with neighboring properties. Planning Staff is proposing a condition that, 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.

15. Emergency Access: The Applicant must ensure that “there is easy access to buildings, and the grounds adjoining them, for operations by fire, police, medical and other emergency personnel and equipment.”

Emergency vehicles will have access to the existing single-family building directly off of Linden Avenue through the front entrance. Emergency vehicles and personnel will also be able to reach the proposed rear structure by traveling into the parking area on the site. The existing curb cut at the property will be widened to 14 feet to accommodate for this. The 14 foot driveway will provide access to the proposed two rear units at the site, directly to their front doors.

16. Location of Access: The Applicant must ensure that “the location of intersections of access drives with the City arterial or collector streets minimizes traffic congestion.”



All vehicles entering or exit the site will do so in a forward manner from. By situating the second principal structure at the rear of the lot and pushing it towards the left property line, the required off-street parking is situated on-site, adjacent to the existing single-family dwelling. The spaces are located side by side and have ample room for a driver to back out and exit the site in a forward direction, which results in a safer environment for both pedestrians and other motorists. Linden Avenue is a two way street and this will provide the opportunity for motorists exiting the site to travel towards Elm Street or Summer Street, dividing, in half, the direction of traffic flow going to and from the site. Additionally, due to the close proximity of the MBTA's Porter Square Red Line Station (1/3 of a mile), this will help reduce any potential traffic impacts that the project may create.

17. Utility Service: The Applicant must ensure that "electric, telephone, cable TV and other such lines and equipment are placed underground from the source or connection, or are effectively screened from public view."

The Applicant is proposing to tie into the existing City services for electric, telephone, and cable. Any new lines would be placed underground from the source or connection in accordance with the SZO and the policies of the Superintendent of Lights and Lines.

18. Prevention of Adverse Impacts: The Applicant must demonstrate that "provisions have been made to prevent or minimize any detrimental effect on adjoining premises, and the general neighborhood, including, (1) minimizing any adverse impact from new hard surface ground cover, or machinery which emits heat, vapor, light or fumes; and (2) preventing adverse impacts to light, air and noise, wind and temperature levels in the immediate vicinity of the proposed development."

Minimal negative impacts are anticipated as a result of the proposed second principal structure and additional residential use. The design and location of the proposed second principal structure will help the new building blend into the existing residential fabric of the neighborhood. The barn-like appearance of the proposed 2½ story building will suggest that the structure has always been used as an accessory structure for the single-family dwelling at the front of the property. Additionally, the location of the new structure at the rear of the lot will suggest that it is secondary in nature to the existing historic structure. Many properties in Somerville, especially those with historic dwellings, often contain these types of secondary accessory outbuildings at the rear of the parcel and the proposed structure would fit into this context. The location of the second principal structure, as well as the design and proposed landscaping, will help prevent the Linden Avenue streetscape from being altered. The actual viewshed to the back of the property is much narrower than the entire 80 feet of property frontage, as views to the rear of the property are screened by the existing single-family home on the property, neighboring buildings, and the existing vegetation on and around the property. While landscaping at the property will be decreased by 12%, the property will still maintain 50% landscaping at the site, which is far greater than most properties throughout the City.

A new six foot high fence and heavy landscaping will also be implemented in the area that separates the parking spaces from the right side property line. The reduced size parking spaces will allow for the parking area to be pulled an additional two feet away from the abutting residential property on the right side. The new fence and landscaping along the right property line should help to reduce sound, odor, and light impacts that the vehicles may have on neighboring properties. Furthermore, there will also be an approximately 40 foot deep landscaped buffer between the parking area and the streetscape. This will help to screen the view of the parked vehicles on the site and therefore the parking area should not greatly impact the view along the Linden Avenue streetscape. Ultimately, the property will remain residential, consistent with the surrounding area and, therefore, will not be more detrimental to the abutters or the surrounding neighborhood than the existing use of the property.

19. Signage: The Applicant must ensure that "the size, location, design, color, texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall reflect the scale and character of the proposed buildings."

Due to the residential nature of the property and the proposed residential nature of the new rear building, signage is not anticipated at the site. Any signage in the future would have to conform to the sign standards for residential districts.



20. **Screening of Service Facilities:** The Applicant must ensure that “exposed transformers and other machinery, storage, service and truck loading areas, dumpsters, utility buildings, and similar structures shall be effectively screened by plantings or other screening methods so that they are not directly visible from either the proposed development or the surrounding properties.”

The Applicant has not indicated where or if a trash enclosure will be located on the site. There is a condition of approval that if trash and recycling bins are kept outside they shall be screened by fencing or vegetation that blocks any view of them. Much of the mechanical equipment for the proposed new second principal structure will be situated in the interior attic space or basement of the proposed structure. Planning Staff is also proposing a condition that if air conditioner compressors, transformers, or other external mechanical equipment needs to be located for the project, it will be screened with vegetation or fencing subject to Planning Staff sign off.

21. **Screening of Parking:** The Applicant must ensure that “the parking areas should be screened or partitioned off from the street by permanent structures except in the cases where the entrance to the parking area is directly off the street.”

All six of the proposed parking spaces will be located adjacent to the existing single-family structure and will be screened with vegetation. The new six foot fence and heavy landscaping along the right property line should help to reduce sound, odor, and light impacts that the vehicles may have on neighboring properties. The reduced size parking spaces will allow for the parking area to be pulled an additional two feet away from the abutting residential property on the right side, for a total of six feet between the parking area and the adjacent neighboring dwelling. Furthermore, there will also be an approximately 40 foot deep landscaped buffer between the parking area and the streetscape. This will help to screen the view of the parked vehicles on the site. Therefore, the parking area should not greatly impact views of the Linden Avenue streetscape.

FINDINGS FOR SPECIAL PERMIT (SZO §5.1 & §9.13.b)

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 Permit.

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 §9.13.b of the SZO, the Board finds that the modifications to the parking design standards to implement the 8 foot wide by 16 foot long parking spaces would not be substantially more detrimental to the neighborhood than the existing parking layout. The neighbors along the right side property line have expressed concerns about the parking area for the project being located in the front half of the lot and the sound, odor, and light impacts that the vehicles in this area may have on neighboring properties. To help address these concerns, the Applicant would like to provide an additional two feet of depth for the landscape buffer for the adjacent property owner on the right side of the project site and to move the parking back to further reduce light impacts. To do this, and to still be in compliance with the front yard parking requirements in an RB zone, it is necessary for the Applicant to only have parking spaces that are 16 feet deep. This would then make the actual drive aisle 22 feet wide, which is two feet greater than the minimum requirement in the SZO of 20 feet. This will still leave ample room for vehicles to maneuver at the site and the 16 foot deep parking spaces will still accommodate most, if not all, sizes of vehicles. If standard sized parking spaces were to be implemented in this parking area, the project would still be in compliance with the SZO, but the Applicant would not be able to create as deep of a vegetative buffer for the residential property along the right side property line.



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."

Please see Item 8 in Section II for the consistency with purposes finding which is the same for the Special Permit and the Special Permit with Site Plan Review.

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 is compatible with the characteristics of the surrounding residential neighborhood. In particular, the proposed drive aisle at the site is generally much larger than most parking areas in the City. Most residential parking areas do not have drive aisles that are 22 feet in width, but have aisles that are only 20 feet in width or even narrower. The proposed 8 foot wide by 16 foot deep parking spaces should still be able to accommodate most vehicle sizes. Additionally, the Traffic and Parking Department has reviewed the Updated Parking Memorandum that was submitted to Staff on January 16, 2013. The Traffic and Parking Department feels that this document demonstrates that the proposed parking layout which includes six, 8 foot wide by 16 foot deep parking spaces is a viable parking plan. The memorandum also indicates that providing compact sized parking spaces as opposed to the standard sized parking spaces does not increase the likelihood of any safety issues. Furthermore, by implementing the shorter parking spaces, this will allow the Applicant to increase the depth of the landscape buffer along right side property line.

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.

No adverse environmental impacts are anticipated from this project. No new noise, glare, smoke, vibration, nor emissions of noxious materials nor pollution of water ways or ground water nor transmission of signals that interfere with radio or television reception are anticipated as part of the proposal.

6. Vehicular and Pedestrian Circulation: The circulation patterns for motor vehicles and pedestrians which would result from the use or 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 traffic flow and parking situation for the proposed project are not anticipated to negatively impact the neighborhood. The Traffic and Parking Department has reviewed the Parking Memorandum that was submitted by the Applicant. The Traffic and Parking Department feels that this document demonstrates that the proposed parking layout which includes six, 8 foot wide by 16 foot deep parking spaces is a viable parking plan. The memorandum indicates that providing compact sized parking spaces as opposed to the standard sized parking spaces does not increase the likelihood of any safety issues at the property. Furthermore, due to the property's close proximity to the MBTA's Porter Square Red Line Station (1/3 of a mile), it is anticipated this will help to reduce any potential traffic impacts that the project may create by reducing vehicular trips to and from the site. Therefore, the traffic flow and parking situation for the project is not anticipated to greatly impact the surrounding neighborhood.



DECISION:

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Brandy Brooks and Josh Safdie with Danielle Evans and Elaine Severino absent. Upon making the above findings, Susan Fontano made a motion to approve the request for a Special Permit with Site Plan Review. Richard Rossetti seconded the motion. Wherefore the Zoning Board of Appeals voted **5-0** to **APPROVE** the request. Upon making the above findings, Susan Fontano made a motion to approve the request for a Special Permit. Richard Rossetti 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 to construct a second principal structure at the property under SZO §7.2 containing two additional dwelling units and to modify parking design standards under SZO §9.13.b. This approval is based upon the following application materials and the plans submitted by the Applicant: | BP/CO | ISD/Plng. | | | | | | | | | | | | | | | | | |
| | <table border="1"> <thead> <tr> <th data-bbox="245 821 565 848">Date (Stamp Date)</th> <th data-bbox="565 821 885 848">Submission</th> </tr> </thead> <tbody> <tr> <td data-bbox="245 848 565 953">(April 3, 2012)</td> <td data-bbox="565 848 885 953">Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td data-bbox="245 953 565 1050">March 14, 2012 (April 6, 2012)</td> <td data-bbox="565 953 885 1050">Plot Plan</td> </tr> <tr> <td data-bbox="245 1050 565 1150">March 15, 2012 (April 6, 2012)</td> <td data-bbox="565 1050 885 1150">Site Plan – Existing</td> </tr> <tr> <td data-bbox="245 1150 565 1251">April 1, 2013 (April 24, 2012)</td> <td data-bbox="565 1150 885 1251">Site Plan /Planting Plan</td> </tr> <tr> <td data-bbox="245 1251 565 1470">March 15, 2012 (April 6, 2012)</td> <td data-bbox="565 1251 885 1470">Unit 1 Floor Plans – Existing, Unit 1 Floor Plans – Proposed, Unit 1 Elevations – Existing, Unit 1 Elevations – Proposed, and Units 2 & 3 Elevations – Proposed</td> </tr> <tr> <td data-bbox="245 1470 565 1591">April 4, 2012 (September 26, 2013)</td> <td data-bbox="565 1470 885 1591">Units 2 & 3 Floor Plans and Elevations– Proposed (A-100, A-300, A-310, A-311, AV)</td> </tr> <tr> <td data-bbox="245 1591 565 1692">November 14, 2012 (November 20, 2012)</td> <td data-bbox="565 1591 885 1692">Cross-section at Southwest Property Line</td> </tr> </tbody> </table> | | | | Date (Stamp Date) | Submission | (April 3, 2012) | Initial application submitted to the City Clerk’s Office | March 14, 2012 (April 6, 2012) | Plot Plan | March 15, 2012 (April 6, 2012) | Site Plan – Existing | April 1, 2013 (April 24, 2012) | Site Plan /Planting Plan | March 15, 2012 (April 6, 2012) | Unit 1 Floor Plans – Existing, Unit 1 Floor Plans – Proposed, Unit 1 Elevations – Existing, Unit 1 Elevations – Proposed, and Units 2 & 3 Elevations – Proposed | April 4, 2012 (September 26, 2013) | Units 2 & 3 Floor Plans and Elevations– Proposed (A-100, A-300, A-310, A-311, AV) | November 14, 2012 (November 20, 2012) | Cross-section at Southwest Property Line |
| | Date (Stamp Date) | | | | Submission | | | | | | | | | | | | | | | |
| | (April 3, 2012) | | | | Initial application submitted to the City Clerk’s Office | | | | | | | | | | | | | | | |
| | March 14, 2012 (April 6, 2012) | | | | Plot Plan | | | | | | | | | | | | | | | |
| | March 15, 2012 (April 6, 2012) | | | | Site Plan – Existing | | | | | | | | | | | | | | | |
| | April 1, 2013 (April 24, 2012) | | | | Site Plan /Planting Plan | | | | | | | | | | | | | | | |
| | March 15, 2012 (April 6, 2012) | | | | Unit 1 Floor Plans – Existing, Unit 1 Floor Plans – Proposed, Unit 1 Elevations – Existing, Unit 1 Elevations – Proposed, and Units 2 & 3 Elevations – Proposed | | | | | | | | | | | | | | | |
| | April 4, 2012 (September 26, 2013) | | | | Units 2 & 3 Floor Plans and Elevations– Proposed (A-100, A-300, A-310, A-311, AV) | | | | | | | | | | | | | | | |
| November 14, 2012 (November 20, 2012) | Cross-section at Southwest Property Line | | | | | | | | | | | | | | | | | | | |
| Any changes to the approved use, site plans, or elevations that are not <i>de minimis</i> must receive SPGA approval. | | | | | | | | | | | | | | | | | | | | |



| | | | | |
|----|--|---------------------------|------------------|--|
| 2 | The Applicant will be required to demonstrate that the project meets 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 provide final material samples for siding, trim, windows, and doors for the proposed new structure to the Planning Staff for review and approval prior to construction. | BP | Plng. | |
| 4 | The Applicant/Owner is required receive a Certificate from the Historic Preservation Commission prior to the issuance of a Building Permit. | BP | Historic | |
| 5 | All construction materials and equipment must be stored on-site. 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 | |
| 6 | New 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 | |
| 7 | All fences at the property shall be in compliance with Section 10.7.1 of the SZO. Specifically, fences that are closer than four (4) feet to windows of a dwelling unit shall be at least seventy-five (75) percent open face. | CO | Plng. | |
| 8 | The Applicant or Owner shall meet the Fire Prevention Bureau's requirements. | CO | FP | |
| 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 | Any transformers, air conditioner compressors, or other external mechanical equipment shall be fully screened with vegetation or non-vegetative materials. | CO | Plng. | |
| 11 | The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the buildings 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. | Perpetual | ISD | |
| 12 | Vehicles exiting this property must exit in a forward direction. | Perpetual | T&P | |
| 13 | Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards. | Perpetual | Plng. / ISD | |
| 14 | If trash and/or recycling bins are kept outside they shall be screened by fencing or vegetation that blocks any view of them. | Perpetual | Plng. | |



| | | | | |
|----|---|----------------|-------|--|
| 15 | 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. | Perpetual | PIng. | |
| 16 | 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 | PIng. | |
| 17 | The portion of the curb that is removed to make a 14' curb cut at the subject property will be added to the curb cut at 15 Linden Ave so that the length of the street available for on-street parking does not change from the existing condition at the time of approval. | CO | PIng. | |



Attest, by the Zoning Board of Appeals:

Herbert Foster, *Chairman*
Orsola Susan Fontano, *Clerk*
Richard Rossetti
Brandy Brooks, (Alt.)
Josh Safdie (Alt.)

Attest, by the Administrative Assistant:

Dawn M. Pereira

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 _____

