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MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2014-19
Site: 40 Pitman Street
Date of Decision: October 1, 2014
Decision: Petition Approved with Conditions
Date Filed with City Clerk: October 7, 2014

ZBA DECISION

Applicant Name:	40 Pitman, LLC
Applicant Address:	116 W. Broadway, South Boston, MA 02127
Property Owner Name:	Caroline & Aaron Becker
Property Owner Address:	9356 Route 22, Hillsdale, NY 12529
Agent Name:	Richard G. DiGirolamo, Esq.
Agent Address:	424 Broadway, Somerville, MA 02145

Legal Notice: Applicant, 40 Pitman, LLC, and Owner Caroline & Aaron Becker, seek a Special Permit to establish 5 residential units per SZO §7.11.1.c and parking relief and parking design standards per SZO §9.13.

<u>Zoning District/Ward:</u>	BA zone/Ward 3
<u>Zoning Approval Sought:</u>	§7.11.1.c & §9.13
<u>Date of Application:</u>	March 6, 2014
<u>Date(s) of Public Hearing:</u>	5/7, 5/21, 6/4, 6/18, 7/16, 8/6, 8/20, 9/3, 9/17 & 10/1/14
<u>Date of Decision:</u>	October 1, 2014
<u>Vote:</u>	5-0

Appeal #ZBA 2014-19 was opened before the Zoning Board of Appeals at Somerville City Hall on May 7, 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 two hearings of deliberation, the Zoning Board of Appeals took a vote.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
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DESCRIPTION:

The proposal is to add 3 dwelling units to the lot for a total of 5 dwelling units. A large 2-story addition will be added to the home. The addition will be notched to allow for a driveway to the rear of the building. There will be 6 parking spaces on site, 3 of which will be garaged. The mansard roof will continue onto the addition. All units will be 2-bed units. Units 1 & 2 will have living area in the basement and first floor. Units 4 & 5 will have access to a roof deck. The only substantial landscaped area on the lot will be in the right sideyard.

FINDINGS FOR SPECIAL PERMIT (SZO §7.11.1.c & §9.13):

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."

To establish 5 residential units in a BA district a Special Permit is required. A Special Permit is also required per SZO §9.13 for relief of 2 parking spaces and compact spaces. Although a considerable amount of the site is currently paved, there is only space to have 3 parallel parked cars. Per §9.4.2, three additional units would require 4.5 spaces of parking plus the additional 3 spaces originally provided which equals 8 spaces. Eight spaces is also the requirement for 5, 2 bedrooms units. Only 6 spaces are being provided so 2 spaces of relief are required. The 4 perpendicular spaces on site are 8' x 16' when 9' x 18' is required.

In considering a special permit under §7.11.1.c of the SZO, the Board finds that the use proposed would not be substantially more detrimental to the neighborhood than the existing use. Staff has worked extensively with the applicant to design a project that fits within the context of the south side of Pitman Street.

The project does comply with the Special Permit district standards and guidelines for BA Zones. The project gives preference to locating on-site parking at the rear of the lot and provides some landscaping along the street edge. Due to neighbor concerns, the site plan has been adjusted to maintain an existing fence line at the rear of 10 Spring Street and provide a landscape buffer.

In considering a special permit under §9.13 of the SZO the Applicant has demonstrated 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.

The relief of two parking spaces is the minimal relief necessary to establish 5 residential units. There will be 1 space per unit. To decrease the impact of the 6th space in the midst of the landscape area, there are several conditions proposed as part of this report. The first is that the space be grasscrete or similar pavers to allow permeability and the option to use it as lawn if desired. The second is that the sixth space is not deeded to any unit and used for visitor parking only.



The driveway will be 8.5' wide in order to maintain an adequate landscape buffer. A condition of this report is that a sign shall be posted to notice people entering the site that vehicles exiting have the right of way.

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

The proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to promoting the health, safety, and welfare of the inhabitants of the City of Somerville; to provide for and maintain the uniquely integrated structure of uses in the City; to lessen congestion in the streets; to prevent the overcrowding of land; to preserve the historical and architectural resources of the City; and to encourage the most appropriate use of land throughout the City.

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 property is located in a BA zoning district that runs primarily along the northern side of Somerville Avenue from Union to Wilson Squares. This is one of the only areas that the BA district extends beyond the first parcel on Somerville Avenue. Immediately north of this property are RA and an RB zoning districts. There are a number of commercial uses in the area along Somerville Avenue, however, as one moves west on Somerville Avenue the neighborhood turns almost exclusively residential consisting of single-, two-, three-, and multi-family dwellings. For the most part, all of the structures in the area are between 2 and 3 stories. The property is only ¾ of a mile from the Porter Square Red Line Station making it a high quality location to allow residents to take advantage of the multiple modes of public transportation available in the city.

The BA zone that is applied to Pitman Street properties from Spring to Belmont Streets no longer applies. Over the last 10 years, as the market for residential units has increased, the commercial properties that were on Pitman Street during the last zoning overhaul in 1990 have been replaced with residential uses. However, the less restrictive lot area per dwelling unit, FAR, and setbacks of the BA district remains. Planning Staff has worked significantly with project team to design additional units that fit within the context of the south side of Pitman Street. The 2-story dwelling proposed matches the height of smaller homes on Pitman Street. Since the majority of the lot is impervious which is not typical of residential buildings, a condition of this report is that any driveway and maneuvering aisle be pervious pavers.

5. 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 circulation to and from the site will not change. In addition, Pitman Street is a private way. The street design, including the lack of sidewalks, will not change unless all properties abutting the street choose to engage in a redesign.

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

There are currently two residential units on site. The quality of units is unknown. This project will add 3 housing units into the current stock.

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.

<u>SomerVision Summary</u>	Existing	Proposed
Dwelling Units:	2	5
Parking Spaces:	3	6

DECISION:

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Danielle Evans and Elaine Severino with Josh Safdie and Brandy Brooks absent. 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 for Special Permit to establish 5 residential units per SZO §7.11.1.c and parking relief and parking design standards per SZO §9.13. 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>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>March 6, 2014</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>(September 2, 2014)</td> <td>Modified plans submitted to OSPCD (A-000, Z-02, Z-03, SHD, A-010, A-100, A-101, A-300, A-301, A-302, A-303)</td> </tr> <tr> <td>(September 11, 2014)</td> <td>Modified plans submitted to OSPCD (C-101)</td> </tr> <tr> <td>(September 24, 2014)</td> <td>Modified plans submitted to OSPCD (C-100)</td> </tr> <tr> <td>October 1, 2014</td> <td>Illustrative Landscape Plan</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	March 6, 2014	Initial application submitted to the City Clerk’s Office	(September 2, 2014)	Modified plans submitted to OSPCD (A-000, Z-02, Z-03, SHD, A-010, A-100, A-101, A-300, A-301, A-302, A-303)	(September 11, 2014)	Modified plans submitted to OSPCD (C-101)	(September 24, 2014)	Modified plans submitted to OSPCD (C-100)	October 1, 2014	Illustrative Landscape Plan
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October 1, 2014	Illustrative Landscape Plan															
Any changes to the approved (site plan, elevations, and use) that are not <i>de minimis</i> must receive SPGA approval.																
Pre-Construction																



2	The Applicant will be required to demonstrate that the updated project plans meet the current City of Somerville stormwater policy. Utility, grading, and drainage plans/reports must be submitted to the Engineering Department for review and approval.	BP	Eng.	
Construction Impacts				
3	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	
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	
Design				
5	Applicant shall provide final material samples for siding, trim, windows, and doors to Planning Staff for review and approval prior to construction.	BP	Plng.	
Site				
6	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD	
7	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	
8	Applicant will supply 2 U-Shaped bicycle racks on site.	CO	Plng.	
9	Parking space #6 shall be grasscrete or similar material.	CO	Plng.	
10	Parking space #6 shall not be deeded to any unit and used for visitor parking only.	CO	Plng.	
11	Snow plowed from the development shall be limited to the on-site storage area as shown in plan.	Cont.	ISD.	
Miscellaneous				
12	The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the building and all on-site amenities, including landscaping, fencing, lighting, parking areas and storm water systems, ensuring they are clean, well kept and in good and safe working order.	Cont.	ISD	
Public Safety				
13	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
14	Any transformers should be located as not to impact the landscaped area, and shall be fully screened.	Electrical permits & CO	Wiring Insp.	
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.	CO	Plng.	



Final Sign-Off				
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	Plng.	
17	A sign shall be posted to notice users entering the driveway that vehicles exiting have the right of way.	CO	Plng.	



Attest, by the Zoning Board of Appeals:

Herbert Foster, *Chairman*
Orsola Susan Fontano, *Clerk*
Richard Rossetti
Danielle Evans
Elaine Severino

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 _____

