



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2018-94
Date: October 3, 2018
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 595 Broadway

Applicant Name: 595 Broadway, LLC

Applicant Address: 275 Main Street #1, Charlestown, MA 02129

Property Owner Name: Wolff E. Berrouet

Property Owner Address: 595 Broadway, Somerville, MA 02145

Agent Name: Richard G. DiGirolamo, Esq.

Agent Address: 424 Broadway, Somerville, MA 02145

Alderman: Mark Niedergang

Legal Notice: Applicant, 595 Broadway, LLC, and Owner, Wolff E. Berrouet, seek a Special Permit with Site Plan Review per SZO §7.11.1.c to construct a new building with seven dwelling units (a portion of which will be located in the City of Medford) and a Special Permit per SZO §9.13 for parking relief. NB Zone. Ward 5.

Dates of Public Hearing: Zoning Board of Appeals – October 3, 2018

I. PROJECT DESCRIPTION

1. Subject Property: The subject site is located on the side of Broadway near the Cedar Street intersection. Approximately half of the subject site is located in the City of Medford. It total, the parcel is 7,000 square feet with 2,942 square feet within Somerville. The site contains a two-story single family dwelling that is situated to the west side of parcel.

2. Proposal: The proposal is to demolish the existing structure and construct a new seven-unit apartment building with ten underground/open-air parking spaces and an overhaul of the on-site landscaping.



3. Green Building Practices: The application states that the proposal will meet or exceed the 2015 stretch energy code.

4. Comments:

Historic Preservation: The Historic Preservation Commission (HPC) has determined that the existing structure is not historically or architecturally significant.

Ward Alderman: Alderman Niedergang has been informed of this proposal and has yet to comment as of the publication of this report.

II. FINDINGS FOR SPECIAL PERMIT with SITE PLAN REVIEW (SZO §7.11.1.c) and FINDINGS FOR SPECIAL PERMIT (SZO §9.13):

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 Staff 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.”*

Article 7: Permitted Uses

Section 7.11.1.c of the SZO requires multiple unit dwellings with seven or more units in the Neighborhood Business (NB) zoning district to obtain a Special Permit with Site Plan Review (SPSR).

Article 9: Off-Street Parking and Loading

	<i>Existing</i>		<i>Proposed</i>	
Unit #1	3 BR	1.5 spaces	1 BR	1.5 spaces
Unit #2	-	-	2 BR	1.5 spaces
Unit #3	-	-	2 BR	1.5 spaces
Unit #4	-	-	2 BR	1.5 spaces
Unit #5	-	-	2 BR	1.5 spaces
Unit #6	-	-	2 BR	1.5 spaces
Unit #7	-	-	2 BR	1.5 spaces
Total	2 spaces (rounded up from 1.5)		10.5 spaces	
			Plus one visitor space per six units	
			12 spaces (rounded up from 11.5)	

SZO §9.13 allows for sites with nonconforming parking to apply for a Special Permit to modify parking requirements if the total number of spaces is six or fewer. The locus will become nonconforming with respect to the number of required off-street parking spaces as 12 spaces are required and only 10 will be provided on the site. Relief is being requested from providing the additional two parking spaces.

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, and upon reaching the findings and determinations set forth in Section 5.1.4”. The Board finds that granting the requested Special Permit is consistent with the purposes of SZO §9.1 and will not cause detriment to increased traffic volumes, traffic congestion of queuing of vehicles, changes in the type of traffic, change in traffic patterns and access to the site, reduction in on-street parking, or unsafe conflicts of motor vehicles and pedestrian traffic.

6.1.4. NB - Neighborhood Business Districts.

Specific District Standards and Guidelines. All developments within the NB district that require a special permit with design review or special permit with site plan review should comply with the following guidelines to the highest degree practicable.

1. When a fourth floor is included, provide a minimum five (5) foot deep setback from the front lot line building wall, such as a balcony or deck, for the purpose of promoting a scale appropriate to surrounding neighborhoods.

The fourth floor provides a setback from the front lot line building wall of greater than five feet.

2. Give preference to locating on-site, off-street parking at the rear of the lot, behind the building or below street level, providing vehicular access from either a side street or alley where possible.

The proposed parking area is below street level and would also relocate an existing curb cut to provide vehicular access along the side of the lot. It is not possible to enter from a side street or alley.

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 NB district, which is, “to establish and preserve areas for small-scale retail stores, services and offices which are located in close proximity to residential areas and which do not have undesirable impacts on the surrounding neighborhoods.”

4. Site and Area Compatibility: *The Applicant has to ensure that the project “(i)s 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 the buildings are compatible with those prevalent in the surrounding area”.*

Surrounding Neighborhood: The subject property is located on the northern side of Broadway on the block between Alfred Street and Albion Street in Medford. This stretch of Broadway is located between Magoun Square and Teele Square. It includes a mix of uses that include residential, two gas stations, a convenience store, a plumbing contractor, and a Disabled American Veterans post.

Impacts of Proposal (Design and Compatibility):

Special Permit with Site Plan Review applications must meet the following design guidelines under SZO §5.2.4.

1. Maintain a strong building presence along the primary street edge, continuing the established streetwall across the front of the site so as to retain the streetscape continuity; however, yards and setbacks as required by Article 8 shall be maintained.

2. Differentiate building entrances from the rest of the primary street elevation, preferably by recessing the entry from the plane of the streetwall or by some other articulation of the elevation at the entrance.
3. Make use of the typical bay widths, rhythms and dimensions prevalent in buildings adjacent to the site, especially in new construction or substantial redevelopment.
4. Clearly define these bay widths, rhythms and dimensions, making them understandable through material patterns, articulations and modulations of the facades, mullion design and treatment, etc.
5. Provide roof types and slopes similar to those of existing buildings in the area.
6. Use materials and colors consistent with those dominant in the area or, in the case of a rehabilitation or addition, consistent with the architectural style and period of the existing building. Use of brick masonry is encouraged, but not considered mandatory.
7. When parking lots are provided between buildings, abutting the primary street and breaking the streetwall, provide a strong design element to continue the streetwall definition across the site, such as a low brick wall, iron works or railing, trees, etc.
8. Locate transformers, heating and cooling systems, antennae, and the like, so they are not visible from the street; this may be accomplished, for example, by placing them behind the building, within enclosures, behind screening, etc.
9. Sites and buildings should comply with any guidelines set forth in Article 6 of this Ordinance for the specific base or overlay zoning district(s) the site is located within.

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 acceptable standards for a functional design. The site is designed with ten parking spaces (more than one per residential unit) housed under the building. One of these spaces can be used as a handicapped space. Eight bicycle spaces are proposed underneath the building as well.

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 project is not anticipated to have any adverse impacts on the public services and/or facilities serving the development.

7. Environmental Impacts: *"The proposed use, structure or activity will not constitute an adverse impact on the surrounding area resulting from: 1) excessive noise, level of illumination, glare, dust, smoke, or vibration which are higher than levels now experienced from uses permitted in the surrounding area; 2) emission of noxious or hazardous materials or substances; 3) pollution of water ways or ground water; or 4) transmission of signals that interfere with radio or television reception."*

The proposed residential use will not adversely impact the environment. 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. Typical construction noise for a project this size can be expected. That said, from a noise perspective, the ZBA should note that the property is situated along the busy vehicular corridor of Broadway.

8. Consistency with Purposes: *"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 promote 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; to protect and promote a housing stock that can accommodate the diverse household sizes and life stages of Somerville residents at all income levels, paying particular attention to providing housing affordable to individuals and families with low and moderate incomes; and to preserve and increase the amenities of the municipality.

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 site currently contains one residential structure and includes a large gravel parking area off of the sidewalk. The parcel is flat and contains many trees. The site is proposed to decrease permeability and a landscaping. However, the proposal is designed to enhance the attractiveness of the site and the neighborhood.

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 structure is designed at a scale and with features that are indicative of the changing streetscape on Broadway. The surrounding area presents a range of building types, heights, sizes, and designs. As this section of the City undergoes change, this building, together with that at 695 Broadway, has the potential to set the rhythm for a transformative streetscape.

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 powered 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."*

As is typical of a project of this scale, it is conditioned that the Applicant is to their civil engineering plans to the City's Engineering Department for their review, comment, and sign-off.

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."*

The proposal includes the demolition of at least one building over 50 years of age. As noted earlier, the HPC did not find this structure to be architectural or historically significant.

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 existing building is to be demolished. The overall appearance of the site will improve as a result of the proposed development. Improvements will come in the form of well-designed residential units and landscaping.

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."*

It is conditioned that 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."*

The building is accessible from two locations in the front of the structure. The building is required to be sprinkled per building code.

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."*

The existing curb cut will be shifted over to the east to align with the proposed driveway down to the underground parking area.

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 required to present their electrical/utility plans to the Department of Public Works (DPW). It is conditioned that any new lines would be placed underground.

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 residential use. The site will be improved through new drainage systems, landscaping, and pervious material. Furthermore, there will not be machinery that emits heat, vapor, light or fumes beyond those of a typical residential building.

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.”*

The building is not anticipated to have any signage other than typical residential numerals indicating the address.

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.”*

Trash storage and an electrical service room will be located in the underground parking area.

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 parking will be located behind and under the building.

22. SomerVision Plan: *Complies with the applicable goals, policies and actions of the SomerVision plan, including the following, as appropriate: transform key opportunity areas and 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.*

<u>SomerVision Summary</u>	<u>Existing</u>	<u>Proposed</u>
<i>Dwelling Units:</i>	1	7
<i>Affordable Units:</i>	0	Payment equal to 0.6 units to the Affordable Housing Trust Fund
<i>Parking Spaces:</i>	3	10

23. Impact on Affordable Housing: *In conjunction with its decision to grant or deny a special permit for a structure of four or more units of housing, the SPGA shall make a finding and determination as to how implementation of the project would increase, decrease, or leave unchanged the number of units of rental and home ownership housing that are affordable to households with low or moderate incomes, as defined by HUD, for different sized households and units.*

In compliance with Article 13 of the SZO, the proposal will include a payment into the Somerville Affordably Housing Trust. equal to 0.6 units.

III. RECOMMENDATION

Special Permit with Site Plan Review under §7.11.1.c and Special Permit under §9.13

Based on the materials submitted by the Applicant, the above findings and subject to the following conditions, the Planning Staff recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT and SPECIAL PERMIT with SITE PLAN REVIEW**.

The recommendation is based upon a technical analysis by Planning Staff of the application material based upon the required findings of the Somerville Zoning Ordinance, and is based only upon information submitted prior to the public hearing. This report may be revised or updated with new recommendations, findings and/or conditions based upon additional information provided to the Planning Staff during the public hearing process.

#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	Approval is for the construction of a new seven unit dwelling. This approval is based upon the following application materials and the plans submitted by the Applicant:	CO / BP	ISD/Plng.							
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>July 3, 2018</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>September 25, 2018</td><td>Modified plans submitted to OSPCD (T1.1, plot plan, landscape plan, Z1.0, Z1.1, Z1.2, Z1.3, A0.0, A1.0, A1.1, A1.2, A1.3, A1.4, A2.1, A2.2, A2.3, A2.4, A3.1, and A4.1)</td></tr></table>				Date (Stamp Date)	Submission	July 3, 2018	Initial application submitted to the City Clerk’s Office	September 25, 2018	Modified plans submitted to OSPCD (T1.1, plot plan, landscape plan, Z1.0, Z1.1, Z1.2, Z1.3, A0.0, A1.0, A1.1, A1.2, A1.3, A1.4, A2.1, A2.2, A2.3, A2.4, A3.1, and A4.1)
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Any changes to the approved site plan or elevations/use that are not <i>de minimis</i> must receive SPGA approval.										
Affordable Housing										
2	Affordable Housing payments will be required to be paid to the Somerville Housing Trust Fund before a CO is issued.	CO	Housing							
Pre-Construction										
3	The Applicant must contact the Engineering Department to obtain a street address prior to a building permit being issued.	BP	Eng							
4	The Applicant shall complete the Site Plan Review Checklist and supply the information to the Engineering Office. The plans must comply with the City’s Stormwater Management Policy.	BP	Eng.							

5	The policy for new connections to and modifications to existing connections to the municipal sewer and drainage system stormwater management and infiltration/inflow mitigation. The Applicant shall work with Engineering to meet this condition and provide the required fees/mitigation.	CO	Eng.	
6	The Applicant shall submit a proposed drainage report, stamped by a registered PE in Massachusetts that demonstrates compliance with the City's stormwater policy.	BP	Eng.	
7	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	
8	The Applicant must contact the Engineering Department to coordinate the timeline for cutting or opening the street and/or sidewalk for utility connections or other construction. There is a moratorium on opening streets from November 1st to April 1st and there is a list of streets that have additional opening restrictions.	BP	Eng	
9	The Applicant shall conduct a survey of the structures of the abutting property owners prior to excavation of the site, and document their findings. These findings shall be submitted to the Planning Department as public record. The Applicant then shall survey any damage to the abutting property owner's houses after excavation and reimburse the property owners for any damages.	BP	ISD / Plng.	
Construction Impacts				
10	The applicant shall post the name and phone number of the general contractor at the site entrance where it is visible to people passing by.	During Construction	Plng.	
11	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	
12	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				
13	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				
14	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD	

15	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	
16	All new sidewalks will be installed by the Applicant in accordance with the specifications of the Department of Public Works. Specifically, all driveway aprons shall be concrete;	CO	Plng.	
17	The Applicant must coordinate with the Engineering Department of the Department of Public Works on relocating the curb cut.	CO	Eng. / Highway	
18	The Applicant must coordinate with the City Arborist on installing a new street tree in the place of the existing curb cut that is proposed to be relocated.	CO	City Arborist	
Miscellaneous				
19	Gas and electric meters shall not be on the front of the structure. Gas and electric meters may be located on the side of the structure but shall be screened from the street by a hardy, staff approved evergreen planting. Utilities shall not be located adjacent to windows and shall not impact any parking, landscaping, or egress. The provisions of this condition may be waived by staff if the applicant submits a letter from the utility, signed by a utility representative, on utility letterhead, indicating that there is no feasible alternative to placing meters in violation of this condition.	CO	ISD	
20	Electrical conduits on the exterior facades of buildings shall be painted to match the wall material to which they are attached. Conduits are not allowed on the front of any structure.	CO	Plng.	
21	Granting of the applied for use or alteration does not include the provision for short term rental uses, such as AirBnB, VRBO, or the like. Separate approvals are needed for the aforementioned uses.	Ongoing	ISD / Plng.	
22	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	
23	For developments with 7 or more residential units or commercial development, the Owner/Applicant is required to hire a private company to remove trash and recycling on a regular basis.	Cont.	ISD	
Public Safety				
24	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
25	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				

26	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.	
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