



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2017-118
Site: 54 Prescott St
Date of Decision: March 7, 2018
Decision: Petition Approved with Conditions
Date Filed with City Clerk: March 20, 2018

ZBA DECISION

Applicant Name: 54 Prescott Street. LLC
Applicant Address: 100 Trade Center, Suite G-700 & 802, Woburn, MA 01801
Owner Name: 54 Prescott, LLC
Owner Address: same as applicant
Alderman: Ben Ewen-Campen

Legal Notice: Applicant and Owner, 54 Prescott Street, LLC, seeks Special Permits under Section 7.11 of the SZO to increase the number of units from one to two, under Section 4.4.1 of the SZO to increase existing non-conformities, including increasing the FAR by more than 25%, and Article 9 of the SZO for parking relief. RA zone. Ward 3.

<u>Zoning District/Ward:</u>	RA zone. Ward 3.
<u>Zoning Approval Sought:</u>	§4.4.1, §7.11, §9.13
<u>Date of Application:</u>	October 30, 2017
<u>Date(s) of Public Hearing:</u>	2/14, 3/7
<u>Date of Decision:</u>	March 7, 2018
<u>Vote:</u>	4-0

Appeal #ZBA 2017-118 was opened before the Zoning Board of Appeals in the Aldermanic Chambers, City Hall, 93 Highland Avenue. 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.



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DESCRIPTION:

The Applicant's proposal includes the following:

- Raze the garage
- Improve the existing retaining walls along the driveway and rear of the property
- Construct a rear addition
 - roofline steps down from the roofline of the original, main structure
 - right elevation of the addition steps further in from the right side yard setback and steps in from the right rear plane of the existing structure
- Re-landscape the entire parcel
- Retain the existing, non-conforming parking
- Remove the rear portion of the driveway and installing landscaping in its place
- Increase the number of dwelling units on the property from one to two
- Install fencing along the right rear property line
- Increase the FAR by more than 25%
- Provide two on-site parking spaces
- Add second story front deck

The following items in the above proposal trigger the need for zoning relief in the form of special permits:

- Increasing the FAR by more than 25% (§4.4.1)
- Construct second story front deck (§4.4.1)
- Building an addition within the right side yard setback (§4.4.1)
- Increasing the number of units from one to two (§7.11)
- Parking relief for two (2) spaces (§9.13)

FINDINGS FOR SPECIAL PERMIT (§4.4.1, §7.11, §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."***SZO §4.4.1**

Section 4.4.1 states that "[l]awfully existing one-and two-family dwellings which are only used as residences, which are nonconforming with respect to dimensional requirements, may be



enlarged, extended, renovated or altered by special permit granted by the SPGA in accordance with the procedures of Article 5.”

Right side yard setback

The existing structure is non-conforming with regard to right side yard setback. The main portion of the original structure of the house rests 1.2 feet from the right property line at its shortest point in a zone where a minimum 8-foot side yard setback is required. The first floor front porch of the property rests 2.5 feet from the right property line.

The Applicant proposes constructing a rear addition that also rests within the right side yard setback. However, the applicant proposes pulling the right façade of this addition in from the existing non-conforming plane of the house so that the new addition rests five (5) feet from the right property line. This non-conformity will extend upward for two stories.

The Applicant also proposes removing the existing front porch and constructing a new porch that runs the length of the front façade of the structure. The Applicant also proposes constructing a new, second-story deck that matches the first floor porch in length, width and setbacks. As this affects the right side yard setback, both porches will complete to be flush with the right façade plane of the main house. This will place both the first story porch and the second story deck at 1.5 feet from the property line.

Without question, any addition of a story or more at the rear of 54 Prescott Street will be visible from the right abutting house that is located at the rear of its own property. That the house on the abutting property is located at the rear of their parcel is an unusual situation for Somerville, a City that sees the majority of its residential structures situated within close proximity to the public way (sidewalk) at the front of a property. The rear addition at 54 Prescott is proposed at two stories, ½ a story lower than the existing original structure. The Board finds that this proposal for the addition attempts to reduce some of the visual impact of the new massing at the rear of the structure while allowing for the Applicant to create a two-story addition as part of the living space for the second unit.

The Board finds that the Applicant’s proposal to step the proposed rear addition further away from the right property line allows for more green landscaped area to be installed in order to act as a buffer between the massing of the proposed addition and the abutting property. This green area will also provide quality outdoor space for future residents of 54 Prescott. The Board also finds that the fencing proposed for the right rear of the property will further help buffer the new addition from the abutting property.

Lastly, the Board finds that the Applicant’s request to replace the existing front porch with one whose length runs flush to the right façade of the main house is a proposal that only extends the porch length by one foot beyond where the current porch ends. The new porch would rest 1.5 feet from the property line. The Board finds that increasing the length of the porch by one foot will not be more injurious to the site or neighborhood than the current conditions. The Board finds that this first story porch, combined with the proposed second story deck of the same size, will provide future residents with additional

outdoor space of a type that is ubiquitous throughout Somerville and is part of the urban living culture of the City. The proposed porches are open, thus reducing the impact of their massing. These open porches provide a means of transition between the public space (sidewalk) and private space (building interior) while allowing for the possibility of interaction between residents and the passing public.

Front yard setback

The existing structure presents a non-conforming first floor front porch that rests 8' 2 ½" from the front property line in a zone where a minimum 10 foot front yard setback is required.

As noted in the section immediately above, the Applicant proposes removing the existing first story front porch and replacing it with a porch that runs along the front façade of the house. The Applicant proposes a second story deck to match. The proposal will maintain the same existing, non-conforming front yard setback of 8' 2 ½". The proposal does create an upward extension of this existing non-conformity.

The Board finds that constructing another first story porch and a new second story deck within the same front yard setback as the existing front porch will not create a situation that is more injurious to the site or neighborhood than existing conditions. The Board reiterates their finds from the previous sub-section ("Right side yard setback") here.

FAR

The existing FAR on the property is .39. With the proposed additions and renovations, the proposed FAR will increase to .64. Though this increase is more than 25%, the final FAR for the property is under the RA FAR limit of .75.

SZO §7.11

This section of the SZO presents the table of permitted uses per zoning district. In the RA zone, up to two dwelling units per property are allowed. However, in order for this maximum number of dwelling units to be allowed, the property must be able to provide the minimum lot area per dwelling unit (lot area per d.u.) required as set forth in §8.5 of the SZO. This portion of the report addresses those requirements as they pertain to the current proposal.

The property is currently permitted as a single-family residence. The RA zone allows for one-and two-family properties provided that the lot area per dwelling unit (lot area per d.u.) calculation is achieved.

In the RA zone, the minimum required lot area per d.u. is 2,250 square feet. As proposed, the lot area per d.u. will be 2,825 square feet, exceeding the minimum lot area per dwelling unit required in this zone.

SZO §9.13

This section of the SZO addresses parking requirements. This portion of the report addresses the parking requirements as they pertain to the current proposal.



As the City's parking requirements for residential uses are based on existing and proposed bedroom counts, this section of the report provides a table of existing and proposed conditions followed by the formula for determining the number of parking spaces required by this proposal.

Unit #	Bedrooms (Existing)	Parking Req.	Bedrooms (Proposed)	Parking Req.
1	5	2.0	3	2.0
2	n/a	n/a	4	2.0
Total:		2.0	Total:	4.0

Formula:

New parking requirement – Old parking requirement = # new spaces required

54 Prescott: $4.0 - 2.0 = 2.0$

Based on the information above, the Applicant is required to provide two parking spaces to accommodate the conditions of their proposal. The Applicant proposes two parking spaces on-site, one parking space for each dwelling unit. In addition to meeting the parking needs for the proposal, the ZBA will note that the Applicant has not included any amenity parking in their proposal. This is consistent with the ZBA's preference for not having project sites over-parked so that, instead, more lot area can be dedicated to pervious areas and quality landscaped green spaces.

3. 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 encourage the most appropriate use of land throughout the City; and to preserve and increase the amenities of the municipality.

The Board finds that the proposal is consistent with the purpose of the RA district, which is, "...to establish and preserve quiet neighborhoods of one- and two-family homes, free from other uses except those which are both compatible with and convenient to the residents of such districts."

4. Site and Area Compatibility: *The Applicant has to ensure that the project "(i)s designed in a manner that is compatible with the 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"*

54 Prescott Street is located in a neighborhood that is mixed with regard to human density, housing style, and building types. Large, multi-family structures are present within a couple of



parcels to the left, rear, and right of the subject property. Immediately to the right of 54 Prescott is a 1960 split-level while a school is sited three parcels to the left. Across the street from 54 Prescott are mostly gable-fronted two-and-three-family residential structures with lots that are largely black-topped over.

The Board finds that the proposed project will bring visual and usage upgrades to the property while retaining the street-facing, gable-fronted style of the original structure. The proposed changes to the parcel itself will remove a portion of blacktop, provide an upgrade to the landscaping and provide future residents of the structure with high-quality outdoor living space.

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

The proposal will not add to Somerville's existing affordable housing stock.

6. 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.*

The project will contribute to SomerVision metrics by adding one market-rate residential unit to Somerville's housing stock.

DECISION:

SPECIAL PERMIT (SZO §4.4.1, §7.11, §9.13)

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Elaine Severino, and Josh Safdie. Upon making the above findings, Richard Rossetti made a motion to approve the request for a **Special Permit**. Elaine Severino seconded the motion. Wherefore the Zoning Board of Appeals voted **4-0** to **APPROVE** the request. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes
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1	Approval is to raze the garage, increase the number of dwelling units from one to two, add a rear addition, first and second story front porches, increase the right non-conforming setback, front non-conforming setback, increase the FAR by more than 25%.	BP/CO	ISD/Plng.							
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>October 30, 2017</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>February 5, 2018</td><td>Updated plans submitted to OSPCD</td></tr></table>				Date (Stamp Date)	Submission	October 30, 2017	Initial application submitted to the City Clerk's Office	February 5, 2018	Updated plans submitted to OSPCD
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	October 30, 2017				Initial application submitted to the City Clerk's Office					
February 5, 2018	Updated plans submitted to OSPCD									
<u>Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval. Whether or not a change is <i>de minimis</i> in nature must be determined by the Planning Office.</u>										
Pre-Construction										
2	The Applicant shall be required to demonstrate that the project plans meet the current City of Somerville stormwater policy. Utility, grading, and drainage report and plans stamped by a registered PE in Massachusetts must be submitted to the Engineering Department for review and approval.	BP	Eng.							
3	The Applicant shall contact the Engineering Department to obtain formal street addresses for the now two-unit building.	BP	Eng							
4	The Applicant shall submit a proposed drainage plan, stamped by a registered PE in Massachusetts that demonstrates compliance with the City's storm water policy.	BP	Eng.							
5	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							
6	New sanitary connection flows over 2,000 GPD require a 4:1 removal of infiltration and/or inflow by the Applicant. This will be achieved by submitting a mitigation payment to the City based on the cost per gallon of I/I to be removed from the sewer system. The Applicant shall work with Engineering to meet this condition before a certificate of occupancy is issued.	CO	Eng.							
Design										
7	Applicant shall provide final material samples for siding, trim, windows, and doors to Planning Staff for review and approval prior to construction. No vinyl shall be used on this property.	BP	Plng./ISD							



8	The Applicant shall work with Staff on the type and articulation of exterior materials on the building envelope. Planning Staff shall have the final sign-off on all exterior materials used on this property including windows and doors.	BP	Plng/ISD	
Construction Impacts				
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	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	Approval is subject to the Applicant's and/or successor's right, title and interest in the property.	Cont.	Plng.	Deed submitted & application form signed
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	
13	<u>Construction shall occur from 7:30am – 5:00pm Monday-Friday ONLY. There shall be no construction or construction-related work allowed on the weekends or holidays.</u>	During Construction	ISD	
14	The Applicant shall ensure that all food waste associated with construction personnel be removed from the premises at the end of each work day.	During Construction	ISD	
Site				
15	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	
16	All landscaping materials, screening materials and materials used for parking/driveway areas shall first be reviewed and approved by Planning Staff prior to their installation and again prior to final sign-off.	BP/CO	Plng/ISD	
17	The Applicant shall provide Planning Staff with a final list of plantings and their locations for Staff's review and approval prior to the issuance of a Building Permit. <u>Preference shall be given to perennial species native to this area of Massachusetts. No arborvitae shall be used.</u>	BP	Plng/ISD	

18	Garbage and recycling locations shall be clearly indicated on site plans. Storage areas shall be inside of the structure or shall be fully screened from view from both the public way and abutters by an appropriate material reviewed and approved by staff. The location shall not impact any parking, landscaping, or egress.	BP	Plng/ISD	
19	Asphalt and cement shall not be used for any new driveways, turnabouts, sidewalks or the like. Pervious pavers, brick or pea stone shall be used. Planning Staff shall review and approve all such materials prior to the issuance of a building permit and prior to their installation.	BP	Plng/ISD	
20	Gas and electric meters shall not be located 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	Wiring-Electrical/ISD	
21	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	Wiring-Electrical/ISD	
22	All vents and piping shall be painted the color of the portion of the structure from which they protrude.			
Public Safety				
23	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
24	All exterior lighting shall be confined to the subject property, cast light downward and must not intrude, interfere or spill onto neighboring properties.	CO	Plng.	
25	All smoke detectors shall be hard-wired.	CO	Fire Prevention / ISD	
26	Per Somerville ordinance, grills, barbecues, chimineas and the like are NOT permitted on decks. This shall be written into any condo documents or rental agreements. Applicant shall provide proof to ISD/Fire Prevention that this condition has been written into said documents prior to issuance of CO.	CO/Perpetual	Fire Prevention / ISD	
Final Sign-Off				
27	The Applicant shall contact Planning Staff at least five working days in advance of a request for a final inspection by Inspectional Services to ensure the proposal was constructed in accordance with the plans and information submitted and the conditions attached to this approval.	Final sign off	Plng.	



Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chairman*
Richard Rossetti
Elaine Severino
Josh Safdie

Attest, by City Planner: _____

Sarah White

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 _____

