



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

GEORGE J. PROAKIS, AICP  
EXECUTIVE DIRECTOR

SARAH LEWIS  
PLANNING DIRECTOR

Case #: ZBA 2019-114-R1 12/19  
Date: April 30, 2020

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**UPDATED PLANNING STAFF REPORT**

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**Site:** 453 Somerville Avenue

**Applicant / Owner Name:** Jack Saade

**Applicant / Owner Address:** P.O. Box 15303, Boston, MA 02215

**City Councilor:** J.T Scott

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**I. PROJECT DESCRIPTION**

1. Subject Property: The subject property is a 4,912 square foot lot with a former automotive repair building on it near the corner of Somerville Avenue and Granite Street. The 1,300 gross square foot, single story, flat roofed masonry building is situated at the extreme rear of the lot. Between the building and the Somerville Avenue streetscape is a parking area with nine off-street parking spaces. The lot is actually situated in two separate zoning districts with the building being located in an RB zoning district and the parking area located in a BA zoning district.



In September 2012, the ZBA granted, to a different owner and applicant, a permit to change the use of the site into a butcher shop and alterations to the building to accommodate such a use.

2. Proposal: This case was denied by the ZBA in December 2019. The Applicant has appealed the case. The ZBA agreed to hear the case again based on new information, and through a court order, it is again being heard. The proposal has changed from the December 2019 denial. The proposal is to demolish the single-story masonry building in the rear of the site and construct a four-story mixed use building with ground floor retail space and five residential units. The proposed building will be constructed within the BA portion of the subject property. The project will include 5 parking spaces at grade. Three are under the building and two behind. The building has gotten smaller to negate the need for a rear yard variance. The retail space is 565 square feet.

**II. FINDINGS FOR SPECIAL PERMIT (SZO §7.11.1.c and §9):**

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 Staff 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."*

*Article 7: Table of Permitted Uses*

Section §7.11.1.c of the SZO requires a special permit for a five dwelling unit proposal in the BA district.

*Article 9: Off-street Parking and Loading*

The applicant is seeking parking relief for the number of spaces and space dimensions. The ground floor is intended to be office or retail uses, which most are currently permitted as-of-right less than 2,500 square feet in the BA zoning district.

	<b><i>Proposed</i></b>	
Unit #1	2 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	3 BR	2 spaces
Retail/Office	565 SF	1.3 spaces
<b>Total</b>	<b>9 spaces</b>	

The parking requirement is 9 spaces, 5 are proposed. The Applicant is seeking a special permit for relief of 4 parking spaces. The spaces proposed are also compact. They are 8'x18'.

SZO §9.13.b allows for sites where the design of a parking lot differs from the provisions of the SZO to apply for a special permit. Relief is being requested from providing the required 9'x18' dimensioned 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 Staff 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.

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 promote the health, safety, and welfare of the inhabitants of the City of Somerville; to encourage the most appropriate use of land throughout the City; and to preserve and increase the amenities of the municipality.

The proposal is consistent with the purpose of the BA district, which is, “to establish and preserve business areas bordering main thoroughfares that are attractive to a wide range of uses, including retail business and services, housing, government, professional and medical offices, and places of amusement. While it is anticipated that most users will arrive by motor vehicle, it is intended that the area should be safe for and conducive to pedestrian traffic.”

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."*

*Surrounding Neighborhood*: The subject property is located on the north side of Somerville Avenue on the block between Granite Street and School Street. This stretch of Somerville Avenue includes a wide range of building heights and styles. Three-story flat roofed buildings are immediately adjacent to the site on Somerville Avenue. The Applicant has used the design aesthetic similar to a recently approved project at building at 471 Somerville Avenue. Even with the design changes, and due to previous hearings, including April 15, 2020 about neighborhood context Staff has suggested several conditions in case the board chooses to act that, that when executed, will make the building more compatible with the surrounding area.

*Impacts of Proposal (Design and Compatibility)*: The proposed four story building includes a typical storefront glazing system with a driveway to at grade parking. Floors two and three include, for lack of a better word, bi-fold doors to open up to the similar to a deck or larger Juliet balcony. The top floor will be stepped back from the front and rear elevations to make decks. Staff finds that, as conditioned, the proposed design is compatible with the characteristics of the built and unbuilt surrounding area.

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

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.

<u>SomerVision Summary</u>	<u>Existing</u>	<u>Proposed</u>
<u>Dwelling Units:</u>	0	5
<u>Affordable Units:</u>	0	0
<u>Commercial Sq. Ft.:</u>	0	565
<u>Estimated Employment:</u>	0	Future tenant TBD

#### IV. RECOMMENDATION

##### Special Permit under §7.11.1.c and §9

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 PERMITS**.

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 four-story mixed use building with 5 residential units and ground floor retail. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/ Plng.							
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>(March 2, 2020)</td><td>Court Remand</td></tr><tr><td>April 29, 2020</td><td>Modified plans submitted to OSPCD (Cover Sheet, AG-001 Project Information, AG101 Zoning Notes, Plot Plan, Southeast View, Southwest View, Northeast Aerial Existing, Northeast Aerial View, Northwest Aerial Existing, Northwest Aerial View, Southeast Aerial View, Southwest Aerial View, AS001 Arch. Site Plan, AS011 Architectural Landscape Plan, AE101 First FP, AE102 Second FP, AE103 Third FP, AE104 Fourth FP, AE105 Roof Plan, AE211 Context Elevations, AE201 Somerville Ave Elev, AE202 East Side. Elev, AE203 Back Elev, AE204 West Elev)</td></tr></table>				Date (Stamp Date)	Submission	(March 2, 2020)	Court Remand	April 29, 2020	Modified plans submitted to OSPCD (Cover Sheet, AG-001 Project Information, AG101 Zoning Notes, Plot Plan, Southeast View, Southwest View, Northeast Aerial Existing, Northeast Aerial View, Northwest Aerial Existing, Northwest Aerial View, Southeast Aerial View, Southwest Aerial View, AS001 Arch. Site Plan, AS011 Architectural Landscape Plan, AE101 First FP, AE102 Second FP, AE103 Third FP, AE104 Fourth FP, AE105 Roof Plan, AE211 Context Elevations, AE201 Somerville Ave Elev, AE202 East Side. Elev, AE203 Back Elev, AE204 West Elev)
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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.										
<b>Pre-Construction</b>										
2	The Applicant must contact the Engineering Department to obtain a street address prior to a building permit being issued.	BP	Eng.							
3	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.							

4	<p>Because of the history of the site and the intended use, the Applicant shall, prior to issuance of any demolition permit and/or any building permit for the project, provide to the Planning Department and the Inspectional Services Division:</p> <p>a) a copy of the Response Action Outcome (RAO) Statement, signed by a Licensed Site Professional (LSP) and filed with DEP, verifying that a level of no significant risk for the proposed residential use has been achieved at the site; or</p> <p>b) if remediation has not reached the RAO stage, a statement signed by an LSP describing (i) the management of oil and hazardous materials/waste at the site, including release abatement measures intended to achieve a level of no significant risk for residential use at the site, treatment and storage on site, transportation off-site, and disposal at authorized facilities, (ii) a plan for protecting the health and safety of workers at the site, and (iii) a plan for monitoring air quality in the immediate neighborhood.</p>	Demolition Permit	Plng/ISD	
5	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.	
6	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	
7	The applicant must comply with 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.	BP	Eng.	
8	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	
<b>Construction Impacts</b>				
9	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.	
10	The Applicant shall at their 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	

11	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	
<b>Design</b>				
12	Applicant shall provide final material samples for siding, trim, windows, and doors to Planning Staff for review and approval prior to the issuance of a building permit. Particular attention should be made to first floor materials and materials abutting the lot line – they should be durable with a compressive strength of greater than 2,000 psi per individual unit. There shall be no exposed concrete foundation.	BP	Plng.	
13	The Applicant shall submit an updated plan set showing a sign band for the first floor.	BP	Plng.	
14	The Applicant shall submit an updated plan set showing a cornice line between the 3 <sup>rd</sup> and 4 <sup>th</sup> floors and storefront compliance with the new SZO Figure 4.1.11 (a) Storefront and Lobby Entrance Framing.	BP	Plng.	
15	The Applicant shall submit a detailed storefront elevation or similar diagram to demonstrate the differentiation between the residential and commercial entry.	BP	Plng.	
16	The Applicant shall redesign the facades of the building to better match the fenestration pattern of the adjacent buildings. With the exception of the storefront, there shall be no large areas of glazing. The Applicant shall consider alternative railings to glass or masking railings behind parapet walls.	BP	Plng.	
17	There shall be no signage or building identification placed above the second floor line of the building.	BP	Plng.	
18	The storefront shall have a stall riser.	BP	Plng.	
<b>Site</b>				
19	Applicant shall provide a landscape plan by a certified landscape architect for review and approval of Planning Staff. The Applicant shall consider permeable paving for areas not under the building.	BP	Plng.	
20	Landscaping shall be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD	
21	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	
22	All new sidewalks will be installed by the Applicant in accordance with the specifications of the Highway Superintendent. Specifically, all driveway aprons shall be concrete;	CO	Plng.	
23	The Applicant shall coordinate with the City Arborist on planting one additional street trees along the project's Somerville Avenue frontage.	CO	City Arborist	
24	If a transformer is required for the site and cannot be located behind the building it shall be vaulted.	BP	Plng	

<b>Miscellaneous</b>				
25	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	
26	All mechanical equipment shall be placed on the roof and screened	BP	Plng.	
27	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.	
28	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.	
29	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	
<b>Public Safety</b>				
30	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
31	Per Somerville fire safety regulations, grills, barbecues, chimineas and the like are NOT permitted on decks or porches.	Perpetual	FP/ISD	
32	Notification must be made, within the time period required under applicable regulations, to the Massachusetts Department of Environmental Protection (DEP) if there is any release of oil, hazardous materials, or regulated hazardous substances at the site. The City's OSE office, Fire Department and the Board of Health shall also be notified.	At time of release	OSE/FP/BOH	
33	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.	
<b>Final Sign-Off</b>				
34	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.	



