



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2015-04
Date: September 10, 2015
Recommendation: Conditional Approval

Update PLANNING STAFF REPORT**

Site: 13 Roberts Street

Applicant Name: Oak Hill Park, LLC - Fred Starikov
Applicant Address: 370 Chester Hill Ave, Brighton, MA 02135
Owner Name: Oak Hill Park, LLC - Fred Starikov
Owner Address: 370 Chester Hill Ave, Brighton, MA 02135
Agent Name: Richard G. Di Girolamo
Agent Address: 424 Broadway, Somerville, MA
Alderman: Mark Neidergang

Legal Notice: Applicant and Owner, Oak Hill Park, LLC - Fred Starikov, seek a Special Permit to alter a nonconforming three-family structure by adding an approx 1800 sf addition and to not provide 1 of the required parking spaces*. RB zone. Ward 5.

Dates of Public Hearing: June 24, 2015

* The special permit for the parking space is not required. The site was determined to be nonconforming with parking and 3 parking spaces will be provided, which meets the requirement.

**The site plan was update to address concerns regarding the driveway location which was raised by abutters at the neighborhood meeting and staff concerns about the amount of area devoted to cars. Additions to the July 18 staff report are underlined and deletions are ~~struck~~.

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a 2,907 square foot three-family house on a 4,892 square foot lot. Each unit has two bedrooms. There is a large side yard that is not well maintained. The property is at the corner of Roberts Street and Charles E Ryan Road. The end of Roberts Street is barricaded off to prevent cut through traffic. There is a curb cut on Charles E Ryan Road for this property



but there is a broken fence across the “driveway”. The existing parking situation is unclear but it appears as though there is no parking onsite.

13 Roberts Street: (top l) front of structure, (top r) rear of structure on Charles E Ryan Road, (bottom) condition at end of Charles E Ryan Road



2. Proposal: The proposal is to add a 1,827 square foot addition to the three-family house. The addition will create a wing to the triple decker. On the front of the new portion of the house will be a three-story porch. There are also 8 by 7 foot decks proposed on the rear one-story portion of the building. The windows on the left side of the houses are proposed to be relocated and the number increased; however, that may not be possible per building code. Each unit will have three bedrooms. There will be a curb cut off of ~~Roberts Street~~ Charles E. Ryan Road and three on-site parking spaces.

3. Green Building Practices: The proposed design will meet (required) or exceed the stretch code.

4. Comments:

Fire Prevention: The units must have hardwired smoke detectors. A sprinkler system may be required.

Traffic & Parking: ~~Has been contacted but has not yet provided comments.~~ Traffic and Parking has reviewed the proposal and the parking requirements are met.

Engineering: 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 must be submitted to the Engineering Department for review and approval.



Wiring Inspector: An exterior light and electrical receptacle is required for the first level of the porch and electrical receptacles are required for the upper levels of the porches.

Ward Alderman: Alderman Niedergang is aware of the proposal and has asked to learn of any comments submitted by neighbors to staff.

II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1):

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."*

The structure is currently nonconforming with respect to the following dimensional requirements: lot size, front yard setback, rear yard setback, left side yard setback, and number of parking spaces. The proposal will not increase or alter the nonconforming dimensions.

Section 4.4.1 states that “[l]awfully existing nonconforming structures other than one- and two-family dwellings may be enlarged, extended, renovated or altered only by special permit authorized by the SPGA in accordance with the procedures of Article 5. The SPGA must find that such extension, enlargement, renovation or alteration is not substantially more detrimental to the neighborhood than the existing nonconforming building. In making the finding that the enlargement, extension, renovation or alteration will not be substantially more detrimental, the SPGA may consider, without limitation, impacts upon the following: traffic volumes, traffic congestion, adequacy of municipal water supply and sewer capacity, noise, odor, scale, on-street parking, shading, visual effects and neighborhood character.”

In considering a special permit under §4.4 of the SZO, Staff find that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure as conditioned. The addition has been designed with setbacks that meet the requirements of the SZO and the ground coverage, landscaped area, pervious coverage and floor area ratio will continue to be conforming.

The existing parking requirement is 4.5 which rounds up to 5. There is a curb cut on Charles E Ryan Road but there is a broken fence across the “driveway” making the existing parking situation unclear; however, it does appear that there is currently no parking onsite. The parking requirement due to the increase in the number of bedrooms is 6. Per SZO §9.4, when the floor area of a structure that has nonconforming parking is expanded, the parking required by the new floor area shall be provided. The increase in floor area and number of bedroom increases the parking requirement by 1 and 3 spaces will be provided to meet the parking requirements for the addition.

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 providing for and maintaining the uniquely integrated structure of uses in the City and conserving the value of land and buildings.

The proposal is consistent with the purpose of the district, which is, “[t]o establish and preserve medium density neighborhoods of one-, two- and three-family homes, free from other uses except those which are both compatible with and convenient to the residents of such districts.”

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.”*

A side wing on a triple decker is not a typical condition in Somerville; however, this proposal has the potential to improve the existing property that has not been maintained for quite some time. The proposal will create 3-bedroom units to help satisfy the desire for more family-size units in the city. The proposal will have open front porches to create interaction with the street. There will be parking onsite for each unit to have one space. The parking spaces will be pervious pavers so that the proposal meets the pervious surface requirement and the space can act as a patio if not needed for a car. The appearance of the structure and yard will be improved and made safe from the current conditions. As part of this proposal to achieve this finding, a condition of approval is that the area between the property and Charles E Ryan Road shall be improved as well as the pedestrian path from Roberts Street to Charles E Ryan Road.

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

The units are not restricted as affordable units and even without the expansion of the building the owner could increase the cost of the units.

8. 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.*

This area is designated as an area to conserve. The addition will maintain the 3-family use of the property and the dimensions of the addition conform to the SZO.

<u>SomerVision Summary</u>	<i>Existing</i>	<i>Proposed</i>
<i>Dwelling Units:</i>	3	3
<i>Parking Spaces:</i>	0	3

III. RECOMMENDATION

Special Permit under §4.4.1

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**.

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 addition to the 3-family structure with 3 parking spaces. 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>December 29, 2014</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td><u>August 27, 2015</u></td> <td>Plans submitted to OSPCD (T-1 cover, Z-1-2 zoning compliance, A-1 first floor/site plan, A-2 proposed 2nd & 3rd fl plan, A-3-A-5 proposed elevations, E-1 existing floor plans, E-2-E-3 existing elevations)</td> </tr> <tr> <td>October 16, 2014</td> <td>Plans submitted to OSPCD (plot plan)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	December 29, 2014	Initial application submitted to the City Clerk's Office	<u>August 27, 2015</u>	Plans submitted to OSPCD (T-1 cover, Z-1-2 zoning compliance, A-1 first floor/site plan, A-2 proposed 2 nd & 3 rd fl plan, A-3-A-5 proposed elevations, E-1 existing floor plans, E-2-E-3 existing elevations)	October 16, 2014	Plans submitted to OSPCD (plot plan)
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Any changes to the approved site plan or elevations 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 must be submitted to the Engineering Department for review and approval.	BP	Eng.									
3	A licensed asbestos removal contractor is required to appropriately handle the material as required by the Heath Division of Inspectional Services with notification to this Division.	BP	ISD									
Construction Impacts												

4	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.	
5	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	
6	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				
7	The façade materials of the existing and proposed portions of the structure shall be wood and fiber cement as is referenced on sheet A-3 of the plans.	BP	Plng.	
8	The porches must never be enclosed.	Perpetual	Plng/ISD	
9	The Architect must prove to Inspectional Services that the Building Code allows for the proposed window alterations on the left side of the house.	BP	ISD	
10	An exterior light and electrical receptacle is required for the first level of the porch and an electrical receptacle is required for the upper levels of the porches.	Final sign off	Wiring Inspector	
Site				
11	A landscape plan for the site shall be submitted to Planning Staff for review and approval. The landscape plan shall a minimum of two trees of at least a 3 inch caliper as is required under SZO §10.3 & 10.6.	BP	Plng.	
12	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards.	Perpetual	Plng. / ISD	
13	A landscape plan to improve the land between the subject property and Charles E Ryan Road and improve the condition of the pedestrian path from Roberts Street to Charles E Ryan Road shall be submitted to Planning Staff for review and approval. Once approved, the applicant shall conduct this work. If the abutters to the private ways do not approve of the work, the Applicant shall provide proof of this to Planning Staff and the condition as it relates to that street will be void.	CO	Plng.	
14	The parking spaces must be made of pavers with spacing that allows them to be pervious.	CO	Plng.	
Miscellaneous				
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	The curb cut on Charles E Ryan Road must be closed.	CO	Plng.	

16	<u>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.</u>	BP	Eng.	
Public Safety				
17	The units must have hardwired smoke detectors. A sprinkler system may be required.	CO	FP	
Final Sign-Off				
18	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.	

