



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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CHARLOTTE LEIS, *PLANNING INTERN*

**Case #:** ZBA 2018-155  
**Date:** November 28, 2018  
**Recommendation:** Conditional Approval

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**PLANNING STAFF REPORT**

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**Site:** 134-136 Oxford Street

**Applicant / Owner Name:** Oxford Real Estate Group, LLC  
**Applicant / Owner Address:** 25 Edge Hill Road, Chestnut Hill, MA 02467  
**Agent Name:** Sarah Like Rhatigan, Esq.  
**Agent Address:** Trilogy Law LLC, 12 Marshall Street, Boston, MA 02108  
**Alderman:** J.T. Scott

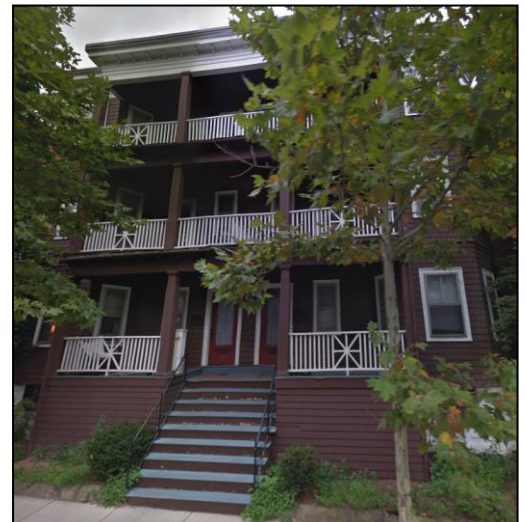
Legal Notice: Applicant / Owner, Oxford Real Estate Group, LLC, seeks a special permit per SZO §4.4.1 to alter a nonconforming structure by enclosing rear porches. BA Zone. Ward 2.

Dates of Public Hearing: Zoning Board of Appeals – November 28, 2018

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**I. PROJECT DESCRIPTION**

1. Subject Property: The subject property consists of one parcel totaling 4,949 square feet of land area and contains one six-unit dwelling structure. Approximately half of the subject property is located in Cambridge.
2. Proposal: The proposal is to enclose the rear porches.
3. Green Building Practices: The application states that the applicant will endeavor to work with contractor to incorporate green building porches if feasible.
4. Comments:



*Ward Alderman:* Alderman Scott has been informed of this proposal and has indicated to Planning Staff that he has no objections.

## **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 dimensional requirement for lot area per dwelling unit, which will be impacted by the proposal. This alteration to a nonconforming structure requires the Applicant to obtain special permits under §4.4.1 of the Somerville Zoning Ordinance (SZO) because it is a three-family structure.

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 finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The proposal has been designed with setbacks that minimally impact the neighbors and the requirements for lot area, ground coverage, landscaped area, pervious area, floor area ratio (FAR), building height, front yard setback, left, and right side yard setbacks will continue to be conforming to the requirements of the SZO.

### **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 protect health; to secure safety from fire, panic and other dangers; to conserve the value of land and buildings; to adequately protect the natural environment; 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 building fronts Oxford Street in Cambridge. The neighborhood contains a mix of residential and commercial uses.

*Impacts of Proposal (Design and Compatibility)*: The top portion of the structure’s rear elevation is partly visible from Beacon Street. The proposal is not anticipated to have a negative impact on the built or unbuilt surroundings of the area.

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

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.*

**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
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1	Approval is for the enclosure of rear porches. 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>October 23, 2018</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>October 15, 2018</td> <td>Plans submitted to OSPCD</td> </tr> <tr> <td>August 24, 2018</td> <td>Plot Plan</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	October 23, 2018	Initial application submitted to the City Clerk's Office	October 15, 2018	Plans submitted to OSPCD	August 24, 2018	Plot Plan
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Any changes to the approved plans that are not <i>de minimis</i> must receive SPGA approval.												
<b>Construction Impacts</b>												
2	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.									
<b>Design</b>												
3	The materials of the enclosed porch must match those of the existing structure.	CO	Plng.									
<b>Miscellaneous</b>												
4	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>												
5	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP									
6	Per Somerville fire safety regulations, grills, barbecues, chimineas and the like are NOT permitted on decks or porches.	Perpetual	FP/ISD									
<b>Final Sign-Off</b>												
7	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.									

