



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

MICHAEL F. GLAVIN  
EXECUTIVE DIRECTOR

**PLANNING DIVISION STAFF**

GEORGE PROAKIS, *DIRECTOR OF PLANNING*  
SARAH LEWIS, *SENIOR PLANNER*  
SARAH WHITE, *PLANNER/PRESERVATION PLANNER*  
DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*

**Case #:** ZBA 2016-107

**Date:** 10-19-2016

**Recommendation:** Conditional Approval

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**PLANNING STAFF REPORT**

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**Site:** 19 Windom St  
**Applicant Name:** 19 Windom LLC  
**Applicant Address:** 741 Broadway, Somerville MA  
**Owner Name:** 19 Windom LLC  
**Owner Address:** 741 Broadway, Somerville MA  
**Agent Name:** Sean O'Donovan  
**Agent Address:** 741 Broadway, Somerville MA  
**Alderman:** Lance Davis

**Legal Notice:** 19 Windom Street: (Case #ZBA 2016-107) Applicant and owner, 19 Windom Street LLC, seeks to add additional living space in the basement of a two family structure under SZO §4.4.1. and add a three story deck within side setbacks. RA zone Ward 6.

Dates of Public Hearing: 10-19-2016

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**I. PROJECT DESCRIPTION**

1. **Subject Property:** Property is an approximately 3096 lot in the RA zone with a 2.5 Story two family home containing approximately 2897 of net floor area. A potentially illegally finished basement was removed in the summer of 2016
2. **Proposal:** The applicants propose to redo the basement and add approximately 1,000sf of living space. The use as shown in plan will be 4 bedrooms. Applicants also propose to add a three level deck to the rear of the house which is within the setbacks. Parking requirements will not change.
3. **Green Building Practices:** N/A



4. Comments:

*Fire Prevention:* None

*Traffic & Parking:* None

*Wiring Inspection:* None

*Lights and Lines:* None

*Engineering:* None

*Historic Preservation:* None

*Ward Alderman:* None

**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.

Information supplied is sufficient to make a full zoning review.

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 maximum allowed FAR for this lot is 2322sf of finished living space. As the structure currently has 3867 of finished living space it is nonconforming pursuant to SZO 8.5. Under SZO 4.4.1 nonconforming structures may be altered with a special permit.

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 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 facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; 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.*

The proposed project conforms with the purpose of the RA zoning. The rear deck will be minimally seen from the public way and does not go beyond the current side envelope of the house.

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."*

The surrounding neighborhood consists of single and multi0-famili dwellings in 2.5 story structures. The proposed work requiring a special permit in the basement of the structure and will not impact the surrounding neighborhood, and is generally in keeping with the character of the existing structures. Many near-by structures have decks, however not many have 3-story decks.

6. Vehicular and pedestrian circulation: *There should be no change to current vehicular traffic.*

7. Fast food establishments: *N/A*

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

9. 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.*

No Impacts to Affordable Housing.

### **III. RECOMMENDATION**

#### **Special Permit under §4.4.1 and 8.5**

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.

(Updated Recommendations for 10.19.2016 meeting)

#	Condition	Timeframe for Compliance	Verified (initial)	Notes								
	This approval is based upon the following application materials and the plans submitted by the Applicant: <table border="1" style="width: 100%; margin-top: 10px;"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>9.1.16</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>8.18.16</td> <td>Modified plans submitted to OSPCD (page numbers)</td> </tr> <tr> <td>8.8.16</td> <td>Modified plans submitted to OSPCD (page numbers)</td> </tr> </tbody> </table> Any changes to the approved plans that are not <i>de minimis</i> must receive SPGA approval.	Date (Stamp Date)	Submission	9.1.16	Initial application submitted to the City Clerk's Office	8.18.16	Modified plans submitted to OSPCD (page numbers)	8.8.16	Modified plans submitted to OSPCD (page numbers)	BP/CO	ISD/Plng.	
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1	Final material samples shall be provided prior to permitting	BP	ISD									
2	The basement shall not be used as a residence unless zoning changes	CO/Cont	ISD/Plng.									
3	There shall not be a bedroom in the basement											
4	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP									
5	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>Final Sign-Off</b>												
	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.									