



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

Case #: ZBA 2018-176  
Date: ~~March 6, 2019~~ April 17, 2019  
Recommendation: Conditional approval

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**UPDATED PLANNING STAFF REPORT**

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**Site:** 34 Heath Street

**Applicant Name:** Fushuang Liu  
**Applicant Address:** 73 Trowbridge Street, Belmont, MA 02478  
**Owner Name:** Boston Majordomo LLC  
**Owner Address:** 73 Trowbridge Street, Belmont, MA 02478  
**City Councilor:** Jesse Clingan

*This staff report has been updated. Items which no longer apply have been ~~struck~~ and updated information has been highlighted in yellow.*

Legal Notice: Applicant, Fushuang Liu, and Owner, Boston Majordomo LLC, seek a special permit under SZO §4.4.1 to alter a nonconforming structure to construct a three-story addition and decks in the rear of the structure. RB Zone. Ward 4.

Dates of Public Hearing: Zoning Board of Appeals – ~~March 6, 2019~~ April 17, 2019

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**I. PROJECT DESCRIPTION**

- Subject Property: The subject property contains one parcel totaling 10,400 square feet. It consists of a six dwelling unit flat-roofed triple-decker. Each floor contains two dwelling units each with two bedrooms.
- Proposal: The proposal is to construct a rear three story addition that will add one bedroom to each of the six units. The proposal also includes creating a six-car driveway and a three-story rear deck.
- Green Building Practices:



#### 4. Comments:

~~City Councilor: Councilor Clingan has been informed of this proposal and has yet to comment as of the publication of this report.~~ Councilor Clingan conducted a neighborhood meeting. Those who attended the meeting recommended the following, making the entire driveway permeable, including native plantings in the front yard landscaping, plant another street tree if the existing street tree has to be removed due to the proposed curb cut, and include a fence along the left property line. Since the neighborhood meeting the plans have been revised to show an entirely permeable driveway, native plantings (hydrangea and American elm) in the front yard, it is conditioned that if the street tree has to be moved for the curb cut that two new additional street trees are planted, and a fence along the left property line.

## 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."*

#### *Article 4: Nonconforming Uses and Structures*

The structure is currently nonconforming with respect to the following dimensional requirements: number of dwelling units, front yard setback, and right side yard setback.

The proposal will only impact the nonconforming dimension of the right side yard setback. The current dimension is 6.5 feet where 10 feet is required for a triple-decker in the RB district. The proposal is to construct a rear addition that will be set back from the main body of the building. The proposed addition will have a 7.3 foot right side yard setback. This alteration to a nonconforming structure requires the Applicant to obtain special permits under §4.4.1 of the Somerville Zoning Ordinance (SZO).

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 would allow for an addition to a structure that is already on a large lot. It will extend an existing nonconformity in a manner that is less nonconforming than the existing structure. The proposal has been designed with setbacks that minimally impact the neighbors and the requirements for lot area, lot area per dwelling unit, ground coverage, landscaped area, pervious area, floor area ratio (FAR), building height, rear yard

setback, left side yard setback, and street frontage will continue to be conforming to the requirements of the SZO.

*Article 9: Off-Street Parking and Loading*

	<i>Existing</i>		<i>Proposed</i>	
Unit #1	2 BR	1.5 spaces	3 BR	2 spaces
Unit #2	2 BR	1.5 spaces	3 BR	2 spaces
Unit #3	2 BR	1.5 spaces	3 BR	2 spaces
Unit #4	2 BR	1.5 spaces	3 BR	2 spaces
Unit #5	2 BR	1.5 spaces	3 BR	2 spaces
Unit #6	2 BR	1.5 spaces	3 BR	2 spaces
<b>Total</b>	<b>9 spaces</b>		<b>12 spaces</b>	

The site currently provides no parking spaces for the six-unit dwelling. Therefore, the site is nonconforming with respect to the number of required off-street parking spaces. The SZO 9.4.2 only requires a proposal to provide the number of required spaces for what is being added to the site. The proposal is to add a bedroom to each of the dwelling units, which will increase the number of required parking spaces by three. The proposal is to provide six additional spaces on the site rather than the three additional spaces required. **Therefore, parking relief is not required for this proposal.**

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 conserve the value of land and buildings; 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 district, which is, "to 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."*

*Surrounding Neighborhood:* The subject property is located on the south side of Heath Street on the block between Fenwick Street and Temple Street. The surrounding area is comprised of 2.5 story structures and other triple deckers.

*Impacts of Proposal (Design and Compatibility):* The proposed addition will be located in the rear of the structure and will be smaller in massing than the existing structure. The siding on the proposed addition will use vertical siding to differentiate the existing building from the addition.

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												
1	Approval is for the construction of a rear addition. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/PIng													
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>December 6, 2018</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>November 23, 2018 (April 9, 2019)</td> <td>Plans submitted to OSPCD (X1-X4, A1-A4, and C1-C2)</td> </tr> <tr> <td>October 23, 2018 (April 9, 2019)</td> <td>Plot Plan</td> </tr> <tr> <td>February 1, 2019 (April 9, 2019)</td> <td>Plans submitted to OSPCD (R1-R2)</td> </tr> <tr> <td>April 2, 2019 (April 9, 2019)</td> <td>Plans submitted to OSPCD (L1)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	December 6, 2018	Initial application submitted to the City Clerk’s Office	November 23, 2018 (April 9, 2019)	Plans submitted to OSPCD (X1-X4, A1-A4, and C1-C2)	October 23, 2018 (April 9, 2019)	Plot Plan	February 1, 2019 (April 9, 2019)	Plans submitted to OSPCD (R1-R2)	April 2, 2019 (April 9, 2019)	Plans submitted to OSPCD (L1)
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Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.																
<b>Pre-Construction</b>																
2	The Applicant must submit a proposed drainage report, stamped by a registered PE in Massachusetts that demonstrates compliance with the City’s stormwater policy.	BP	Eng.													
3	The Applicant must contact the Engineering Department to obtain a curb cut permit.	BP	Eng													
4	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.													

<b>Construction Impacts</b>				
5	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.	
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	
7	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	
8	If municipal street trees need to be removed in order to construct the proposed driveway, the Applicant must coordinate the planting of two new public street trees near the site with the City Arborist.	CO	City Arborist	
9	For the convenience of and respect for the neighborhood, during the construction phase, construction work shall not begin prior to 7:30am and shall finish no later than 5pm Monday through Friday. There shall be no construction or construction-related work performed on weekends or holidays.	During Construction	ISD	
<b>Design</b>				
10	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.	BP	Plng.	
11	The angled trim that currently exists on the structure may not be replicated on the proposed addition. The applicant must submit an updated plan showing the trim removed prior to the issuance of a building permit.	BP	Plng.	
<b>Site</b>				
12	Landscaping shall be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD	
13	The entirety of the proposed driveway shall be permeable pavers.	Perpetual	Plng. / ISD	
<b>Miscellaneous</b>				
14	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.	
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	
<b>Public Safety</b>				
16	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	

17	Per Somerville fire safety regulations, grills, barbecues, chimineas and the like are NOT permitted on decks or porches.	Perpetual	FP/ISD	
18	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>				
19	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.	

