



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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ALEX MELLO, *PLANNER*

**Case #:** ZBA 2018-65-R1-10/19  
**Date:** November 6, 2019  
**Recommendation:** Conditional approval

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**PLANNING STAFF REPORT**

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**Site:** 41 Myrtle Street

**Applicant Name:** JC Mercer Development  
**Applicant Address:** 4 Sharon Street, Tewksbury, MA 01876  
**Owner Name:** 41 Myrtle Street Realty Trust  
**Owner Address:** 76 State Street, Newburyport, MA 01950  
**Agent Name:** Sean T. O'Donovan, Esq.  
**Agent Address:** 741 Broadway, Somerville, MA 02144  
**City Councilor:** Matthew McLaughlin

Legal Notice: Applicant, JC Mercer Development, and Owner, 41 Myrtle Street Realty Trust, seek a revision under SZO §5.3.8 to revise a previously approved special permit by altering the site plan. A special permit under SZO §9.13 is also required to modify parking design standards. RB Zone. Ward 1.

Dates of Public Hearing: Zoning Board of Appeals – November 6, 2019

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**I. PROJECT DESCRIPTION**

1. Subject Property: The subject property contains one parcel of 5,244 square feet. In June 2018, the ZBA approved a 2.5 story addition to the left of the existing structure to create one additional dwelling unit on the site. The proposal also included alterations to the façade and roof of the existing portion of the structure as well as constructing a new three-car garage in the rear of the site.



2. Proposal: The request is to accept revisions to the previously approved site plan. There were surveying mistakes made in the field during construction that

resulted in an enlarged rear deck and the rear garage being built further away from the rear lot line. The Applicant also installed fewer permeable pavers in the driveway than what was approved.

3. Green Building Practices: The application states that the project will comply with the minimum energy code requirements.

4. Comments:

*City Councilor*: Councilor McLaughlin has been informed of the proposal and has yet to comment as of the publication of this report.

## II. FINDINGS FOR SPECIAL PERMIT (SZO §5.3.8):

### *Section 5.3: Procedures for Special Permits and Special Permits with Site Plan Review*

Revisions that are not de minimis shall be subject to the full notice and hearing provisions of §5.3.2 of this Ordinance, but shall not be subject to review by additional boards, departments, city agencies or commissions except as requested by the SPGA or upon the recommendation of the Planning Director. Applicable findings shall be made in accordance with the type of permit(s) being revised.

The findings made under the previous Special Permit approved by the ZBA in June of 2018 (ZBA 2018-65) are not applicable to this proposal except for compliance with standard under Article 9: Off-Street Parking and Loading. The original approval granted relief for the number of parking spaces. Due to the shift of the garage location the back-up aisle dimension between the garage and the deck decreased from 20 feet to 16'-10" at its lowest point.

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 20-foot aisle.

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". 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.

Also, it is conditioned that the Applicant installs the missing permeable pavers in front of the garage.

## III. RECOMMENDATION

### Special Permit under §5.3.8

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 to modify the previously approved site plan. 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>September 4, 2019</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> </tbody> </table>			
Date (Stamp Date)	Submission			
September 4, 2019	Initial application submitted to the City Clerk's Office			
	Any changes to the approved site plan or elevations/use that are not <i>de minimis</i> must receive SPGA approval.			
2	All other conditions of approval from ZBA 2018-65 remain in effect.	CO	ISD/Plng.	
3	The Applicant must install the permeable pavers according to the original special permit approval.	CO	ISD/Plng.	
<b>Final Sign-Off</b>				
4	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.	

