



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

Case #: ZBA 2019-30  
Date: ~~May 1, 2019~~ June 5, 2019  
Recommendation: Conditional approval

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**UPDATED PLANNING STAFF REPORT**

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**Site:** 48 Cameron ~~Street~~ Avenue

**Applicant / Owner Name:** Joanna London  
**Applicant / Owner Address:** 56 Devonshire Road, Newton,  
MA 02468  
**City Councilor:** Katjana Ballantyne

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

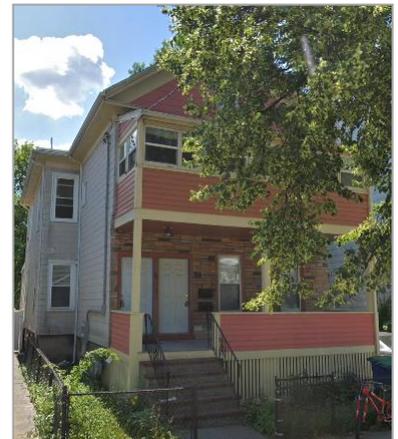
Legal Notice: Applicant / Owner, Joanna London, seeks a special permit under SZO §4.4.1 to alter a nonconforming structure by constructing a rear addition above an existing one-story portion of the structure and dormers on both sides of the roof. RB Zone. Ward 7.

Dates of Public Hearing: Zoning Board of Appeals – ~~May 1, 2019~~ June 5, 2019

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**I. PROJECT DESCRIPTION**

- Subject Property: The subject property is located on a 3,642 lot that contains a two-family dwelling. Each of the two-units contains four bedrooms each. The main body of the structure is 2.5 stories. There are also two flat roofed additions (one is two-stories and one is one-story) in the rear.
- Proposal: The proposal is to construct a second story addition atop the existing one-story portion of the building in the rear. The proposal also includes a shed dormer on the right side of the roof ~~and two shed dormers on the left side of the ridge~~ and enlarging the existing windows on the enclosed front porch. The proposed alterations will create one additional bedroom in the 2<sup>nd</sup>/3<sup>rd</sup> floor unit to make it a five-bedroom unit. The proposal will not increase the parking requirement.



3. Green Building Practices: The application does not list any green building practices.
4. Comments:

*City Councilor*: Councilor Ballantyne has been informed of this proposal. She requested the Applicant to inform direct abutters of the subject property about the proposal and offer her contact information so abutters could contact her with any concerns. Staff has not heard of any concerns as of the publication of this report.

## **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 area, front yard setback, rear yard setback, left side yard setback, and street frontage.

The proposal will impact the nonconforming dimension of the left side yard setback. The current dimension is 1.3 feet and the proposal will maintain that same distance. The requirement in the district is 8 feet for a 2.5 story structure in the RB district. The main massing of the proposed addition will be five feet from the property line. However, the proposal includes a balcony off the addition that will be the same distance to the property line than the existing building below. 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 one-and two-family dwellings which are only used as residences, which are nonconforming with respect to dimensional requirements, may be enlarged, extended, renovated or altered by special permit granted by the SPGA in accordance with the procedures of Article 5."

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 will allow for the expansion of living space without expanding the footprint of the building. The proposal has been designed with setbacks that minimally impact the neighbors and the requirements for lot area per dwelling unit, ground coverage, landscaped area, pervious area, floor area ratio (FAR), building height, and right side yard setback 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 RB 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 east side of Cameron Avenue, which is primarily a residential street comprised of two- and three-family dwelling.

*Impacts of Proposal (Design and Compatibility)*: The proposed rear addition will be constructed above an existing one story portion. The proposed addition will have minimal visibility from Cameron Avenue. ~~The applicant is also proposing a two gable style dormers on the left side of the roof that are designed and sized appropriately for this structure.~~ The proposal also includes a shed style dormer on the right side of the roof. Staff was originally concerned with the lack of slope on the shed dormer. Staff recognizes that the minimum required head height atop the stairs necessitates a flatter dormer. Although the proposed dormer does not have a preferred slope, the alternative would be a dormer that goes above the ridge or an entire 3<sup>rd</sup> story; which would be less compatible than the proposed dormer. The property will also undergo an overhaul of improvements to the exterior cladding and landscaping.

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 construction of a rear addition and dormers. 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>March 11, 2019</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>April 3, 2019 May 22, 2019</td> <td>Plans submitted to OSPCD (AZ-1 – AZ5)</td> </tr> <tr> <td>April 9, 2019</td> <td>AZ-4</td> </tr> <tr> <td>February 27, 2019</td> <td>Plot Plan</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	March 11, 2019	Initial application submitted to the City Clerk's Office	April 3, 2019 May 22, 2019	Plans submitted to OSPCD (AZ-1 – AZ5)	April 9, 2019	AZ-4	February 27, 2019	Plot Plan
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February 27, 2019	Plot Plan													
Any changes to the approved (site plan or elevations/use) 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.											
3	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											
4	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>														
5	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.											
<b>Site</b>														
6	Landscaping shall be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD											
<b>Miscellaneous</b>														
7	Gas and electric meters shall not be on the front of the structure. Gas and electric meters may be located on the side of the structure but shall be screened from the street by a hardy, staff approved evergreen planting. Utilities shall not be located adjacent to windows and shall not impact any parking, landscaping, or egress. The provisions of this condition may be waived by staff if the applicant submits a letter from the utility, signed by a utility representative, on utility letterhead, indicating that there is no feasible alternative to placing meters in violation of this condition.	CO	ISD											

8	Electrical conduits on the exterior facades of buildings shall be painted to match the wall material to which they are attached. Conduits are not allowed on the front of any structure.	CO	Plng.	
9	Garbage and recycling locations shall be clearly indicated on site plans. Storage areas shall be inside of the structure or shall be fully screened from view from both the public way and abutters by an appropriate material reviewed and approved by staff. The location shall not impact any parking, landscaping, or egress.	BP	Plng.	
10	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.	
11	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>				
12	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
13	Per Somerville fire safety regulations, grills, barbecues, chimineas and the like are NOT permitted on decks or porches.	Perpetual	FP/ISD	
14	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>				
15	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.	

