



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

**Case #:** ZBA 2018-186  
**Date:** February 6, 2019  
**Recommendation:** Conditional approval

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**PLANNING STAFF REPORT**

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**Site:** 50 Oliver Street

**Applicant / Owner Name:** Popjoy, LLC  
**Applicant / Owner Address:** 21 Graylynn Road, Newton, MA 02459  
**Agent Name:** Adam Dash, Esq.  
**Agent Address:** 48 Grove Street, Suite 304, Somerville, MA 02144  
**Councilor:** Matthew McLaughlin

Legal Notice: Applicant and Owner, Popjoy, LLC, seeks a special permit under §4.4.1 to alter a nonconforming structure and under §9.13 for parking relief to finish the basement that will add living space to the two first floor units. RB Zone. Ward 1.

*\* After further analysis by Planning Staff, it has been determined that a special permit for parking relief is no longer required.*

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

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**I. PROJECT DESCRIPTION**

1. Subject Property: The subject property consists of one parcel totaling 5,275 square feet that contains a two story flat roofed structure with four dwelling units. Each of the four units contain three bedrooms. The property shares a driveway with the adjacent two-decker that is used to access the four parking spaces in the rear.
2. Proposal: The proposal is to finish a large portion of the basement to add living area to each of the two first floor units. Four dwelling units and four parking spaces will be maintained. The two second floor units



will remain three bedrooms units, while one of the first floor units will become a five-bedroom unit and the other will become a four-bedroom unit.

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

4. Comments:

*Ward Councilor*: Councilor McLaughlin does not have any objections to the proposal.

## 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 use as a four-unit dwelling and the following dimensional requirements: lot area, lot area per dwelling unit, landscaped area, pervious area, front yard setback, left side yard setback, and right side yard setback.

The proposal will not impact any of the nonconforming dimensions. The only dimensional requirement being altered is the floor area ratio (FAR). The current FAR is 0.74 and the proposed to add 1,380.95 square feet of living space in the basement will increase the FAR to 1.0, which is the maximum allowed in the RB zoning district. 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 will allow for existing residential units to become larger without having any impact on existing nonconformities. The proposal has been designed with setbacks that minimally impact the neighbors and the requirements for ground coverage, FAR, building height, rear 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	3 BR	2 spaces	4 BR	2 spaces
Unit #2	3 BR	2 spaces	5 BR	2 spaces
Unit #3	3 BR	2 spaces	3 BR	2 spaces
Unit #4	3 BR	2 spaces	3 BR	2 spaces
<b>Total</b>	<b>8 spaces</b>		<b>8 spaces</b>	

The site currently provides four parking spaces for the existing dwelling units where eight are required. Therefore, the site is nonconforming with respect to the number of required off-street parking spaces. For sites with a nonconforming number of parking spaces, 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 bedrooms to existing dwelling units, which will **not** increase the number of required parking spaces; **therefore a special permit for parking relief is not required.**

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 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 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 southern side of Oliver Street on the block between Cross Street and Glen Street. This is a residential block that contains a mix of structures ranging from two, 2.5, and three story structures.

*Impacts of Proposal (Design and Compatibility):* Finishing the basement will not have an impact on the design and compatibility of the structure with the surrounding 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						
1	Approval is for the finishing of the basement. 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>December 18, 2018</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>December 18, 2018</td> <td>Plans submitted to OSPCD (T1, D1.0, D1.1, and A1.0)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	December 18, 2018	Initial application submitted to the City Clerk's Office	December 18, 2018	Plans submitted to OSPCD (T1, D1.0, D1.1, and A1.0)
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Any changes to the approved plans that are not <i>de minimis</i> must receive SPGA approval.										
<b>Pre-Construction</b>										
2	The proposed basement finished floor elevation shall not be less than is 1 foot above the Seasonal High Ground Water elevation. The seasonal high ground water elevation shall be determined by a Massachusetts certified soil evaluator and stated on a signed soil test pit log.	BP	Eng.							
<b>Construction Impacts</b>										
3	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.							
4	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							
5	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>Miscellaneous</b>										

6	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.	
7	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>				
8	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
<b>Final Sign-Off</b>				
9	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.	

