



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

GEORGE J. PROAKIS  
EXECUTIVE DIRECTOR

**PLANNING DIVISION STAFF**

SARAH LEWIS, *DIRECTOR OF PLANNING*  
DANIEL BARTMAN, *SENIOR PLANNER*  
SARAH WHITE, *PLANNER/PRESERVATION PLANNER*  
ALEX MELLO, *PLANNER*  
MONIQUE BALDWIN, *ADMINISTRATIVE ASSISTANT*  
CHARLOTTE LEIS, *PLANNING INTERN*

**Case #:** ZBA 2019-32  
**Date:** May 1, 2019  
**Recommendation:** Revisions Recommended

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**PLANNING STAFF REPORT**

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**Site:** 56-58 Upland Road

**Applicant / Owner Name:** Brian Salerno  
**Applicant / Owner Address:** 73 Field Pond Road, Milford, MA 01757  
**City Councilor:** Katjana Ballantyne

Legal Notice: Applicant and Owner, Brian Salerno, seeks a special permit under SZO §4.4.1 to alter a nonconforming structure by constructing a dormer, finishing the basement, and altering the porches. RB Zone. Ward 7.

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

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**I. PROJECT DESCRIPTION**

1. Subject Property: The subject property is a 3,412 square foot parcel that contains a two-family 2.5-story dwelling. It is located on the corner of Upland Road and Hillside Road. The structure is oriented toward Upland Road and contains a two-car garage that is accessed from Hillside Road. Unit 1 currently occupies the ground floor and has two bedrooms. Unit 2 currently occupies the second and third floors and has four bedrooms.



2. Proposal: The proposal is to construct dormers on the left side of the roof (if looking at the structure from Upland Road), which is being considered the rear yard setback. The proposal also includes rearranging the floor plan of the units to town-house style units. Other aspects of the project include finishing the basement and altering the porches.

3. Green Building Practices: The application states that the applicant will:
- limit the amount of demolition material and recycling where possible to reduce solid waste disposal
  - use of water saving plumbing fixtures.
  - use of energy efficient lighting.
  - reduction of impervious asphalt paving.
  - addition of non-invasive species landscaping planting.

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, and rear yard setback.

The proposal will impact the following nonconforming dimension of the rear yard setback by constructing two dormers on the left side of the roof (if looking at the structure from Upland Road), which is being considered the rear yard setback. The current dimension is 7'-6" and the proposal will not change that. The requirement in the district is 20 feet. 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 renovation of the structure 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, left side yard setback (Upland Road side) and right side yard setback (garage side) 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 provide adequate light and air; to prevent the overcrowding of land; 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 a corner lot at the intersection of Upland Road and Hillside Road. This is a residential neighborhood with mostly two- and three-family dwellings.

*Impacts of Proposal (Design and Compatibility):* The proposal will adjust the floor plans so that each unit is laid out townhouse style. The plan is to demolish the existing enclosed front porch on Upland Road to create a more open and inviting front porch for one of the units. The plan also includes removing an existing rear two-story deck and constructing a single story porch off the rear of the house. Staff has recommended to the Applicant that the entry porch for Unit 2 should project out more from the house to give this particular unit a more prominent and welcoming entry. As of the publication of this report the Applicant has produced a sketch of projected porch that has yet to be incorporated into the comprehensive drawing set. Staff is supportive of the revised porch sketch but it should be incorporated into the comprehensive drawing set.

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 **REVISIONS RECOMMENDED** of the requested **SPECIAL PERMIT**. **If the ZBA is supportive of the project Staff recommends the following conditions.**

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 dormers, finishing the basement, and altering porches. 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 4, 2019</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>April 10, 2019</td> <td>Plans submitted to OSPCD (G01, L1.0, Z1.1, AX1.1, AX1.2, AX2.1, A1.1, A1.2, and A2.2)</td> </tr> <tr> <td>April 26, 2019</td> <td>SK-2</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	March 4, 2019	Initial application submitted to the City Clerk's Office	April 10, 2019	Plans submitted to OSPCD (G01, L1.0, Z1.1, AX1.1, AX1.2, AX2.1, A1.1, A1.2, and A2.2)	April 26, 2019	SK-2
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Any changes to the approved (site plan or elevations/use) that are not <i>de minimis</i> must receive SPGA approval.												
<b>Pre-Construction</b>												
2	The Applicant must contact the Engineering Department to obtain a street address prior to a building permit being issued.	BP	Eng.									
3	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>												
4	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.									
5	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									
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	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>				
8	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>				
9	Landscaping shall be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD	
<b>Miscellaneous</b>				
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	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>				
14	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.	

