



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

**Case #:** ZBA 2018-150  
**Date:** December 12, 2018  
**Recommendation:** Conditional Approval

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**PLANNING STAFF REPORT**

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**Site:** 57 Prescott Street

**Applicant / Owner Name:** Alexander Asen and Yael Asen  
**Applicant / Owner Address:** 57 Prescott Street, Somerville, MA 02143  
**Agent Name:** Peter Quinn Architects LLC  
**Agent Address:** 259 Elm Street, Suite 301, Somerville, MA 02144  
**Alderman:** Ben Ewen-Campen

Legal Notice: Applicants / Owners, Alexander Asen and Yael Asen, seek a Special Permit under SZO §4.4.1 to alter a nonconforming structure by constructing an addition that is greater than 25% of the existing gross floor area (GFA) to add a second dwelling unit and a Special Permit under SZO §9.13 for parking relief. RA Zone. Ward 3.

Dates of Public Hearing: Zoning Board of Appeals – December 12, 2018

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**I. PROJECT DESCRIPTION**

1. Subject Property: The subject site consists of one parcel totaling 5,650 square feet of land area. The site consists of a single family dwelling, a detached covered wood deck, and a shed in the far rear of the site.

2. Proposal: The proposal is to construct an addition on the lot that will add a second dwelling unit to the structure. Other work includes demolishing an existing shed and covered wood deck, constructing a new deck off of the rear of the existing structure, and adding dormers to the existing structure.



3. Green Building Practices: The application states that the application will meet the stretch code.
4. Comments:

*Ward Alderman:* Aldermen Ewen-Campen has been informed of this proposal and has yet to comment as of the publication of this report.

## **II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1 and §9.13):**

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: lot area, front yard setback, and the left yard setback. The proposal will impact the nonconforming dimension of the left side yard setback. The current dimension is 4.7 feet and the proposal is to construct a new deck off the back of the existing house and dormers on the left side of the house will maintain the 4.7-foot setback in a district where 8 feet is required for 2.5 story structures.

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.” 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 “*Alteration, reconstruction, extension or structural change to a nonconforming one- or two-family structure not affecting the nonconforming aspect of the one- or two-family structure and where the alteration, reconstruction, extension, or structural change will comply with all current dimensional requirements of the zoning ordinance, and provided any such alteration, reconstruction, extension or structural change does not increase the Gross Floor Area of the dwelling by more than twenty-five percent (25%).*”

The total increase in gross floor area (GFA) will be greater than 25%. The existing GFA is 2,892 s.f and the proposal is to add 3,202 s.f that will increase the GFA to 6,094 s.f, or 111% of the existing structure. This alteration to a nonconforming structure requires the Applicant to obtain special permits under §4.4.1 of the Somerville Zoning Ordinance (SZO).

In considering a special permit under §4.4 of the SZO, Staff finds that the alterations/use proposed would not be substantially more detrimental to the neighborhood than the existing structure/use. The proposal will add an additional housing on a site that is large enough to handle such. The proposal has been designed with setbacks that minimally impact the neighbors and the requirements for number of dwelling

unit, lot area per dwelling unit, ground coverage, landscaped area, pervious area, floor area ratio (FAR), building height, rear yard setback, right 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	3 BR	2 spaces	4 BR	2 spaces
Unit #2	--	--	3 BR	2 spaces
<b>Total</b>	<b>2 spaces</b>		<b>4 spaces</b>	

The site currently provides two parking spaces for the single family dwelling. The proposal is to add a dwelling unit, which will increase the number of required parking spaces by two. Therefore the site will require four spaces. The proposal is to continue providing two parking spaces. SZO §9.13 allows for sites with nonconforming parking to apply for a Special Permit to modify parking requirements if the total number of spaces is six or fewer. Relief is being requested from providing the additional two parking spaces.

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”. The Board 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.

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 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 RA district, which is, “to establish and preserve quiet neighborhoods of one- and two-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."*

The subject site is located in a neighborhood that is mixed with regard to human density, housing style, and building types. Large, multi-family structures are present within a couple of parcels to the left, rear, and right of the subject property.

Staff finds that the proposed project will bring visual and usage upgrades to the property while retaining the street-facing, gable-fronted style of the original structure. The proposed changes to the parcel itself will remove a portion of blacktop and provide an upgrade to the 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.

<i>SomerVision Summary</i>	<i>Existing</i>	<i>Proposed</i>
<i>Dwelling Units:</i>	1	2

**III. RECOMMENDATION**

**Special Permit under §4.4.1 and §9.13**

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 construct an addition on the lot that will add a second dwelling unit to the structure. Other work includes demolishing an existing shed and covered wood deck, constructing a new deck off of the rear of the existing structure, and adding dormers to the existing structure. 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>October 25, 2018</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>October 17, 2018 (December 7, 2018)</td> <td>Updated plans submitted to OSPCD (T-1, Z-1, Z-2, Z-3, EC-1, EC-2, EC-3, EC-4, A-0, A-1, A-2, A-3, A-4, A-5, A-6, and A-7)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	October 25, 2018	Initial application submitted to the City Clerk’s Office	October 17, 2018 (December 7, 2018)	Updated plans submitted to OSPCD (T-1, Z-1, Z-2, Z-3, EC-1, EC-2, EC-3, EC-4, A-0, A-1, A-2, A-3, A-4, A-5, A-6, and A-7)
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Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval. Whether or not a change is <i>de minimis</i> in nature must be determined by the Planning Office.										
<b>Pre-Construction</b>										

2	The Applicant shall be required to demonstrate that the project plans meet the current City of Somerville stormwater policy. Utility, grading, and drainage report and plans stamped by a registered PE in Massachusetts must be submitted to the Engineering Department for review and approval.	BP	Eng.	
3	The Applicant shall contact the Engineering Department to obtain formal street addresses for the now two-unit building.	BP	Eng	
4	The Applicant shall submit a proposed drainage plan, stamped by a registered PE in Massachusetts that demonstrates compliance with the City's storm water policy.	BP	Eng.	
5	The Applicant shall develop a demolition plan in consultation with the City of Somerville Inspectional Services Division. Full compliance with proper demolition procedures shall be required, including timely advance notification to abutters of demolition date and timing, good rodent control measures (i.e. rodent baiting), minimization of dust, noise, odor, and debris outfall, and sensitivity to existing landscaping on adjacent sites.	Demolition Permitting	ISD	
6	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.	CO	Eng.	
<b>Design</b>				
7	Applicant shall provide final material samples for siding, trim, windows, and doors to Planning Staff for review and approval prior to construction. No vinyl shall be used on this property.	BP	Plng./ISD	
<b>Construction Impacts</b>				
8	The Applicant shall, at his 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	
9	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.	
10	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	
11	Construction shall occur from 7:30am – 5:00pm Monday-Friday ONLY. There shall be no construction or construction-related work allowed on the weekends or holidays.	During Construction	ISD	
12	The Applicant shall ensure that all food waste associated with construction personnel be removed from the premises at the end of each work day.	During Construction	ISD	

<b>Site</b>				
13	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	
14	All landscaping materials, screening materials and materials used for parking/driveway areas shall first be reviewed and approved by Planning Staff prior to their installation and again prior to final sign-off.	BP/CO	Plng/ISD	
15	The Applicant shall provide Planning Staff with a final list of plantings and their locations for Staff's review and approval prior to the issuance of a Building Permit. Preference shall be given to perennial species native to this area of Massachusetts. No arborvitae shall be used.	BP	Plng/ISD	
16	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/ISD	
17	Asphalt and cement shall not be used for any new driveways, turnabouts, sidewalks or the like. Pervious pavers, brick or pea stone shall be used. Planning Staff shall review and approve all such materials prior to the issuance of a building permit and prior to their installation.	BP	Plng/ISD	
18	Gas and electric meters shall not be located 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	Wiring-Electrical/ISD	
19	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	Wiring-Electrical/ISD	
20	All vents and piping shall be painted the color of the portion of the structure from which they protrude.	CO	Plng.	
<b>Public Safety</b>				
21	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
22	All exterior lighting shall be confined to the subject property, cast light downward and must not intrude, interfere or spill onto neighboring properties.	CO	Plng.	
23	All smoke detectors shall be hard-wired.	CO	Fire Prevention / ISD	

24	Per Somerville ordinance, grills, barbecues, chimineas and the like are NOT permitted on decks. This shall be written into any condo documents or rental agreements.	Perpetual	Fire Prevention / ISD	
<b>Final Sign-Off</b>				
25	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.	

