



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

**Case #:** ZBA 2018-115  
**Date:** October 3, 2018  
**Recommendation:** Conditional approval

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**PLANNING STAFF REPORT**

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**Site:** 7 Hillside Park

**Applicant / Owner Name:** Hootan Farhat  
**Applicant / Owner Address:** 7 Hillside Park #3, Somerville, MA 02143  
**Alderman:** Ben Ewen-Campen

Legal Notice: Applicant/Owner, Hootan Farhat, seeks a Special Permit per SZO §4.4.1 to alter a nonconforming three-family dwelling to construct a roof deck atop the main roof of the triple-decker. RB Zone. Ward 3.

Dates of Public Hearing: Zoning Board of Appeals – October 3, 2018

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**I. PROJECT DESCRIPTION**

- Subject Property: The subject property is one parcel of 4,906 square feet with a flat-roofed triple-decker with three condominium units. The site also has a three-car garage behind the main structure.
- Proposal: The proposal is to construct a roof deck atop the roof of the main structure along with a head house for roof access.
- Green Building Practices: The proposed head house will be constructed to exceed the stretch energy code requirements for insulation in the walls and roof. The materials for the roof deck will be primarily wood, FSC certified.



4. Comments:

*Ward Alderman:* Alderman 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):**

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, landscaped area, pervious area, front, left, and right side yard setbacks, and street frontage.

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.”

The proposed roof deck will conform to all setback requirements and will not have an impact on any of the nonconforming dimensions of the structure. This alteration to a nonconforming three-family 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 proposed would not be substantially more detrimental to the neighborhood than the existing structure. The proposal has been designed with setbacks that minimally impact the neighbors and there will be no change to any of the dimensional requirements.

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 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*: Hillside Park is a dead-end street off of Walnut Street just outside of Union Square. The surrounding neighborhood is residential in nature. Hillside Park is a residential street with 2.5 and three-story structures.

*Impacts of Proposal (Design and Compatibility)*: The proposal will be conditioned to have vertical steel cable balusters, ipe decking, and western red cedar railings and posts.

5. Housing Impact: Will not create adverse impacts on the stock of existing affordable housing.

6. 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 construction of a roof deck. 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>August 30, 2018</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>August 29, 2018</td> <td>Plans submitted to OSPCD (C1.0, C1.1, A1.3, A1.4, A2.1, A2.1, A2.3, A3.0 X1.3, X1.4, X2.1, X2.2, and X2.3)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	August 30, 2018	Initial application submitted to the City Clerk's Office	August 29, 2018	Plans submitted to OSPCD (C1.0, C1.1, A1.3, A1.4, A2.1, A2.1, A2.3, A3.0 X1.3, X1.4, X2.1, X2.2, and X2.3)
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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>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							
<b>Design</b>										
4	The proposal will use vertical steel cable balusters, ipe decking, and western red cedar railings and posts.	BP	Plng.							
5	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>										
6	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP							
7	Per Somerville fire safety regulations, grills, barbecues, chimineas and the like are NOT permitted on decks or porches.	Perpetual	FP/ISD							
8	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>										
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.							

