



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

MICHAEL F. GLAVIN  
EXECUTIVE DIRECTOR

**PLANNING DIVISION STAFF**

GEORGE PROAKIS, *DIRECTOR OF PLANNING*  
LORI MASSA, *SENIOR PLANNER*  
SARAH WHITE, *PRESERVATION PLANNER*  
ETHAN LAY-SLEEPER, *PLANNER*  
DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*

**Case #:** ZBA 2015-91

**Date:** March 2, 2016

**Recommendation:** Conditional Approval

---

**PLANNING STAFF REPORT**

---

**Site:** 31 Dane Avenue

**Applicant Name:** Anthony Fava, Manager (Fava, LLC)  
**Applicant Address:** 54 Royal Street, Randolph, MA 02368  
**Owner Name:** Marie Bates  
**Owner Address:** 31 Dane Avenue, Somerville, MA 02143  
**Agent's Name:** Richard DiGirolamo  
**Agent's Address:** 424 Broadway, Somerville, MA 02145  
**Alderman:** Maryann Heuston

Legal Notice: Applicant Anthony Fava, seeks a Special Permit per SZO §4.4.1 to substantially alter a non-conforming structure on an undersized lot. The applicant also seeks relief for two parking spaces under SZO §9.1.3. RB Zone. Ward 2.

Dates of Public Hearing: Zoning Board of Appeals – March 2, 2016

---

**I. PROJECT DESCRIPTION**

1. Subject Property: The subject property is a 2 ½-story, 2-family dwelling on a 3,920 square foot lot in the RB zone.
2. Proposal: The proposal consists of constructing a 2 ½-story addition at the rear of the building with decks on each level and a spiral stair for egress; adding a second story to a front bay, adding three dormers, increasing the massing of the right elevation bump-out by building an upward extension with a gabled roof.



31 Dane Avenue – Assessor's Image

A/C condensers will be installed in the right side yard. The Applicant is increasing the FAR from .53 to .94.

3. Green Building Practices: None listed.

4. Comments:

*Ward Alderman*: Maryann Heuston has been notified of this project.

*Fire Prevention*: All smoke detectors must be hard-wired.

## II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1) and (SZO §9.1.3):

**In order to grant a special permit, the SPGA must make certain findings and determinations as outlined in §4.4.1 of the SZO. This section of the report goes through §4.4.1 and §9.1.3 in detail.**

### 1. Information Supplied:

#### Regarding SZO §4.4.1:

- Staff finds that the information provided by the Applicant conforms to the requirements of §4.4.1 of the SZO and allows for a comprehensive analysis of the project with respect to the required Special Permits.

#### Regarding SZO §9.1.3:

- Staff finds that the information provided by the Applicant conforms to the requirements of §9.1.3 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."***

#### Regarding SZO §4.4.1:

- As regards this project, the property is non-conforming in lot size (a 7,500 square foot lot is required in the RB zone and this parcel has only 3,920 sq. ft.).
- This structure is located in the RB zone where a 3-story structure is allowed. The addition of the dormers to this structure qualifies as a 3<sup>rd</sup> story under the Somerville Zoning Ordinance.
- The bump-out/bay on the right elevation also triggers a special permit. An existing non-conformity is being extended by the increased massing caused by the upward extension of this building element.

#### Regarding SZO §9.1.3:

The project required a total of 4 parking spaces (each condo unit has three bedrooms which has a requirement of 2 parking spaces per 3+ bedroom unit). Though the Applicant indicates four spaces on the submitted plan set, the spaces are tandem which is not

allowed. Therefore, the Applicant seeks relief from providing 2 parking spaces for the units.

*Section 4.4.1 states that Lawfully existing non-conforming 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.*

**Regarding SZO §4.4.1:**

- In considering a Special Permit under §4.4 of the SZO, Staff finds that the alterations proposed to this legal two-family residence would not be substantially more detrimental to the neighborhood than those present on the existing structure.
- The upward extension of the front bay and of the roofline of the right side bump-out will provide a small amount of additional room to this unit. Though the lot overall is undersized, the rear of the lot is deep and provides the optimal location for an addition to the structure. The addition of the dormers constitutes an allowable 3<sup>rd</sup> story in this RB zone.

**Regarding SZO §9.1.3:**

- In considering a Special Permit under §9.1.3 of the SZO, Staff finds that the proposal for four parking spaces, two-by-two in tandem is not consistent with the SZO and relief for two parking spaces is 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."***

**Regarding SZO §4.4.1:**

- The proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to promoting the health, safety, and welfare of the inhabitants of the City of Somerville; to secure safety from fire, panic and other dangers; to encourage the most appropriate use of land throughout the City; and to encourage housing for persons of all income levels.
- 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."

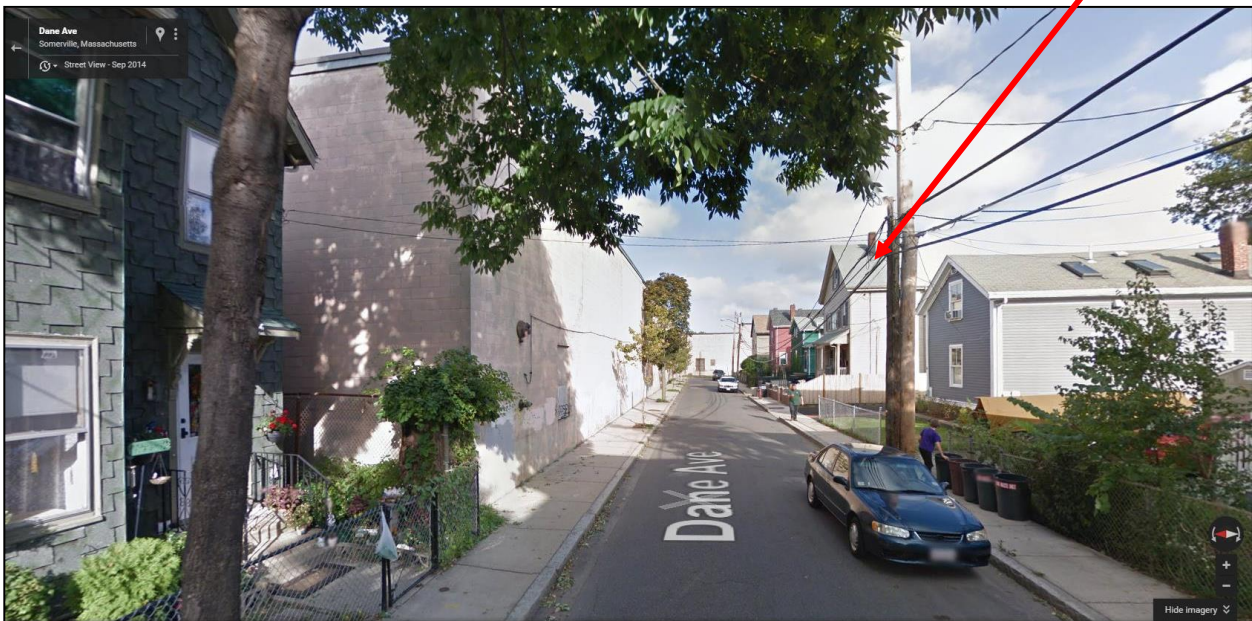
**Regarding SZO §9.1.3:**

- The proposal is consistent with the general purposes of the parking ordinance. As the property is remaining a two-family dwelling, handling multiple vehicles, Staff finds that providing relief for two spaces will not increase traffic volumes, traffic congestion or queuing of vehicles nor will it change the type of traffic, traffic patterns or access to the site nor cause unsafe conflict of motor vehicle and pedestrian traffic.

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."*

- On-the-whole, the street is a mixture of worker's cottages, one and two-family dwellings with a diversity of styles and massing. There are few to no impacts from the proposal. In this particular section of Dane Avenue, several houses look directly onto the solid, lengthy back of a light commercial building.

31 Dane Avenue



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

- The proposal will not add to the stock of affordable housing.

7. **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, transform key opportunity areas, preserve and expand an integrated, balanced mix of safe, affordable and environmentally sound rental and homeownership units for households of all sizes and types from diverse social and economic groups; and, make Somerville a regional employment center with a mix of diverse and high-quality jobs. The areas in the SomerVision map that are designated as enhance and transform should most significantly contribute towards the*

*SomerVision goals that are outlined in the table below. The areas marked as conserve are not expected to greatly increase the figures in the table since these areas are not intended for large-scale change.*

- The proposal will not contribute to the metrics of SomerVision.

### **III. RECOMMENDATION**

Special Permits under **SZO §4.4.1** and **SZO §9.1.3**:

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 PERMITS**.

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 provide an upward extension to the front bay, increase the massing of the right side bump-out by creating an peak-roof upward extension, add a 2.5 story rear addition with decks and add three dormers to the building, effectively creating a third story.	BP/CO	ISD/ PIng.																																								
	<table border="1"> <thead> <tr> <th data-bbox="248 449 566 485">Date (Stamp Date)</th> <th data-bbox="566 449 885 485">Submission</th> </tr> </thead> <tbody> <tr> <td data-bbox="248 485 566 585">September 16, 2015</td> <td data-bbox="566 485 885 585">Initial submission to City Clerk</td> </tr> <tr> <td data-bbox="248 585 566 686">October 21, 2015</td> <td data-bbox="566 585 885 686">Existing Survey Plan submitted to OSPCD</td> </tr> <tr> <td data-bbox="248 686 566 787">November 5, 2015</td> <td data-bbox="566 686 885 787">Revised plans submitted to OSPCD</td> </tr> <tr> <td data-bbox="248 787 566 888">November 25, 2015</td> <td data-bbox="566 787 885 888">Revised plans submitted to OSPCD</td> </tr> <tr> <td data-bbox="248 888 566 989">December 9, 2015</td> <td data-bbox="566 888 885 989">Revised plans submitted to OSPCD</td> </tr> <tr> <td data-bbox="248 989 566 1089">January 6, 2016</td> <td data-bbox="566 989 885 1089">Revised plans submitted to OSPCD</td> </tr> <tr> <td data-bbox="248 1089 566 1190">January 27, 2016</td> <td data-bbox="566 1089 885 1190">Revised plans submitted to OSPCD</td> </tr> <tr> <td data-bbox="248 1190 566 1291">February 11, 2016</td> <td data-bbox="566 1190 885 1291">Final proposal submitted to OSPCD</td> </tr> <tr> <td data-bbox="248 1291 566 1392">February 11, 2016</td> <td data-bbox="566 1291 885 1392">Updated zoning data sheet submitted to OSPCD</td> </tr> <tr> <td data-bbox="248 1392 566 1493">February 25, 2016</td> <td data-bbox="566 1392 885 1493">Final updates to plans submitted to OSPCD</td> </tr> <tr> <td data-bbox="248 1493 885 1593"></td> <td data-bbox="566 1493 885 1593"></td> </tr> <tr> <td colspan="2" data-bbox="248 1612 885 1703"> <p><u>Any changes to the approved plan that are not determined to be <i>de minimis</i> by Planning Staff must receive ZBA approval.</u></p> </td> <td data-bbox="906 1612 1073 1749"></td> <td data-bbox="1073 1612 1218 1749"></td> <td data-bbox="1218 1612 1349 1749"></td> </tr> <tr> <td colspan="5" data-bbox="175 1749 1349 1780"><b>Pre-Construction</b></td> </tr> <tr> <td data-bbox="175 1780 233 1900">2</td> <td data-bbox="233 1780 906 1900">The Applicant must petition the Somerville Condo Review Board for permission to convert this property into two condos prior to obtaining any building permits and prior to the start of construction.</td> <td data-bbox="906 1780 1073 1900">BP</td> <td data-bbox="1073 1780 1218 1900">BP/ISD/ PIng/ CondoReview Board</td> <td data-bbox="1218 1780 1349 1900"></td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	September 16, 2015	Initial submission to City Clerk	October 21, 2015	Existing Survey Plan submitted to OSPCD	November 5, 2015	Revised plans submitted to OSPCD	November 25, 2015	Revised plans submitted to OSPCD	December 9, 2015	Revised plans submitted to OSPCD	January 6, 2016	Revised plans submitted to OSPCD	January 27, 2016	Revised plans submitted to OSPCD	February 11, 2016	Final proposal submitted to OSPCD	February 11, 2016	Updated zoning data sheet submitted to OSPCD	February 25, 2016	Final updates to plans submitted to OSPCD			<p><u>Any changes to the approved plan that are not determined to be <i>de minimis</i> by Planning Staff must receive ZBA approval.</u></p>					<b>Pre-Construction</b>					2	The Applicant must petition the Somerville Condo Review Board for permission to convert this property into two condos prior to obtaining any building permits and prior to the start of construction.	BP	BP/ISD/ PIng/ CondoReview Board	
	Date (Stamp Date)				Submission																																						
	September 16, 2015				Initial submission to City Clerk																																						
	October 21, 2015				Existing Survey Plan submitted to OSPCD																																						
	November 5, 2015				Revised plans submitted to OSPCD																																						
	November 25, 2015				Revised plans submitted to OSPCD																																						
	December 9, 2015				Revised plans submitted to OSPCD																																						
	January 6, 2016				Revised plans submitted to OSPCD																																						
	January 27, 2016				Revised plans submitted to OSPCD																																						
	February 11, 2016				Final proposal submitted to OSPCD																																						
	February 11, 2016				Updated zoning data sheet submitted to OSPCD																																						
	February 25, 2016				Final updates to plans submitted to OSPCD																																						
<p><u>Any changes to the approved plan that are not determined to be <i>de minimis</i> by Planning Staff must receive ZBA approval.</u></p>																																											
<b>Pre-Construction</b>																																											
2	The Applicant must petition the Somerville Condo Review Board for permission to convert this property into two condos prior to obtaining any building permits and prior to the start of construction.	BP	BP/ISD/ PIng/ CondoReview Board																																								

3	The Applicant will be required to demonstrate that the updated project plans meet the current City of Somerville stormwater policy. Utility, grading, and drainage plans must be submitted to the Engineering Department for review and approval.	BP	Eng.	
4	The Applicant shall submit a proposed grading and drainage plan, stamped by a registered PE in Massachusetts that demonstrates compliance with the City's stormwater policy.	BP	Eng.	
5	The Applicant must contact the Engineering Department to coordinate the timeline for cutting or opening the street and/or sidewalk for utility connections or other construction. There is a moratorium on opening streets from November 1st to April 1st and there is a list of streets that have additional opening restrictions.	BP	Eng	
<b>Construction Impacts</b>				
6	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	
7	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.	
8	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>				
9	The size, form, massing and design of additions, dormers, decks and all other alterations shall be exactly as approved by the ZBA. ANY changes to the approved plans MUST be submitted to Planning Staff for review and approval <u>prior to</u> executing them on site.	ISD	ISD/Plng	
10	An exterior light and electrical receptacle is required for the first (or all) level of the porch and an electrical receptacle is required for the second level (if there is no access to the ground).	Final sign off	Wiring Inspector	
<b>Site</b>				
11	Landscaping shall be installed and maintained in compliance with the American Nurserymen's Association Standards.	Perpetual	Plng. / ISD	
12	Pervious pavers shall be used for the driveway and parking areas	Perpetual	Plng. / ISD	
13	Garbage and recycling areas shall be screened with a cedar enclosure as show on the approved plans.	Perpetual	Plng. / ISD	
14	Vehicles shall not be parked in tandem	Perpetual	Plng. / ISD	
<b>Miscellaneous</b>				

15	The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the building and property.	Cont.	ISD	
<b>Public Safety</b>				
17	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
18	All smoke detectors shall be hard-wired.	CO	FP	
<b>Final Sign-Off</b>				
19	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.	



