



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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ALEX MELLO, *PLANNER*

Case #: ZBA 2018-189

Date: July 17, 2019 August 21, 2019

Recommendation: Conditional Approval

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**Updated PLANNING STAFF REPORT - ZBA**

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**Site:** 42 Henderson Street

**Applicant Name:** XYZ32MP, Inc.  
**Applicant Address:** 115 Boston Avenue, Medford, MA 02155  
**Owner Name:** same as applicant  
**Owner Address:** same as applicant

**City Councilor:** Mark Niedergang

**Legal Notice:** Applicant and Owner, XYZ32MP, Inc., seeks Special Permits under §4.4.1 for alterations to a non-conforming property including adding a dormer and deck\* within the left side yard setback, increasing the non-conforming FAR through renovations. Parking relief under Article 9 of the SZO.\*\* RB zone. Ward 5.



**Dates of Public Hearing(s):** July 17, 2019 – ZBA

\* There will be no deck on the left elevation. \*\*After further analysis, it has been determined that parking relief is not needed.

This staff report has been updated. Information that is no longer pertinent has been ~~struck through~~ and new information is highlighted in yellow.

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## **I. PROJECT DESCRIPTION**

1. **Subject Property:** The locus presents a 2 ½-story gable-fronted, two-family residential structure This RB-zoned property is found at the terminus of a dead-end street on a 1,573 square foot lot. The property

has no driveway and there is no curb cut to this parcel.

**2. Proposal:** While the project includes a gut-renovation of the building from basement through top floor, the only trigger for special permitting is the construction of a dormer within the left side yard setback.

**3. Green Building Practices:**

The application states that the project will meet and not exceed the stretch code.

Staff Note: At the July 17, 2019 , the ZBA requested a landscaping plan and better quality elevations from the Applicant team. In addition, the Applicant was asked to change the interior layout of the basement such that the bedroom would be moved to another location on this level in order to provide for better emergency egress.

**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 §4.4.1 of the SZO. This section of the report goes through §4.4.1 in detail.*

**1. Information Supplied:**

Staff finds that the information provided by the Applicant conforms to the requirements of §4.4.1 of the SZO.

**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."*

**Section 4.4.1 of the 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."*

**Left side yard setback**

The RB zone requires a left side yard setback of 8 feet. The existing setback in the proposed dormer location is 2.5 feet. The Applicant proposes retaining this setback. The new dormer will be visible from the left and rear-abutting properties.

Though this left setback is very narrow, the lots on this street are all extremely small with tight setbacks providing limited space for additions and outdoor space. The proposed dormer will provide additional indoor space to the second-to-third-story unit.

The proposal also includes a window well on the left basement elevation. This is to provide a means of egress from the new basement bedroom. 2.5 feet is not sufficient space for egress. The staff recommendation has been conditioned to require the basement bedroom to be moved to the rear of the structure so that a window well providing more egress space can be installed.

In response to Staff's concerns regarding the originally-proposed left elevation basement egress window and well, the Applicant has moved the location of the basement-level bedroom to the right elevation. For egress, a right elevation areaway is proposed.

**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."*

Staff finds that the proposal is consistent with the purposes of the RB zone which are "[t]o 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."*

Henderson Street is a dead-end street containing four structures. The street terminates at an active railroad track. Across the track is Maxwell's Green. The other gable-fronted structures in the immediate area do not present dormers with the exception of two very unfortunately-designed and executed rear dormers on a property at the corner of Hinckley and Berwick Streets.

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

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

**6. SomerVision:**

The proposal will improve the exterior appearance of this property.

### **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 dormer within the left side yard setback.	BP/CO	ISD/PIng.							
	<table border="1"> <thead> <tr> <th>Date</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>December 27, 2018</td> <td>Application submitted to City Clerk's office.</td> </tr> <tr> <td>August 13, 2019</td> <td>Updated plans received at OSPCD.</td> </tr> </tbody> </table>				Date	Submission	December 27, 2018	Application submitted to City Clerk's office.	August 13, 2019	Updated plans received at OSPCD.
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December 27, 2018	Application submitted to City Clerk's office.									
August 13, 2019	Updated plans received at OSPCD.									
<p>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.</p>										
<b>Engineering</b>										
2	<p>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."</p> <p>The Applicant shall work with Engineering to meet this condition and provide the required fees/mitigation.</p>	BP	Engineering/ISD							
<b>Design</b>										
3	All materials, including, but not limited to windows, exterior finishes, siding, and similar shall be submitted to, reviewed and approved by Planning Staff prior to the issuance of a building permit.	BP	ISD/PIng							
	<del>The window well shall be moved from the left elevation to the rear elevation of the building. The bedroom with which it is associated shall be moved to this rear location as well. Updated plans shall be submitted to the Zoning Review Planner prior to the issuance of a building permit</del>	BP	ISD/PIng							
4	Though the yard is small, a landscaping plan shall be submitted to planning staff through the Zoning Review Planner for staff approval prior to the issuance of a building permit. No cement or bituminous material shall be used on the site except for AC condenser pads where needed.	BP	ISD/PIng							
5	An updated site plan shall be provided to the Zoning Review Planner indicating the location of covered garbage and recycling as well as the location of AC condensers. AC condensers must provide a 3-foot radius on all sides and must be a minimum of 3 feet from the property line.	BP	ISD/PIng							
<b>Construction Impacts</b>										
6	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							

7	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/ISD	
8	<b><u>The name(s) and contact information of all entities working on the site shall be posted in an area easily-visible from the public way for the passing public to read.</u></b>	During Construction	ISD	
9	<b><u>Construction shall be limited to M-F 7:30am – 5:00pm. No weekend construction or construction-related work shall occur.</u></b>	During Construction	ISD	
<b>Public Safety</b>				
10	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
11	All exterior lighting on the site shall be downcast and shall not cast light onto surrounding properties in any fashion.			
12	In accordance with City of Somerville ordinances, no grills, barbeques, chimineas or the like shall be allowed on decks and porches.	CO/Perpetua l	ISD/PlngF P	
<b>Miscellaneous</b>				
13	Approvals do not allow for use of this property as an AirBnB or any other short-term rental.	Perpetual	ISD	
14	AC condensers are not allowed within 3 feet of any property line	Perpetual	ISD	
<b>Final Sign-Off</b>				
15	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	ISD/Pln g.	