



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

**Case #:** ZBA 2018-88  
**Date:** September 17, 2018  
**Recommendation:**

**Special Permit:** Conditional Approval  
**Variance:** Unable to Recommend

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**PLANNING STAFF REPORT**

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**Site:** 1 Munroe Street

**Applicant / Owner Name:** Enzo J. Orellana & Wesley J. Esser, III

**Applicant / Owner Address:** 1 Munroe Street,  
Somerville, MA 02143

**Alderman:** Ben Ewen-Campen



**Legal Notice:** Applicants and Owners, Enzo J. Orellana and Wesley J. Esser, III, seek Special Permits under §4.4.1 of the SZO to alter a non-conforming structure. Variance for wall/fence height. Unit count will increase from one to two. RA zone. Ward 3.

**Dates of Public Hearing:**

Zoning Board of Appeals – September 17,  
2018



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**I. PROJECT DESCRIPTION**

1. **Subject Property:** The subject property presents a 2,558 square foot single-family residential structure on a 5,640 square foot lot in the RA zone. The property is corner lot situated at the intersection of Munroe and Boston Streets. The lot slopes down Munroe toward Boston Street.

2. **Proposal:** The Applicant proposes increasing the number of units from one to two, re-grading and re-landscaping the lot. The Applicant also proposes installing a 7-foot concrete wall.

The trigger for zoning relief is the installation of the 7-foot concrete wall. The Applicant proposes greening the concrete wall with plantings and, cladding the concrete wall with wood where the 7-foot wall fronts the public way. This wood cladding would match the wood used for new fencing along this portion of the property as it abuts the public way.

A maximum wall/fence height is 6 feet (and 3.5 feet where the wall meets the front of the property as this portion of the property is within 20 feet from an intersection). A variance is needed in order for the Applicant to install the 7-foot wall.

3. **Green Building Practices:** The application states the following: *“Renovated areas to the house will be upgraded to exceed current energy codes, including new heating and cooling systems, insulation, and high-efficiency LED lighting. The new site grading and replacement of one asphalt driveway with pavers will allow more rain water to be absorbed on site.”*

4. **Comments:**

*Ward Alderman:* Alderman Ewen-Campen is aware of this project.

**II. FINDINGS FOR VARIANCE**

A Variance (§5.5) is sought to construct a 7’ concrete wall that will extend from the front façade of the house to the front property line on Munroe Street. In addition to providing lateral support to the newly-designed front steps, the intent of this wall is to create a sense of outdoor privacy for the occupant of the basement level unit. The basement-level unit will have a set of doors allowing occupants to walk out into a newly-graded yard that fronts on Munroe Street. The 7-foot concrete wall is intended to block the views of this yard from occupants of the upper-level unit as they enter and exit the unit from the front steps.

The figure below outlines the existing, allowed, and proposed dimensions for a wall or fence in the two locations proposed for this project.

DIMENSION	EXISTING	ALLOWED	PROPOSED
Fence/wall height	none	6’ in yard	7’
		3.5’ within twenty feet of an intersection	7’

In order to grant a variance the Board must make certain findings and determinations as outlined in §5.5.3 of the SZO.

1. *There are “special circumstances relating to soil conditions, shape or topography of land or structures which especially affect such land or structures but not affecting generally the zoning district in which it is located, causing substantial hardship, financial or otherwise.”*

**Applicant’s response:** The property is at the corner of two streets with extremely steep grades, the corner at the intersection of Boston St and Munroe St being the low point of the property. The opposite corner

of the property is approximately 14 feet higher in elevation than the street corner. All of the properties in the area have high retaining walls in order to make the sloping land more usable. The height of the proposed wall does not appear high as one looks down the street line. At both end of the property at the sidewalk edge, a wood fence atop a retaining wall rises nearly 10 feet above the sidewalk.

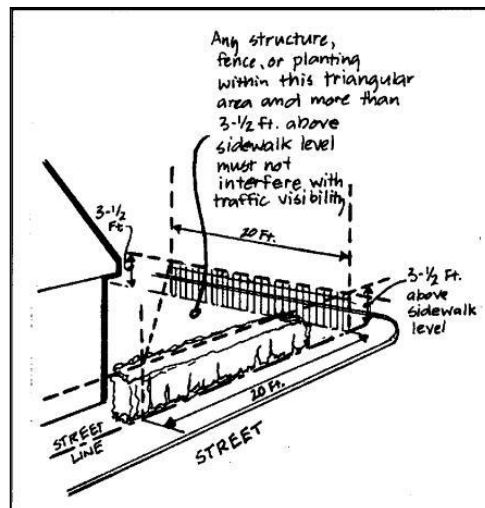
***Staff's response:*** *The locus at 1 Munroe Street gradually slopes down toward Boston Street. The existing rear yard of the property is currently at a higher grade than the existing front yard. The Applicant's proposal to re-grade the front yard further exacerbates the grade differential and, more importantly, the front yard's slope toward Boston Street. Re-grading the front yard will allow for required emergency egress windows to be installed for a bedroom in the new lower-level unit to the left of the front exterior stairwell. Re-grading the front yard will also allow for a main entrance into the lower-level unit to be constructed to the right of the front exterior stairwell. The newly-graded front yard will allow for outdoor living space for the new lower-level unit.*

**2. "The variance requested is the minimum variance that will grant reasonable relief to the owner, and is necessary for a reasonable use of the building or land."**

***Applicant statement:*** The proposed wall is just above head height (7' +/- above the sidewalk), affording the owner of the garden level unit a sense of privacy from the front entrance to the first floor unit. Furthermore, the top of the wall at this height aligns with the top of the foundation wall, so the stone face of the wall can align with the concrete wall, both of which will be covered in vertical plantings. Also at this height the wall can serve as a guardrail from the landing. At this height the wall integrates a number of requirements for the property: privacy, safety, and aesthetic harmony with the heights and materials of the existing structure.

***Staff response:*** *It may be argued that the Applicants already have reasonable use of the property as a single family and/or that a different design could result in a usable two-family structure that does not call for the installation for a 7-foot front yard privacy wall.*

The SZO calls for front yard fences/walls to be no taller than 3 ½ feet within 20 feet of an intersection. A 4-foot front yard fence is allowed otherwise. A 7-foot front yard wall fronting the public way is inconsistent with the SZO which calls for fences/walls within the 20-foot triangle at an intersection to be no higher than 3 ½ feet. This is illustrated in the diagram below:



*A compromise solution for the portion of the wall that is outside of the above-illustrated triangle may be that the height of the concrete wall is reduced to 6 feet outside of area that is within 20 feet of the intersection. Depending on how the concrete wall is constructed, plantings could be installed along the top of the wall to gain further privacy for the lower-unit yard from those entering and existing through the upper unit exterior stairwell.*

**3. “The granting of the variance would be in harmony with the general purpose and intent of this Ordinance and would not be injurious to the neighborhood or otherwise detrimental to the public welfare.”**

***Applicant statement:*** This wall provides a backdrop for a garden that the owner plans for the yard at the corner of Munroe and Boston Streets. This garden will be visible from the streets above the low fences that will run parallel to the sidewalk, and the garden will be an improvement to the neighborhood. The height of the wall is not out of character for the neighborhood. The closest edge of the wall is more than 28’ from the corner of the sidewalk and will not cause reduced visibility of traffic approaching the corner. The wall will have no negative impact on public welfare or on the general quality and character of the neighborhood.

***Staff’s response:*** A 7-foot wall outside of the area where a 3 ½-foot or 4-foot wall/fence is required by code would not be injurious to the site or surrounding neighborhood as long as this concrete wall is perennially covered by greenery. Without such covering, a naked concrete wall would be antithetical to the character of the surrounding neighborhood. Given the care that the Applicants have taken with their espaliered fruit trees in the rear yard, along with other vegetative and hardscape applications, Staff believes that any landscaping that is ultimately installed in the re-graded front yard of this property will visually improve this area of the parcel.

### **III. RECOMMENDATION**

#### **Variance under §5.5 and §8.5**

Based on the materials submitted by the Applicant, the above findings and subject to the following conditions, the Planning Staff is **UNABLE TO RECOMMEND** the requested **VARIANCE**.

Should the ZBA decide that the Applicant has successfully proven that they are able to meet all three of the Variance criteria and approve the Variance, conditions of the approval should be discussed at the hearing. Should the ZBA decide that these three Variance criteria have not been met, it is recommended that the Applicant be allowed to request to withdraw their application without prejudice as the height Variance is the only relief needed for their project.

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.

