



**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*  
SARAH LEWIS, *SENIOR PLANNER*  
SARAH WHITE, *PLANNER / PRESERVATION PLANNER*  
ALEX MELLO, *PLANNER*  
DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*

**Case #:** ZBA 2017- 82  
**Date:** November 8, 2017

**Recommendation:** Conditional Approval

---

**PLANNING STAFF REPORT**

---

**Site:** 1 Williams Court

**Applicant Name:** Frank Marinello  
**Applicant Address:** 27 Porter Street,  
Somerville, MA 02143

**Owner Name:** Frank Marinello  
**Owner Address:** 27 Porter Street, Somerville,  
MA 02143

**Alderman:** Robert McWatters

**Legal Notice:** Applicant and Owner, Frank Marinello, seeks Special Permits under §4.4.1 of the SZO for the upward extension of the non-conforming rear yard setback and parking relief under §9.13 of the SZO.\*



**Date of Hearing:** November 8, 2017 – ZBA

\*RB zone. Ward 1

---

**I. PROJECT DESCRIPTION**

1. **Subject Property:** The subject property is a 2,614 square foot parcel in the RB zone containing a 1,636 square foot two-family house. property sits at the corner of Williams Court and Porter Street.
2. **Proposal:** The Applicant proposes keeping the two-family use, but wants to expand the first

floor unit by one bedroom and expand the second floor unit by one bedroom and one bathroom one bathroom. To accomplish the goals of this proposal, three gabled dormers are proposed for the right elevation of the property.

The Applicant further proposes raising the rear portion of the house such that a continuous ridgeline runs from the front of the house to the rear of the house. This rear portion of the house will remain stepped in from the original right plane of the house. The Applicant proposes enclosing the existing carport and finishing it off as a master bedroom suite with a bathroom. Additionally, the Applicant proposes extending the rear portion of the second floor by about 6 feet toward the rear of the property. A 5-foot deck will be attached to this extension. A small, shed dormer is proposed for the left elevation. Lastly, the Applicant proposes new egress stairs starting at the second floor along the right elevation of the house.

**Site:**

At 39 feet, wide and 65 feet depth, the parcel is both narrow and short. The house itself rests only about one foot from the property line on the left elevation. The rear of the structure also rests only about one foot from the property line.

Initial plans submitted by the Applicant proposed extending the entirety of the second and third floor building bulk back to all but one foot from the rear property line. In response to Staff concerns, the Applicant pulled back the rear addition and is proposing a much smaller deck and addition abutting the rear property line.

**Parking:**

Two parking spaces are currently available on the property. This situation will not change going forward. The overall bedroom count on the property is increasing by two, one per unit.

The total bedroom count per unit and the associated parking requirements for each are as follows:

Unit #	Existing BDR	Req. Parking	Proposed BDR	Req. Parking
1	2	1.5	3	2.0
2	2	1.5	3	2.0

**New parking requirement – Old parking requirement = # of new spaces required\***

**4.0 spaces – 3.0 spaces = 1 parking space of relief**

*\*when the result of this calculation equates to less than one or a negative number, additional spaces are not required to be provided.*

**FAR**

The FAR is already non-conforming at 1.3 in a zone where 1.0 is the maximum allowed. The Applicant proposes increasing the FAR by less than 25% to 1.6.

**Design:**

The Applicant proposes three individual, gabled dormers along the right elevation roof line. These dormers, in total, *appear to* measure 50% or less of the roof plane to which they are attached. It is incumbent upon the Applicant to prove this assumption, however. Further, Staff strongly advises the Applicant to start the dormer further down from the peak of the roof by one or two feet as Staff finds that this will read better from the public way.

On the left elevation, the Applicant proposes one small shed dormer which, at 9.6 feet is less than 50% of the roof plane to which it would be attached. Because of its proximity to the property line, this dormer triggers the need for a Special Permit.

The proximity of the second floor deck to the rear line along with the small rear addition at the rear of the second floor, and the upward extension of the left rear elevation all trigger the need for Special Permits.

**3. Green Building Practices:** The Application states that the project will not exceed the stretch code.

## 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 the relevant sections of the SZO. This section of the report goes through those sections in detail.*

### **1. Information Supplied:**

Staff finds that the information provided by the Applicants conforms to the requirements of §7.3, 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.”*

#### **Under SZO §4.4.1**

*Section 4.4.1 states that “[l]awfully 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 non-conforming 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.”*

#### **Rear and left yard setbacks**

Staff finds that, though very close to the left lot line, the upward extension of the non-conforming left elevation will not be substantially more detrimental to the site or surrounding neighborhood than the current conditions on the property. Staff has the same finding for the second floor rear extension and the addition of the rear deck. Though the massing is further increasing at the rear of the property due to enclosing the car port, Staff finds that this portion of the structure already



reads as part of the building bulk and that enclosing this area fully will not be more detrimental to the site or neighborhood. The existing carport and associated massing can be seen in the image on the previous page.

Overall, Staff finds that extending the existing non-conformities will not be more detrimental to the site or surrounding neighborhood and that the proposed alterations are generally in keeping with the character of the surrounding neighborhood. The proposed alterations, despite the increase in bedroom count, will not have a substantially more detrimental effect on traffic flow, volumes, or congestion. Parking is also available not only on Porter Street, but on Williams Court itself which is a private way. Staff finds that the proposed alterations should provide an improvement in the visual effects of the property. Staff finds that the proposed alterations should have no effect on noise or odor generation or shading of properties. Lastly, Staff finds that the addition of one more bathroom and two bedrooms should not amount to much of an impact on the municipal water supply or sewer capacity.

### **Under SZO §9.13.a**

*Section 9.13.1 states, in part, that: “the SPGA may grant a special permit modifying certain parking/loading standards of this [Article 9](#), but only in those specific cases itemized as "a" through "g" below. 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, with finding "b" of said Section 5.1.4 being based upon an analysis that the requested modification of parking/loading standards of this [Article 9](#) complies with the specific, stated standards as may be set forth for the specific relief requested (any of cases "a" through "g" below), and also upon a determination that the relief does not cause detriment to the surrounding neighborhood through any of the following applicable criteria:*

- 1) increase in traffic volumes;*
- 2) increased traffic congestion or queuing of vehicles;*
- 3) change in the type(s) of traffic;*
- 4) change in traffic patterns and access to the site;*
- 5) reduction in on-street parking;*
- 6) unsafe conflict of motor vehicle and pedestrian traffic.*

**a.) Modification of Parking Requirement for Nonconforming Structures and Lots.** *Where the total number of parking spaces required by this Ordinance is six (6) or fewer, the requirements for lots or sites that are nonconforming with respect to parking as specified in [Section 9.4](#) may be modified.*

Staff finds that providing the Applicant with the one space of parking relief that they need will not negatively impact items 1-6 immediately above. As noted earlier, there are already two parking spaces on the site (one for each unit) and additional parking may be found on the private way, Williams Court.

**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, as conditioned, 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; and to encourage the most appropriate use of land throughout the City.

**4. Purpose of District: *The Applicant has to ensure that the project “is consistent with the intent of the specific zoning district as specified in Article 6”.***

Staff finds that the proposed project, as-conditioned, is consistent with the intent of the RB zoning 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.”

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

The proposal will not add any units to the existing stock of the City’s affordable housing units.

**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, 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.***

Staff finds that the proposed project will maintain the same number of rental units on this parcel.

**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 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 for left elevation dormer, rear addition, rear deck, left and rear upward extension of non-conformities, and parking relief.	BP/CO	ISD/Plng.							
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>August 3, 2017</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>October 19, 2017</td> <td>Updated plans submitted to OSPCD</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	August 3, 2017	Initial application submitted to the City Clerk's Office	October 19, 2017	Updated plans submitted to OSPCD
	Date (Stamp Date)				Submission					
August 3, 2017	Initial application submitted to the City Clerk's Office									
October 19, 2017	Updated plans submitted to OSPCD									
<p><b><u>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.</u></b></p>										
<b>Pre-Construction &amp; Construction Impacts</b>										
2	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							
3	The Applicant shall post the name and phone number of the general contractor, owner, and all sub-contractors at the site entrance where it is visible to people passing by.	During Construction	Plng./ISD							
4	Approval is subject to the Applicant's and/or successor's right, title and interest in the property.	Cont.	Plng./ISD	Deed submitted & application form signed						
5	All construction materials and equipment shall 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							
6	<b><u>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.</u></b>	During Construction	ISD							
7	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							



8	<p>The Applicant shall, throughout the construction process, ensure that the project site remains as follows:</p> <ul style="list-style-type: none"> <li>- <b>ALL</b> construction-related debris shall be placed in dumpsters or similar at the end of <b>EACH</b> day;</li> <li>- Items removed from the existing building as part of the project process shall be disposed of in dumpsters <b>at the end of each day</b> and/or placed in storage off the premises. These items may include, but are not limited to: mechanicals, pipes, vents, household appliances, toilets, bathtubs, refrigerators, etc.</li> <li>- <b>Under no circumstances</b> shall debris from demolition, construction waste, or the like fall upon, be placed upon or otherwise encroach on abutting properties or the public way.</li> <li>- <b>ALL</b> hazardous material including, but not limited to, asbestos (siding, pipe wrap, insulation, etc.), oil tanks, etc., shall be removed by a licensed, insured, and qualified specialist.</li> </ul>	Pre-Construction & during construction process	ISD/PInG	
9	During the construction process, all snow shall be removed from the driveways, parking spaces, walkways and abutting sidewalks. All such snow shall be removed from the site and not piled on the parcel in any manner.	During Construction	ISD	
10	Deliveries to the construction site shall only occur during 9am and 3pm Monday through Friday. No deliveries to the construction site shall occur on weekends or holidays.	During construction	Traffic & Parking/ISD	
11	Construction and construction-related personnel shall NOT arrive at the job site before 7:30 am. Construction-related vehicles shall not be left to idle on or near the property and site personnel shall be mindful of surrounding property owners by not playing music, engaging in loud conversations, and the like before, during, or after the work day.	During construction	ISD	
12	The Applicant shall submit a proposed drainage report, stamped by a registered PE in Massachusetts that demonstrates compliance with the City's stormwater policy.	BP	ISD/PInG/Engineering	
13	The Applicant shall 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 1 <sup>st</sup> to April 1 <sup>st</sup> and there is a list of streets that have additional opening restrictions.	BP	ISD/Engineering	
<b>Design</b>				

14	The Applicant shall provide final material samples for siding, trim, windows, and doors to Planning Staff for review and approval prior to construction.  Windows shall have muntins (grids) applied to the glass. No between-the-glass grids shall be allowed. Windows shall not be tinted nor shall they convey any reflective or mirrored quality.	BP	Plng/Zoning Review Planner	
<b>Site</b>				
15	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.	Perpetual	ISD	
16	Garbage and recycling containers shall be stored out-of-view of the public way. All such containers and container areas shall be screened with either evergreen plantings (no arborvitae) or wood screening. Locations for containers shall be indicated on the final plan set submitted to ISD for building permits. Screening material shall be reviewed and approved by Planning Staff prior to installation.	Screening material: BP  Installation of container site and screening: CO	Plng/ISD	
17	Any materials used for any hardscaping (walkways, parking areas, landscaping walls, and similar) shall first be presented to Planning Staff for their review and approval prior to installation.	CO	Plng/ISD	
<b>Miscellaneous</b>				
18	The existing windows on the left elevation of the original structure may be replaced, but shall remain the same size as current. Any change in dimensions will result in the windows needing to be inoperable, fire-rated or glass block windows in keeping with fire prevention codes.			
19	Electrical conduits on the exterior of buildings shall be painted to match the color of the wall material to which they are attached. Conduits are not allowed on the front of any structure.	CO	Plng/ISD	
20	Exhaust/venting pipes protruding from the roof shall be wrapped or painted to match the color of the shingling.	CO	Plng/ISD	
21	There shall be no vents or exterior pipes located on the front façade of the building. All vents and exterior pipes shall be painted or wrapped to match the color of the structure from which they protrude.	CO	Plng/ISD	
<b>Public Safety</b>				
22	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	



23	Any new or enlarged window openings that fall 3 feet or less from the property line shall be fire-rated, inoperable windows that conform to the specifications set out in the building code and interpreted by ISD	CO	ISD	
24	All lighting shall be downcast and shall not spill onto the public way or onto neighboring properties in any fashion.	CO	ISD	
25	Per City of Somerville fire prevention regulations, grills, barbeques, chimineas or similar shall not be used or stored on porches or decks. The Applicant shall write such specifications into any condo docs and/or rental agreements. The Applicant shall provide the City proof of such inclusion prior to the receipt of a Certificate of Occupancy	CO	Plng/ISD	
<b>Final Sign-Off</b>				
26	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.	