



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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MONIQUE BALDWIN *ADMINISTRATIVE ASSISTANT*

**Case #:** ZBA 2018-188  
**Date:** January 31, 2019

**Recommendation:** Conditional Approval

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**PLANNING STAFF REPORT**

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**Site:** 37 Winslow Avenue

**Owner/Applicant Name:** 35-37 Winslow Development, LLC

**Owner/Applicant Address:** 31 Willowdale Road, Somerville, MA 02144

**Alderman:** Lance Davis

**Legal Notice:** Applicant /Owner, 35-37 Winslow Development, LLC, seeks a special permit per SZO §4.4.1 to alter a nonconforming structure by finishing the basement and reconfiguring the interior floor plans. RA Zone. Ward 6.

**Dates of Public Hearings:** February 6, 2019



## I. PROJECT DESCRIPTION

1. **Subject Property:** The subject property is a 3, 330 square-foot, two-family residential structure in the RA zone. The 2 ¾ - story house resides on a 2, 783 square foot lot.
2. **Proposal:** The Applicant proposes to finish the basement, dividing its use between the two units. The proposed work would add approximately 811 square feet of living space to the structure.
3. **Green Building Practices:** Listed as “N/A” on the application
4. **Comments:**

## 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 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."*

*Section 4.4.1 states that “[l]awfully existing one- and two-family dwellings which are used only as residence, which are non-conforming with respect to dimensional requirements, may be enlarged, expanded, renovated, or altered by special permit granted by the SPGA in accordance with the procedures of Article 5, when any such enlargement, extension, renovation or alteration increases the non-conforming nature of the structure or the Gross Floor Area of the dwelling is increased by more than twenty-five percent (25%)...The SPGA, as a condition of granting a special permit under this Section, must find that such extension, enlargement, renovation or alteration is not substantially more detrimental to the neighborhood than the existing non-conforming structure.”*

The Applicant’s proposal to finish the basement is the trigger for the Special Permit. The property is currently non-conforming with regard to Floor Area Ratio (FAR) at 1.20 in a zone (RA) where .75 is the maximum FAR allowed. The proposed work will add approximately 811 square feet of living space to the property. This will increase the FAR to 1.49.

### 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 to finish the basement is consistent with the purpose of the RA zoning district which is, as defined under Article 6 of the SZO: “...to establish and preserve quiet

*neighborhoods of one- and two-family homes, free from other uses except those which are both compatible with and convenient to the residents of such districts.”*

Finishing the basement to increase the net living area is a reasonable manner by which a property owner can increase the livable space on their property, largely without impacting the exterior of the structure. With the exception of new basement windows and a window well required for emergency egress, the remainder of the alterations to the property for this project within the building itself.

The proposed changes to the property do not alter the property’s use type nor the number of dwelling units located on the site. Neither site nor neighborhood density is increased through these changes. Since the number of dwelling units will not change and the bedroom count will remain the same, Staff finds that there should be no impact on vehicular traffic volume, type of pattern.

**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.”***

Winslow Avenue is replete with similarly sized and styled two-family structures all built roughly during the same period. It is worth noting that under the Proposed Zoning Ordinance, these changes would be by-right. From just looking at these buildings, it is not possible to tell which of these structures possess finished basements. This underscores Staff’s earlier contention that the major impact of finishing basements is largely internal to the structure only.

**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 upgrade two existing housing units.

### **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 to finish the basement.	BP/CO	ISD/PIng.							
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>December 13, 2018</td> <td>Application submitted to City Clerk's office.</td> </tr> <tr> <td>January 17, 2019</td> <td>Additional plans submitted to OSPCD</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	December 13, 2018	Application submitted to City Clerk's office.	January 17, 2019	Additional plans submitted to OSPCD
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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.										
<b>Design</b>										
2	All final exterior materials shall be reviewed and approved by Planning Staff prior to the issuance of building permit.	BP	PIng.							
<b>Construction Impacts</b>										
3	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							
4	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							
5	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	ISD/PIng.							
<b>Public Safety</b>										
6	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP							
7	All smoke detectors shall be hard-wired.	CO	Fire Prevention / ISD							
<b>Final Sign-Off</b>										
8	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	PIng.							