



**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*  
AMIE HAYES, *PLANNER*  
MELISSA WOODS, *PLANNER*  
DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*

**Case #:** ZBA 2014-110  
**Date:** December 4, 2014  
**Recommendation:** Conditional Approval

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**PLANNING STAFF REPORT**

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**Site:** 74b Trull Street

**Applicant Name:** Kevin Flaherty  
**Applicant Address:** 1 Twilight Lane Gray, ME 04039  
**Owner Name:** Amanda and Luke Owen  
**Owner Address:** 74b Trull Street Somerville, MA 02145  
**Alderman:** Mark Neidergang

Legal Notice: Applicant, Kevin Flaherty, and Owners, Amanda & Luke Owen, seek a Special Permit per SZO §4.4.1 to expand a nonconforming structure by adding living area in the basement. RA Zone. Ward 5.

Dates of Public Hearing: Zoning Board of Appeals – December 10, 2014

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**I. PROJECT DESCRIPTION**

1. Subject Property: The subject property is a 4-family on a 4,356 square foot lot. The property is 4-plex which is 2 stories tall with two units on each side. There is no common space inside the building.
2. Proposal: The proposal is to finish one side of the basement with a living room/playroom and bathroom.
3. Green Building Practices: None listed on the application.
4. Comments:

*Fire Prevention:* Fire Protection has been contacted and has no concerns regarding the proposal.



*Ward Alderman:* Alderman Niedergang has been contacted and has no concerns regarding the proposal.

## **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 §5.1.4 of the SZO. This section of the report goes through §5.1.4 in detail.

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

The Staff finds that the information provided by the Applicant conforms to the requirements of §5.1.2 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."***

Per the SZO §4.4.1 lawfully existing nonconforming structures other than one- and two-family dwellings may be enlarged, extended, renovated or altered by special permit. The expansion of a nonconforming FAR requires a Special Permit.

In considering a special permit under §4.4 of the SZO, Staff find that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure.

### **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 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 preserve the historical and architectural resources of the City; and to encourage housing for persons of all income levels.

The proposal is consistent with the purpose of the district, which is, "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."

### **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."***

The surrounding neighborhood is a mix of single and multifamily buildings. The property is in very close proximity to the businesses and services in Magoun Square.

There are no impacts to the proposal except those associated with residential uses. The proposed changes are internal to the structure. The windows will be upgraded but that is a one-for-one replacement in existing openings.

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

This proposal will have no impact on existing affordable housing.

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. 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 does not directly contribute to the SomerVision goals but does allow a homeowner to make minor modifications to their property. In this case, the modification does not change the form of the building.

**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 a Special Permit to expand a nonconforming FAR by finishing the basement. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/ Plng.		
	<b>Date (Stamp Date)</b>				<b>Submission</b>
	October 28, 2014				Initial application submitted to the City Clerk’s Office
	December 4, 2014				Modified plans submitted to OSPCD (Basement Plan)
	Any changes to the approved plan that is not <i>de minimis</i> must receive SPGA approval.				
<b>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	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>Miscellaneous</b>				
4	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.	Cont.	ISD	
<b>Public Safety</b>				
5	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
<b>Final Sign-Off</b>				
6	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.	

