



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
**JOSEPH A. CURTATONE**  
**MAYOR**

*PLANNING DIVISION*

**PLANNING BOARD MEMBERS**

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ELIZABETH MORONEY  
JAMES KIRYLO  
DANA LEWINTER, ALT.

**Case #:** ZBA 2011-02  
**Date:** February 17, 2011  
**Recommendation:** Conditional Approval

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**PLANNING BOARD RECOMMENDATION**

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**Site: 140 Central Street**

**Applicant Name:** Anne Pierre  
**Applicant Address:** 140 Central Street, Somerville, MA 02143  
**Property Owner Name:** Anne Pierre  
**Property Owner Address:** 140 Central Street, Somerville, MA 02143  
**Alderman:** Sean O'Donovan

Legal Notice: Applicant and owner Anne Pierre, seeks a special permit under SZO §4.4.1 for relief under the provisions of SZO §8.5 to legalize a finished basement, lower the basement floor, and install an emergency egress. RB zone.

Zoning District/Ward: RB / Ward 5  
Zoning Approval Sought: Special Permit under SZO §4.4.1  
Date of Application: January 5, 2011  
Dates of Public Meeting • Hearing: Planning Board **2/17/11** • Zoning Board of Appeals **3/2/11**

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Dear ZBA members:

At its regular meeting on February 17, 2011 the Planning Board heard the above-referenced application. Based on materials submitted by the Applicant and the Staff recommendation, the Board voted 4-0, to recommend **conditional approval** of the requested **Special Permit**.

In conducting its analysis, the Planning Board found:



**CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143**  
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## **I. PROJECT DESCRIPTION**

1. Subject Property: The subject property consists of a two-family home on a 2,936 square foot lot near the intersection of Central and Medford streets. The structure has 3,844 square feet of habitable space. The residence is 2.75 stories, not including the basement level. The basement level was finished with two bathrooms, a bedroom, a family room, a recreation room, a den, and a storage area several years ago. At that time, the work did not receive building permits and therefore did not apply for the required special permit.
2. Proposal: The Applicant would like to improve the basement level by lowering the basement floor to create more head room and install an emergency escape on the southern wall of the structure. The Applicant, when seeking building permits, was informed that the original renovation has no permit on record and would have required a special permit in order to go forward. Therefore, this Applicant is now seeking a special permit to legalize the existing basement so that building permits can be granted to upgrade the space and provide an emergency escape for the basement level.
3. Nature of Application: Dimensional requirements in the RB district are governed by SZO under the provisions of §8.5.a, §8.5.b, §8.5.e, and §8.5.h. To renovate the basement level the existing conditions required relief from the SZO for an existing nonconforming structure under the provisions listed above. Additionally, the FAR of the structure not including the basement level (1.31), exceeds the maximum allowable FAR for an RB district (1.0). Therefore a special permit is required under SZO §4.4.1 to exceed nonconforming dimensions and legalize the basement as habitable space.
4. Surrounding Neighborhood: The surrounding neighborhood consists of mostly two- and three-family homes between 2 and 3 stories in height, similar to the subject property. There are some single-family, 2 to 2.5 story homes in the area as well.
5. Impacts of Proposal: There shall be minimal impacts to the surrounding neighborhood for the construction process will take place in the basement level of the residence. Therefore, with most of the construction impacts limited to the interior of the building, with the exception of the creation of the emergency escape on the southern wall, no significant disruption to the neighborhood is anticipated. With the finished condition very similar in impact to the existing condition, no long-term impacts are anticipated.
6. Green Building Practices: None listed.
7. Comments:

*Fire Prevention:* Have been notified and are awaiting comments.

*Ward Alderman:* Alderman Sean O'Donovan has stated he is comfortable with this project.

*Historic Preservation:* Please see the attached memorandum from Historic Preservation Planner Kristi Chase regarding the project.



Existing Conditions

## 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 Board 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."

In considering a special permit under §4.4 of the SZO, the Board does not find that the alterations proposed would 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 protect health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to conserve the value of land and buildings; to encourage the most appropriate use of land throughout the City; and to encourage housing for persons of all income levels."

The existing structure is a pre-existing nonconforming structure that is consistent with the purpose of the RB district. The district is designed 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. While the structure does not meet the dimensional or the FAR requirements of the district, it is typical in size and setbacks to typical homes in the RB district. Furthermore, aside from the new emergency escape, any changes made to the interior of the basement level will not modify the exterior of the existing structure.

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."

No impacts are anticipated from the legalization of the existing basement, the lowering of the basement floor, nor the installation of the emergency escape.

5. Adverse environmental impacts: The proposed use, structure or activity will not constitute an adverse impact on the surrounding area resulting from: 1) excessive noise, level of illumination, glare, dust, smoke, or vibration which are higher than levels now experienced from uses permitted in the surrounding area; 2) emission of noxious or hazardous materials or substances; 3) pollution of water ways or ground water; or 4) transmission of signals that interfere with radio or television reception.

No adverse impacts are anticipated from this project. The structure is already operating with two bathrooms, a bedroom, a family room, a recreation room, a den, and storage in the basement. The proposed project will only provide these spaces with a higher ceiling and an emergency escape in the bedroom.

**III. RECOMMENDATION****Special Permit under §4.4.1**

Based on the above findings and subject to the following conditions, the Planning Board recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT**.

| #                                                                                                | Condition                                                                                                                                                                                                                                                                                                                                                           | Timeframe for Compliance | Verified (initial) | Notes |                                                          |            |                   |                                                          |                                        |           |                                           |                                            |
|--------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------|-------|----------------------------------------------------------|------------|-------------------|----------------------------------------------------------|----------------------------------------|-----------|-------------------------------------------|--------------------------------------------|
| 1                                                                                                | Approval is under SZO §4.4.1 for relief under the provisions of SZO §8.5 to legalize a finished basement, lower the basement floor, and install an emergency egress point. This approval is based upon the following application materials and the plans submitted by the Applicant:                                                                                | BP/CO                    | Plng.              |       |                                                          |            |                   |                                                          |                                        |           |                                           |                                            |
|                                                                                                  | <table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>(January 5, 2011)</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>August 19, 2010<br/>(February 17, 2011)</td><td>Plot Plan</td></tr><tr><td>September 28, 2010<br/>(February 17, 2011)</td><td>Floor Plans (A-0 – A-7) submitted to OSPCD</td></tr></table> |                          |                    |       | Date (Stamp Date)                                        | Submission | (January 5, 2011) | Initial application submitted to the City Clerk’s Office | August 19, 2010<br>(February 17, 2011) | Plot Plan | September 28, 2010<br>(February 17, 2011) | Floor Plans (A-0 – A-7) submitted to OSPCD |
|                                                                                                  | Date (Stamp Date)                                                                                                                                                                                                                                                                                                                                                   |                          |                    |       | Submission                                               |            |                   |                                                          |                                        |           |                                           |                                            |
|                                                                                                  | (January 5, 2011)                                                                                                                                                                                                                                                                                                                                                   |                          |                    |       | Initial application submitted to the City Clerk’s Office |            |                   |                                                          |                                        |           |                                           |                                            |
|                                                                                                  | August 19, 2010<br>(February 17, 2011)                                                                                                                                                                                                                                                                                                                              |                          |                    |       | Plot Plan                                                |            |                   |                                                          |                                        |           |                                           |                                            |
| September 28, 2010<br>(February 17, 2011)                                                        | Floor Plans (A-0 – A-7) submitted to OSPCD                                                                                                                                                                                                                                                                                                                          |                          |                    |       |                                                          |            |                   |                                                          |                                        |           |                                           |                                            |
| Any changes to the approved site plan that are not <i>de minimis</i> must receive SPGA approval. |                                                                                                                                                                                                                                                                                                                                                                     |                          |                    |       |                                                          |            |                   |                                                          |                                        |           |                                           |                                            |
|                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                     |                          |                    |       |                                                          |            |                   |                                                          |                                        |           |                                           |                                            |
|                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                     |                          |                    |       |                                                          |            |                   |                                                          |                                        |           |                                           |                                            |
| 2                                                                                                | The Applicant shall meet the Fire Prevention Bureau’s requirements.                                                                                                                                                                                                                                                                                                 | CO                       | FP                 |       |                                                          |            |                   |                                                          |                                        |           |                                           |                                            |
| 3                                                                                                | The structure shall remain a two-family house, and no additional dwelling units shall be added                                                                                                                                                                                                                                                                      | Cont.                    | ISD                |       |                                                          |            |                   |                                                          |                                        |           |                                           |                                            |
| 4                                                                                                | To the maximum extent feasible the Applicant will utilize strategies during construction to mitigate dust and control air quality, to minimize noise and to implement a waste recycling program for the removed debris.                                                                                                                                             | During Construction      | OSE/ISD            |       |                                                          |            |                   |                                                          |                                        |           |                                           |                                            |
| 5                                                                                                | 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.              |       |                                                          |            |                   |                                                          |                                        |           |                                           |                                            |

Sincerely,

A handwritten signature in blue ink, reading "Elizabeth J. Moroney". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Elizabeth Moroney  
Acting Chair

Cc: Owner and Applicant: Anne Pierre  
Agent: Lou, Elveus Electrical Inc.



140 Central Street

To: Planning Division  
From: Kristi Chase, Preservation Planner, and  
Brandon Wilson, Executive Director  
RE: Staff Recommendations 1/24/11

**HPC 11.10 – 140 Central Street**

Applicant: Anne Pierre, Owner

Historic and Architectural Significance

This building has never been officially surveyed. A quick review of the historic maps reveals that 140 Central Street was constructed between 1895 and 1900 on land belonging to the heirs of Charles Robinson.

Architecturally, the building form suggests that it was constructed in the Queen Anne style. Details are hidden beneath aluminum siding.

Proposed Work and Recommendations

See attached for complete proposal.

While the building is not listed as a Local Historic District, HPC Staff **recommends** approval of a **Special Permit** because the proposed alterations will have little effect on the structure. The proposed enlargement of a basement window on a secondary façade will be minimally visible from the public right of way and not negatively impact the listed buildings across the street.