



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

*PLANNING DIVISION*

**PLANNING BOARD MEMBERS**

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JOSEPH FAVALORO  
ELIZABETH MORONEY  
JAMES KIRYLO  
DANA LEWINTER, ALT.

**Case #:** ZBA 2009-62  
**Date:** January 21, 2010  
**Recommendation:** Conditional Approval

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**PLANNING BOARD RECOMMENDATION**

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**Site:** 12 Prospect Hill Avenue

**Applicant Name:** Eric Fellingner

**Applicant Address:** 12 Prospect Hill Ave., Somerville, MA 02143

**Property Owner Name:** same

**Agent Name:** none

**Alderman:** Thomas Taylor

Legal Notice: Applicant & Owner, Eric Fellingner, seeks a Special Permit under SZO §4.4.1 in order to construct 200± sf of living space in the structure that is non-conforming in terms of Floor Area Ratio (§8.5.E).

Zoning District/Ward: Residence A / 3

Zoning Approval Sought: Special Permit under SZO §4.4.1

Date of Application: December 15, 2009

Dates of Public Meeting • Hearing: Planning Board 1/7/10 • Zoning Board of Appeals 1/20/10

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Dear ZBA members:

At its regular meeting on January 21, 2010 the Planning Board heard the above-referenced application. Based on materials submitted by the Applicant and the Staff recommendation, the Board voted (4-0) with Kevin Prior and Joseph Favaloro absent, 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**  
**(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722**  
**[www.somervillema.gov](http://www.somervillema.gov)**



## I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a single-family attached dwelling. The dwelling is on a separate lot from the adjacent dwelling to which it is attached. The lot size is 2588 square feet. The structure is 2  $\frac{3}{4}$  stories with a gambrel roof. The basement is currently used for storage, mechanicals, and laundry.
2. Proposal: The proposal is to convert 216 square feet of the basement into a family room. There would be no change to the exterior of the structure.
3. Nature of Application: The structure is currently nonconforming with respect to several dimensional requirements, including minimum lot size, floor area ratio, and rear and side yard setbacks.

Since floor area ratio (FAR) is based on net square feet, the proposed additional living space would require a special permit to increase this dimension, which is currently nonconforming. The FAR maximum in the district is 0.75 and the existing FAR is 0.81. With the additional living space the FAR would be 0.89. This existing nonconformity requires the Applicant to obtain a special permit under §4.4.1 of the SZO.



4. Surrounding Neighborhood: The surrounding neighborhood is residential with one-, two-, and three-family houses.
5. Impacts of Proposal: The additional living space would be used as a living room – the space would not change the use of the property or alter the exterior of the structure. The current owner would like additional space for a playroom for his family. There are no anticipated impacts from the proposal.
6. Green Building Practices: None.
7. Comments:  
*Fire Prevention:* Has been contact but has not provided comments.  
*Ward Alderman:* Alderman Taylor concurs with the Planning Staff recommendation.

## 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 finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The additional living space would be used as a living room – the space would not change the use of the property or alter the exterior of the 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 conserving the value of land and buildings; and the purpose of the RA district in providing additional living space in a single-family home.

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 additional living space in the basement would not alter the exterior of the structure and it would be compatible with surrounding land uses as it would be used as living space in a single-family house.

### 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 for the construction of 216± sf living space in the basement of the single-family house. 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>(Dec 25, 2009)</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>Dec 15, 2009 (Jan 4, 2010)</td><td>Plans submitted to OSPCD (S-1 site plan, A-1 – A-4 floor plans)</td></tr></table>				Date (Stamp Date)	Submission	(Dec 25, 2009)	Initial application submitted to the City Clerk’s Office	Dec 15, 2009 (Jan 4, 2010)	Plans submitted to OSPCD (S-1 site plan, A-1 – A-4 floor plans)
	Date (Stamp Date)				Submission					
	(Dec 25, 2009)				Initial application submitted to the City Clerk’s Office					
	Dec 15, 2009 (Jan 4, 2010)				Plans submitted to OSPCD (S-1 site plan, A-1 – A-4 floor plans)					
Any changes to the approved plans that are not <i>de minimis</i> must receive ZBA approval.										
2	The Applicant or Owner shall meet the Fire Prevention Bureau’s requirements.	CO	FP							

3	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.	
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Sincerely,



Elizabeth Moroney  
Acting Chair

Cc: Applicant/Owner: Eric Fellingner

