



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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**PLANNING DIVISION STAFF**

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

**Case #:** ZBA 2014-57

**Date:** July 31, 2014

**Recommendation:** Conditional Approval

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**PLANNING STAFF REPORT**

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**Site:** 69-71 Lexington Ave

**Applicant Name:** David Bemiss

**Applicant Address:** 69 Lexington Ave, Somerville, MA 01244

**Property Owner Name:** David and Nicole Bemiss

**Property Owner Address:** 69 Lexington Ave

**Alderman:** Rebekah Gewirtz

Legal Notice: Applicant & Owner David Bemiss seeks a Special Permit under SZO §4.4.1 to alter a 2.5 story, 3-family nonconforming structure by finishing a portion of the basement and removing an attached rear shed to create a new basement access and window. RA zone. Ward 6.

Dates of Public Hearing: Zoning Board of Appeals 8/6/2014

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**I. PROJECT DESCRIPTION**

1. Subject Property: The subject property is a 3,600 square foot lot with a 2 ½ story, 3-family structure.
2. Proposal: The proposal is to expand the floor area ratio of the home by finishing the basement. The basement will have improved gym/storage, laundry and rec room space, and would add a small bathroom. The small rear shed, which currently serves as a basement entry and storage space, will be removed and replaced with a new bulkhead basement entry and a window into the gym/storage area.
3. Green Building Practices: Low-flow fixtures in the bathroom.
4. Comments:



*Fire Prevention:* The Applicant should install hard-wired smoke and carbon monoxide detectors.

*Engineering:* Has been contacted but has no comments at this time.

*Ward Alderman:* Has been contacted but has no comments at this time.

## **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."

The Applicant is seeking a Special Permit under SZO §4.4.1 to expand the floor area ratio. The existing net floor area is 3,068 square feet, which makes the Floor Area Ratio .85. An FAR of .75 is the maximum in the district. To make the basement livable space will increase the FAR to .99, essentially expanding the nonconformity. The Applicant also seeks to add a new window at basement level on the rear wall.

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 purpose of the RA 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."

This RA zoned residential neighborhood is made up of similar one-, two-, and three-family residential structures, and this proposed use enhances the living space of residents without being detrimental to the neighborhood. The removal of the shed will most likely be a positive improvement, making the backyard larger and improving the form of the structure.

There are few to no impacts associated with the proposal. The expansion of square footage is kept within the existing footprint.

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

<u>SomerVision Summary</u>	<i>Existing</i>	<i>Proposed</i>
<i>Dwelling Units:</i>	3	No change
<i>Parking Spaces:</i>	2	No change

This proposal does not significantly impact the Somervision goals, but does help to preserve the residential areas by improving livability.

### 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 the_____. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/Plng.							
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>July 3, 2014</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>(July 16, 2014)</td><td>Plans submitted to OSPCD (Existing site plan, floor plans, rear elevation, and proposed floor plan and rear elevation.)</td></tr></table>				Date (Stamp Date)	Submission	July 3, 2014	Initial application submitted to the City Clerk’s Office	(July 16, 2014)	Plans submitted to OSPCD (Existing site plan, floor plans, rear elevation, and proposed floor plan and rear elevation.)
	Date (Stamp Date)				Submission					
	July 3, 2014				Initial application submitted to the City Clerk’s Office					
(July 16, 2014)	Plans submitted to OSPCD (Existing site plan, floor plans, rear elevation, and proposed floor plan and rear elevation.)									
Any changes to the approved plans that are not <i>de minimis</i> must receive SPGA approval.										
Construction Impacts										
2	The Applicant shall at his or her 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							
Final Sign-Off										
	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.							

