



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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**Case #:** ZBA 2014-65  
**Date:** July 31, 2014  
**Recommendation:** Denial

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**PLANNING STAFF REPORT**

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**Site:** 3 Cameron Ave

**Applicant Name:** David Kinsella  
**Applicant Address:** 7 Bridge St. #9 Billerica, MA 01821  
**Property Owner Name:** Daniel Murphy  
**Property Owner Address:** 3 Cameron Ave. Somerville, MA 02144  
**Alderman:** Katjana Ballantyne

Legal Notice: Applicant, David Kinsella, and Owner, Daniel Murphy, seek a Special Permit per SZO §4.4.1 to alter a nonconforming structure to add rear decks, increase the height of the structure, and window alterations and §9.13 for parking relief. RC zone. Ward 7.

Dates of Public Hearing: Zoning Board of Appeals – August 6, 2014

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**I. PROJECT DESCRIPTION**

1. Subject Property: The subject property is a 2 ½ story structure on a 4,500 square foot lot. The property is a two family with a unit on the first floor and the second unit on the second and third floor. There is a 1 story concrete block garage in the back corner of the property.
2. Proposal: The proposal is to increase the height of the structure by jacking up the home off of its' foundation and then building up the foundation. The increase in 3' of height will allow for the headroom for an additional dwelling unit in the basement. New windows will be added to the front façade for the basement unit. The entrance to the unit will be accessed from the front sidewalk but the door will be on the driveway side of the home. The single front entrance will be changed to two separate entrances.

In addition to work for the third unit, a new rear egress and decks are proposed. The first and second floor units will have small rear decks with egress to the rear and side yard. There will be a recessed patio for the basement unit.

3. Green Building Practices: None listed on the application.

4. Comments:

*Fire Prevention*: Conversion from a 2 to 3-family unit requires installation of a fire suppression system.

*Traffic & Parking*: A parking memo is required to analyze if one space of parking relief will be detrimental to the neighborhood.

*Wiring Inspection*: After review of the proposal, the immediate issue is the height of the meters post construction; NStar requires the center of a meter to be no higher than 6' above the ground. Most likely, they will have to be relocated. In addition, the wiring in the house would have to be extended thus triggering the requirements of the 2014 NEC to AFCI protect all extensions or modifications of branch circuit wiring. However, if the Applicant is already doing extensive alterations rewiring the entire house might be in the current scope of work.

*Lights and Lines*: Lights and lines has been contacted but has not provided comments at this time.

*Ward Alderman*: Alderman Ballantyne has been contacted but has not provided comments at this time.

## **II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1 & 9.13):**

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."*

Due to the Residential C district three families are by-right. The subject property, at 4500 square feet also meets the lot area per dwelling unit calculation of 875 square feet per unit.

Under SZO §4.4.1, an existing single or two-family dwelling may alter a nonconformity through the granting of a Special Permit. However, the conversion from a two- to a three-family dwelling requires that any extension of a nonconforming structure require a Special Permit. The lot is existing nonconforming due to the minimum lot size and setbacks.

A special permit is also required for parking relief. Per SZO §9.5.2.a, existing one and two family residences converting to 2 or 3 family residences shall provide one parking space per additional dwelling unit. Under SZO §9.13 a special permit is required since the Applicant is not provided any further parking than the driveway and one car garage which is viewed as one space.

In considering a Special Permit under §4.4 & §9.13 of the SZO, Staff find that the alterations proposed would be substantially more detrimental to the neighborhood than the existing structure. In particular, the increased height of the building will bring the building out of context with the neighboring properties and increase shadows. One, Three, and Five Cameron Avenue are in the Residential C zone that stretches on Holland Avenue connecting Teele Square to Davis Square. After Five Cameron, the street transitions to an RB zone.

The intention of RC is to allow for a higher density residential zone than RA & RB but allow for a mix of uses that are compatible for the neighborhood. The dimensional requirements of the zoning ordinance allow lower setbacks including the ability for shop front additions and light commercial uses. As the City has conducted planning projects in this neighborhood, particular the Powderhouse School redevelopment, Staff has heard about implementing uses that contribute to the success of Teele and Davis Squares – not compete with them. Furthermore, we've seen other challenges of the RC district including shop front additions converted back to residential use, abuse of the lot area per dwelling unit calculation, and a lack of setback buffers in the district. It's through the PHCS process and the citywide zoning effort that, most likely, will change the zoning district of this property.

This property, as well as properties along Holland (between Teele and Davis Squares) and Cameron Avenue, are more in line with the RA & RB district of the city – a repeating pattern of 2 ½ stories and triple deckers. These areas in the SomerVision plan are identified as places to “preserve and enhance the character of Somerville’s neighborhoods...and respect neighborhood form and patterns while expanding Somerville’s architectural legacy.” The SomerVision map was not mapped by parcel, this property is on the edge of the conserve and enhance areas.

Raising the height of the building on a nonconforming sideyard setback will be detrimental to the neighborhood form. In addition, the windows added to the façade in the basement unit will change the pattern on the street. Basement units, with the correct layout, can be successful. However, windows on the front façade make a condition in which a tenant always has the blinds closed because of privacy issues.

The new SomervillebyDesign Zoning Ordinance will be based on building type rather than dimensional requirements. A 2 ½ story house will be a 1 or 2 family 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 for rear decks and parking relief are 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 and to conserve the value of land and buildings.

However, increasing the height of the structure does not comply with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to maintaining the uniquely integrated structure of uses in the City and to provide adequate light and air.

The proposal is consistent with the purpose of the district, which is, “To establish and preserve a district for multi-family residential and other compatible uses which are of particular use and convenience to the residents of the district.”

In considering a special permit under §9.13 of the SZO the SPGA may grant such a special permit only when consistent with the purposes set forth in Section 9.1. One space of parking relief will not cause an increase in traffic volumes or congestion. It is assumed that anyone occupying the property that does own a car will be parking on the street.

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 subject property is located in an RC district between Davis and Teele Squares. The surrounding neighborhood is predominantly comprised of single-, two-, and three-family dwellings. The Tufts Administration Building is located across Holland Street.

There are little to no impacts of the proposal to add the rear decks. To increase the height of the structure will take it out of compatibility with the characteristics of the built surrounding area. The entry and windows as proposed will negatively impact the streetscape and neighborhood.

5. Vehicular and pedestrian circulation: *The circulation patterns for motor vehicles and pedestrians which would result from the use or structure will not result in conditions that create traffic congestion or the potential for traffic accidents on the site or in the surrounding area.*

A parking memo was requested by the City Traffic Engineer which was not provided. An additional unit requires one space of parking relief. The parking requirement for the building is 3.5 and would increase to 4.5 or 5 spaces, only 1 is provided. As Planning Staff proceeds with adoption of a new zoning ordinance, the parking count will be connected to unit count versus bedroom count; one unit will equal one space. This is in line with the data collected on registration that the car ownership rate in Davis Square is .86 per household and the car ownership rate in Teele Square is 1.03 per household.

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

7. 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.*

This project does not comply with the applicable goals of the SomerVision plan because it does not preserve and enhance the character of Somerville's neighborhoods.

<i><u>SomerVision Summary</u></i>	<i>Existing</i>	<i>Proposed</i>
<i>Dwelling Units:</i>	2	3
<i>Affordable Units:</i>	0	0
<i>Commercial Sq. Ft.:</i>	0	0
<i>Estimated Employment:</i>	0	0
<i>Parking Spaces:</i>	1	1
<i>Publicly Accessible Open Space:</i>	0	0

### III. RECOMMENDATION

#### Special Permit under §4.4.1 & 9.13

Based on the materials submitted by the Applicant, the above findings and subject to the following conditions, the Planning Staff recommends **DENIAL** 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.