



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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**Case #:** ZBA 2015-  
**Date:** July 30, 2015  
**Recommendation:** Denial

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**PLANNING STAFF REPORT**

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**Site:** 198 Central Street

**Applicant & Owner Name:** Dean Casassa

**Applicant & Owner Address:** 13 Highland View Ave. Winchester, MA 01890

**Agent:** Richard Digiralamo

**Agent Address:** 424 Broadway Somerville, MA 02145

**Alderman:** Mark Niedergang

Legal Notice: Applicant and Owner, Dean Casassa, seeks a Special Permit under SZO §8.5 to expand a nonconforming story height to go from 3 to 3 ½ stories and a Special Permit to alter a nonconforming structure under SZO §4.4 to expand a nonconforming FAR. RA zone. Ward 5.

Dates of Public Hearing: Zoning Board of Appeals - August 5, 2015

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**I. PROJECT DESCRIPTION**

1. Subject Property: The subject property is a 2,560 square foot lot with an existing 3-family, row house type, dwelling unit. These row houses are part of a local historic district. Vehicular access on the site is from Adams Street. The rear yard is a parking lot. The property received a Special Permit earlier this year to reconstruct rear decks as part of a larger interior renovation.

2. Proposal: The proposal is to add an additional story height in a mezzanine level to make the building 3 ½ stories. By creating a mezzanine and finishing parts of the basement, the application also includes expanding a nonconforming FAR. The following is a recent building permit history of the subject property:

Issued	B14-000488	Electrical service, HVAC, remodel 1 <sup>st</sup> floor kitchen, bath, and basement bath
Issued	B14-000893	Demo existing kitchen and bath, replace hot water heater, w/HVAC, upgrade electrical and fire.
Issued	B14-001320	Roof
Issued (Electrical Permit)	E15-000137	Rewire units, 7 bed, 3 kitchens, 5 baths
Issued (Plumbing Permit)	P15-000162	Rough and finish plumbing 3-family
Issued (Gas Permit)	G15-000159	Rough and finish gas 3-family
Rejected*	B15-000336	Remove 1 <sup>st</sup> floor rear deck and replace it w/stairs to 2 <sup>nd</sup> floor

\*Rejected until SP approval of ZBA Case 2015-23 appeal period expires and decision recorded.

Of the building permits issued none described or submitted drawings of the additional story height and finished basement area beyond the existing bathroom. During routine inspections for the building permits issued the mezzanine was discovered.

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

4. Comments:

*Fire Prevention*: Has been contacted and has no comments at this time.

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

## II. FINDINGS FOR SPECIAL PERMIT:

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 structure is currently nonconforming with respect to the story height of the district, 2 ½ stories are allowed and the building has 3 stories. In addition, the building has an existing FAR of X where .75 is allowed.

The proposal will impact the following nonconforming story height of the building and floor area ratio. The row house is currently 3 stories and 37' in height. During demolition, the property owner wanted to maximize existing space provided in the envelope and added a mezzanine. This maintains the height of the building but adds an additional story. It also adds to the net floor area which increases the FAR. This alteration to a nonconforming structure requires the Applicant to obtain special permits under §4.4.1 of the Somerville Zoning Ordinance (SZO).

Section 4.4.1 states that “[l]awfully existing nonconforming structures other than one- and two-family dwellings may be enlarged, extended, renovated or altered only by special permit authorized by the SPGA in accordance with the procedures of Article 5. The SPGA must find that such extension, enlargement, renovation or alteration is not substantially more detrimental to the neighborhood than the existing nonconforming building. In making the finding that the enlargement, extension, renovation or alteration will not be substantially more detrimental, the SPGA may consider, without limitation, impacts upon the following: traffic volumes, traffic congestion, adequacy of municipal water supply and sewer capacity, noise, odor, scale, on-street parking, shading, visual effects and neighborhood character.”

In considering a special permit under §4.4 of the SZO, Staff find that the additional story height proposed will be substantially more detrimental to the neighborhood than the existing structure. The subject property is already nonconforming to the height of the RA district which is 2 ½ stories. Three stories are fairly common in the RA district. However, to expand to 3 ½ stories would be out of character with the district. Planning Staff does not want to encourage property owners with gracious floor to floor heights to squeeze additional floors into buildings by providing the code minimum ceiling height. To grant relief to this owner will encourage property owners in the RA district with nonconforming story heights to request to expand their nonconformity to no end. Three stories are not common in the RA district, “... when considering how the ordinance regulates building height, ... less than 1% [of the RA district] are nonconforming to the two and a half (2.5) stories permitted in RA,” from the RA/RB Report. To make the structure more nonconforming would not be in character with the RA district.

In considering a special permit under §4.4 of the SZO, Staff find that the additional floor area in the basement will not be substantially more detrimental to the neighborhood than the existing structure. Finishing the basement is typical for a way to expand living area in substitute of a storage area that does not encourage an increase in story height.

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 not 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 provide adequate light and air; to prevent the overcrowding of land; and to preserve the historical and architectural resources of the City.

The proposal is not 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.” This property is an existing three-family home but to further modify is not in keeping with the purposes of the district.

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 residential with a mix of building forms, this block of Central Street has beautiful, well-preserved houses. The subject property is near Broadway on the top of Winter Hill. There are a few religious buildings nearby including Temple Bnai Brith and Vida Real.

To expand the story height will be impactful on the neighborhood by expanding what is allowed in the district greater than the typical 2 1/2 story Somerville homes in the RA and RB districts.

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

There will be 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.*

This project does not contribute to the goals and policies of SomerVision. SomerVision specifically calls for the existing ordinance to be overhauled. "The more Somerville residents and businesspersons study it, the more we realize that the City's zoning ordinance is outdated, and provides no predictability. Not for investors, and not for abutters. Neighbors, developers and public officials are forced to guess as to the City's vision for its future. The SomerVision Steering Committee has articulated more than five hundred action statements, and an overhaul of the Somerville Zoning Ordinance is a critical element of more than one hundred. Somerville deserves a zoning ordinance for the twenty-first century: one that helps us conserve our great residential neighborhoods, enhance our funky squares and commercial corridors, and transform our opportunity areas as illustrated on the SomerVision Map in Chapter 3."

"Zoning Code Overhaul Should Include:

- a. Review and overhaul of the code, to address ease of its use
- b. Predictable results for high-quality urban design, using innovative tools including form-based codes
- c. Protection of existing single and two family homes
- d. Simplification of the process for establishing and growing a small business
- e. Parking regulations that reflect Somerville's urban character
- f. Reflection of the capacity of properties to handle development
- g. Identification of appropriate and inappropriate small additions including dormers
- h. Sustainable development features / incentives
- i. Sliding scale impact fees to provide for off-site benefits
- j. Contextual sign regulations
- k. Strategies to address the visual impacts of telecommunications infrastructure
- l. Consistency with the SomerVision Comprehensive Plan goals, policies and actions
- m. Consistency with area plan goals, policies and actions"

Both in SomerVision and now in the proposed zoning code, a residential building type that is 3 ½ stories was not identified for the Residential A/Neighborhood Residential districts.

### III. RECOMMENDATION

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**. If the owner wishes to proceed with the finished basement area the plans should be modified for review.

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.

