



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

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

**Case #:** ZBA 2013-78  
**Date:** December 5, 2013  
**Recommendation:** Conditional Approval

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**PLANNING STAFF REPORT**

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**Site:** 95 Hudson Street

**Applicant & Owner Name:** James Haile  
**Applicant & Owner Address:** 95 Hudson Street Somerville, MA 02143  
**Agent Name:** Adam Dash  
**Agent Address:** 48 Grove Street Somerville, MA 02144  
**Alderman:** Courtney O'Keefe

Legal Notice: Applicant & Owner, James Haile, seek a Special Permit under SZO §4.4.1 to alter a nonconforming structure by adding rear additions, rebuilding a side yard landing and stairs, and window and door alterations. The proposal also includes door changes to the accessory structure. RB Zone. Ward 5.

Dates of Public Hearing: Zoning Board of Appeals – December 11, 2013

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**I. PROJECT DESCRIPTION**

1. Subject Property: The subject property is a 3,150 square foot lot with a single family, 2 ½ story house and an accessory structure. The majority of the lot is paved.
2. Proposal: The Applicant proposes to add two additions that will square off the back of the house and build a deck off of the first floor. The additional space will add storage in the basement and living space on the other floors. The existing side door will be shifted and a new porch and stairs will be built. The site will be improved by adding landscaping and pavers. The garage door will be removed from the accessory structure and replaced with a man door.
3. Green Building Practices: None listed on the application.



4. Comments:

*Fire Prevention:* Has been contacted but has not yet provided comments.

*Engineering:* Has been contacted but has not yet provided comments.

*Ward Alderman:* Has been contacted but has not yet provided comments.

**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 seeks a Special Permit under SZO §4.4.1 to alter an existing, non-conforming, structure by squaring off the back of the home on the nonconforming side. The side yard lot line is 2', 8' is required. After the additions the setbacks will remain the same but the nonconformity will increase. The other side yard and front yard setbacks are not affected by these renovations.

No parking relief is required for this application because there is no change in bedroom count. The applicant will maintain one parking space which can park 2 cars in tandem.

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 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 provide for and maintain the uniquely integrated structures in the City.

The proposal is consistent with the purpose of the district, which is, "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.

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 immediate neighborhood is predominantly residential, with a mix of one-, two-, and three-family homes. The surrounding homes are typically 2 ½ story structures with gable roofs.

There are few impacts to this proposal. The rear additions will further reduce the side yard because the house does not run parallel with the lot line. The corner of the addition will be 1.7' from the property line and the deck will be 1.5' from the property line. The house is currently 1.9' from the property line. The additions, although adding square footage to the property, will improve the appearance of the house by architecturally incorporate previous work done to the home. The site improvements will increase the pervious area and provide landscaping where there currently is none.

### 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 a Special Permit under SZO §4.4.1 to alter a nonconforming structure by adding rear additions, rebuilding a side yard landing and stairs, and window and door alterations. The proposal also includes door changes to the accessory structure. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/Pln g.									
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>November 12, 2013</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>October 18, 2013</td><td>Modified plans submitted to OSPCD (Plot Plan)</td></tr><tr><td>October 29, 2013</td><td>Modified plans submitted to OSPCD (A-1 Site Plan/Basement/First Floor Plan, A-2 Floor Plans, A-3 Elevations, L-1 Planting Plan, E-1 Electrical Plans, EX-1 Existing Conditions Floor Plans, EX-2 Existing Elevations)</td></tr></table>				Date (Stamp Date)	Submission	November 12, 2013	Initial application submitted to the City Clerk's Office	October 18, 2013	Modified plans submitted to OSPCD (Plot Plan)	October 29, 2013	Modified plans submitted to OSPCD (A-1 Site Plan/Basement/First Floor Plan, A-2 Floor Plans, A-3 Elevations, L-1 Planting Plan, E-1 Electrical Plans, EX-1 Existing Conditions Floor Plans, EX-2 Existing Elevations)
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Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.												
Pre-Construction												

2	The Applicant will be required to demonstrate that the updated project plans meet the current City of Somerville stormwater policy. Utility, grading, and drainage plans must be submitted to the Engineering Department for review and approval.	BP	Eng.	
<b>Construction Impacts</b>				
3	The Applicant shall at his 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	
4	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	
<b>Design</b>				
5	An exterior light and electrical receptacle is required for the first level of the deck.	Final sign off	Wiring Insp.	
<b>Site</b>				
6	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards	Perpetual	Plng. / ISD	
<b>Miscellaneous</b>				
7	The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the building and all on-site amenities, including landscaping, fencing, lighting, parking areas and storm water systems, ensuring they are clean, well kept and in good and safe working order.	Cont.	ISD	
<b>Public Safety</b>				
8	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
9	To the extent possible, all exterior lighting must be confined to the subject property, cast light downward and must not intrude, interfere or spill onto neighboring properties.	CO	Plng.	
<b>Final Sign-Off</b>				
10	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.	

