



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*

**Case #:** ZBA 2013-69  
**Date:** October 31, 2013  
**Recommendation:** Conditional Approval

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**PLANNING STAFF REPORT**

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**Site:** 52A and 54 Medford Street

**Applicant Name:** Paul J. Morgan  
**Applicant Address:** 46 Warwick Street, Somerville MA 02145  
**Property Owner Name:** Paul J. Morgan  
**Property Owner Address:** 46 Warwick Street, Somerville MA 02145  
**Agent Name:** Adam Dash, Esq.  
**Agent Address:** 48 Grove Street, Suite 304, Somerville MA 02144  
**Alderman:** Maryann Heuston

Legal Notice: Applicant and Owner Paul J. Morgan seeks a Special Permit under SZO §4.4.1 to alter a nonconforming single-family house by expanding the 2<sup>nd</sup> floor by approx 200 sf.

Zoning District/Ward: RB / 2

Zoning Approval Sought: SZO §4.4.1

Date of Application: October 8, 2013

Dates of Public Hearing: Zoning Board of Appeals November 6, 2013

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**I. PROJECT DESCRIPTION**

1. Subject Property: The subject property contains 3,636 square feet of land on which sits two single-family houses. The property has frontage on Medford Street and Ward Street. In 1995 there was a case (#1995-54) before the Zoning Board of Appeals for a variance to subdivide lots to provide 52A and 54 Medford Street with more land to address the encroachment of the back stair. The request was approved without conditions.



The subject house is just under 1,000 net square feet and contains two bedrooms. It is two-stories for a portion and one-story for another portion. There are four parking spaces for the two dwellings located off of Ward Street.

2. Proposal: The proposal is to expand the second story of 52A Medford Street over the one-story portion of the structure. The footprint of the building will not change. The additional 188 square feet will provide space to make one of the two bedrooms larger. The number of units and bedrooms will not change. The slope of the roof of the addition will match the slightly sloped roof of the rest of the house. The siding for the entire structure will be replaced with a cementitious clapboard and three windows will be added. The Applicant would like to change the address to Ward Street to improve mail service and make it easier to find.

The cable and telephone wires that fed a neighboring building and were in the location of the proposed addition have been removed.

There are no proposed changes to 54 Medford Street.



3. Nature of Application: Lawfully existing one- and two-family dwellings which are used only as residences, which are nonconforming with respect to dimensional requirements, may be enlarged, expanded, renovated, or altered by special permit granted by the SPGA in accordance with the procedures of Article 5, when any such enlargement, extension, renovation or alteration increases the nonconforming nature of the structure. The structure is nonconforming in terms of lot size (3,636 square exists and 7,500 square feet is required), landscaped area (10% exists and 25% is required), pervious surface (24% exists and 35% is required), front yard setback for 54 Medford Street (1.1 feet and 15 is required), rear yard setback for 52A Medford Street (5.2 feet and 20 feet are required), and side yard setback for 54 Medford Street (1.3 feet and 8 is required).

The addition will impact the nonconforming rear yard setback because it will be located in the rear yard setback and increase a portion of the the height of the structure to 2-stories

4. Surrounding Neighborhood: The property is located in a small residential district surrounded by the Business-A and Transit Oriented 135 Districts. There is a mix of flat-roofed and gable roof structures near the property. A large parking lot for La Hacienda Restaurant abuts the property.

5. Impacts of Proposal: The proposal will not have negative impacts. The house will remain small and the addition matches the style of the existing house in roof pitch, window type and placement and

siding material. The mass of the structure will be setback more than the required 8 foot setback from the abutting 3-story house and the only other abutting structure is a 1-story concrete block building.

6. Green Building Practices: The application form states that the applicant intends to use spray foam insulation for the addition to increase the R value and install energy efficient windows in the addition.

7. Comments:

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

*Ward Alderman:* Alderman Heuston does not foresee any issues with the proposal.

## **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."

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. The addition will not encroach farther into the rear yard setback than the existing structure. The other nonconformities of the buildings and site will not change as a result of the proposal.

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 providing for and maintaining the uniquely integrated structure of uses in the City and conserving the value of land and buildings. The proposal is also consistent with the Residence B zoning district in preserving and improving 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 proposal has been designed to be compatible with the existing house and surrounding area. The house will remain small and the addition matches the style of the existing house in roof pitch, window type and placement and siding material. The mass of the structure will be setback more than the required 8 foot setback from the abutting 3-story house and the only other abutting structure is a 1-story concrete block building.

**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 approx 200 sf second story addition. 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>Oct 8, 2013</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>Oct 4, 2013</td><td>Modified plans submitted to OSPCD (A0.1 Existing Conditions Photographs, A1.0 Existing Plan &amp; Elevations, A2.0 Proposed Renderings, Plans &amp; Elevations)</td></tr></table>				Date (Stamp Date)	Submission	Oct 8, 2013	Initial application submitted to the City Clerk's Office	Oct 4, 2013	Modified plans submitted to OSPCD (A0.1 Existing Conditions Photographs, A1.0 Existing Plan & Elevations, A2.0 Proposed Renderings, Plans & Elevations)
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Any changes to the approved elevations that are not <i>de minimis</i> must receive SPGA approval.										
2	Upon completion of the renovations, the siding of the addition shall match the material and color of the rest of the house.	BP	Plng.							
3	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP							
4	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.							

