



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
**JOSEPH A. CURTATONE**  
**MAYOR**

MICHAEL F. GLAVIN  
EXECUTIVE DIRECTOR

**PLANNING DIVISION STAFF**

GEORGE PROAKIS, *DIRECTOR OF PLANNING*  
LORI MASSA, *SENIOR PLANNER*  
MELISSA WOODS, *SENIOR PLANNER*  
DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*

**Case #:** ZBA 2015-51

**Date:** July 30, 2015

**Recommendation:** Conditional Approval

---

**PLANNING STAFF REPORT**

---

**Site:** 74 Morrison Avenue

**Applicant Name:** Buster Bronze LLC

**Applicant Address:** 165 Armory Street, Cambridge, MA 02139

**Owner Name:** Buster Bronze LLC

**Owner Address:** 165 Armory Street, Cambridge, MA 02139

**Alderman:** Rebekah Gewirtz

Legal Notice: Applicant & Owner, Buster Bronze LLC, seeks a Special Permit to alter a nonconforming three-family structure to add a third floor to the rear porch and add a door to access the porch. RA zone. Ward 6.

Dates of Public Hearing: August 5, 2015

---

**I. PROJECT DESCRIPTION**

1. Subject Property: The subject property is a 3-family house on a 4,313 square foot lot. The Zoning Board of Appeals allowed for the conversion from a two- to a three-family house in the 1940's. There is a two story porch in the rear of the property. The Applicants have received a building permit to rebuild this porch in kind. The property is located on the Community Path.
2. Proposal: The proposal is to add a third floor to the rear porch and turn a window into a door to access the porch.
3. Green Building Practices: None listed on the application form.
4. Comments:



*Fire Prevention:* Does not have comments at this time.

*Wiring Inspection:* An exterior electrical receptacle is required for the third level of the porch.

*Ward Alderman:* Alderman Gewirtz asked Planning Staff about impacts of the project and if neighbors have voiced concerns.



## 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 proposal will impact the nonconforming side yard. The current dimension is 3 feet 8 inches, the proposal will alter the structure within this setback to add a third floor to the porch. The requirement in the district is 8 feet. 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 alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The proposal will not expand the footprint of the porch and the proposal will add a small private outdoor space for the third floor unit.

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 to providing adequate light and air.

The proposal is consistent with the purpose of the RA district, in making improvements to the three-family house.

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 design of the third floor of the porch will match that of the first two floors in the details of the posts, railings and balusters.

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

The third floor unit will be more expensive with a renovation and access to a porch. The units are not restricted as affordable units and even without the expansion of the building the owner could increase the cost of the units.

8. 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.*

The proposal will allow for increased outdoor amenity space which is not counter to the goals of SomerVision for this lot in the area of the City marked to be preserved.

<u><i>SomerVision Summary</i></u>	<i>Existing</i>	<i>Proposed</i>
<i>Dwelling Units:</i>	3	3

**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 construction of a third floor to the rear porch and window and door alterations to access the porch. 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 1, 2015</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>Oct 7, 2014</td><td>Modified plans submitted to OSPCD (Plan of Land with Setbacks)</td></tr><tr><td>Jul 14, 2015</td><td>Modified plans submitted to OSPCD (existing &amp; proposed floor plan, existing &amp; proposed rear elevation)</td></tr></table>				Date (Stamp Date)	Submission	July 1, 2015	Initial application submitted to the City Clerk's Office	Oct 7, 2014	Modified plans submitted to OSPCD (Plan of Land with Setbacks)	Jul 14, 2015	Modified plans submitted to OSPCD (existing & proposed floor plan, existing & proposed rear elevation)
	Date (Stamp Date)				Submission							
	July 1, 2015				Initial application submitted to the City Clerk's Office							
	Oct 7, 2014				Modified plans submitted to OSPCD (Plan of Land with Setbacks)							
Jul 14, 2015	Modified plans submitted to OSPCD (existing & proposed floor plan, existing & proposed rear elevation)											
Any changes to the approved plans that are not <i>de minimis</i> must receive SPGA approval.												
2	An exterior electrical receptacle is required for the second level of the porch.	Final sign off	Wiring Inspector									
3	The posts, railing and balusters shall match those on the first and second floors of the porch.	Final sign off	Plng.									
Final Sign-Off												
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.									

