



City of Somerville

ZONING BOARD OF APPEALS

City Hall, 93 Highland Avenue, Somerville MA 02143

TO: Zoning Board of Appeals
FROM: Planning Staff
SUBJECT: 88 Winslow Avenue, ZP26-000044
POSTED: July 30, 2026

RECOMMENDATION: Approve with conditions

Staff memos are used to communicate background information, analysis, responses to public comments, review of statutory requirements and other information from Planning staff to the Review Board members.

This memo summarizes the Special Permit Finding request submitted for 88 Winslow Avenue, identifies any additional discretionary or administrative development review that is required by the Somerville Zoning Ordinance, and provides related analysis or feedback as necessary. The application was deemed complete on June 17, 2026, and is scheduled for a public hearing on August 5, 2026. Any Staff recommended findings, conditions, and decisions in this memo are based on the information available to date prior to any public comment at the scheduled public hearing.

LEGAL NOTICE

Adam Dash, Esq. on behalf of Theodore W. Lanman and Elizabeth Ann Keller propose to expand a nonconformity for the roof line to add livable space of a two-family dwelling in the Neighborhood Residence (NR) zoning district, which requires a Section 6 finding.

SUMMARY OF PROPOSAL

The Applicant is proposing to expand the existing top floor living space of a detached two (2) family triple-decker pre-existing non-conforming building. The existing roof is not use by the Applicants because is only accessible through a ladder on the top floor and does not have shade. This proposed change does not impact the building height, however it changes the building from a three and one-half to four stories.

BACKGROUND

88 Winslow Avenue is located in the Neighborhood Residence (NR) zoning district in the Davis Square neighborhood represented by Ward 6 Councilor Lance Davis. The Zoning Board of Appeal is the decision-making authority for all discretionary or administrative permits required for the NR zoning district.

NEIGHBORHOOD MEETING

The neighborhood meeting was held on April 8, 2026. Planning Staff, Application team members and the Ward six (6) councilor were present among abutters and residents. A resident made a comment in support of the project. Other residents had clarifying questions regarding some of the exterior features of the project such as the pergola and exterior stairs, which were addressed by staff and the Applicant's attorney explaining this will be or have been reviewed by ISD (Inspectional Services Department). Other questions raised at the hearing were about parking, the intended use of the apartment and the procedure about notifying abutters.

ANALYSIS

The property at 88 Winslow Avenue is a two (2) family pre-existing non-conforming detached triple-decker building, which currently is three and one-half (3 ½) stories tall. As described in the above the applicant proposes to expand the existing top floor by approximately 104 sf, additionally this will change the building from a pitched to a flat roof.

ISD Staff have determined that [SZO 14.1.5.c.ii](#) notes that modifications to a principal building type that is nonconforming to a specific standard for that building type are permitted if there is no new nonconformity created and the existing nonconformity is not increased. The proposed conversion of the roof-type from a half-story to a full height, flat-roofed story represents an intensification of the existing nonconformity and is therefore not permitted under this section. However, because this building is an existing two-family dwelling, the property owner is entitled to pursue a Special Permit under [M.G.L. \(Massachusetts General Law\) Chapter. 40a Section. 6](#) (Special Permit Finding or Section 6 Finding), which allows for existing nonconforming structures to be altered by Special Permit if the SPGA (Special Permit Granting Authority) – ZBA, makes a finding that the proposed alteration is not substantially more detrimental than the existing nonconformity to the neighborhood.

Upon analysis of the material submitted by the Applicant, Planning Staff does not believe that the granting for the Special Permit Findings would cause a substantial detriment to the public good or nullify or substantially derogate from the intent and purpose of the Neighborhood Residence (NR) district, copied here:

Intent:

- To implement the objectives or the comprehensive plan of the City of Somerville.
- To conserve already established areas of detached and semi-detached residential buildings.

Purpose

- To permit the development of one-, two-, and three-unit detached and semidetached residential buildings on individual lots.

- To permit contextual modifications to existing detached and semi-detached residential buildings.
- To permit the adaptive reuse of certain existing nonconforming buildings for arts & creative enterprise and retail uses compatible with residential areas.
- To create dwelling unit types, sizes, and bedroom counts ideal for larger households in houses, Semi-Attached Houses, Duplexes, and Triple Deckers.
- To create dwelling unit types, sizes, and bedroom counts ideal for smaller households in Cottages and Backyard Cottages.

CONSIDERATIONS & FINDINGS

The Zoning Board of Appeals is required by the Somerville Zoning Ordinance and M.G.L. Chapter 40A, Section 6, to deliberate each of the following considerations at the public hearing:

Special Permit Finding Consideration:

- Pursuant to M.G.L. Chapter 40A, Section 6, “Pre-existing nonconforming structures or uses may be extended or altered, provided, that no such extension or alteration shall be permitted unless there is a finding by the permit granting authority or by the special permit granting authority designated by ordinance or by-law that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming use to the neighborhood.”

Staff does not believe that the extension and alteration is substantially more detrimental to the neighborhood than the existing nonconforming structure.

PERMIT CONDITIONS

Should the Board approve the required Special Permit Finding to increase the main massing of an existing nonconforming structure, Staff recommend the following conditions:

Validity

1. This decision must be recorded with the Middlesex South Registry of Deeds.

Public Record

2. A digital copy of the recorded Decision stamped by the Middlesex South Registry of Deeds must be submitted to the Planning, Preservation, & Zoning Division for the public record