



City of Somerville

ZONING BOARD OF APPEALS

City Hall, 93 Highland Avenue, Somerville MA 02143

TO: Zoning Board of Appeals
FROM: Planning Division Staff
SUBJECT: 61 Boston Street, ZP26-000061
POSTED: September 23, 2026

RECOMMENDATION: None

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 61 Boston Street, 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 August 31, 2026, and is scheduled for a public hearing on September 30, 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 Jacob S. Taylor and Janet Smith Taylor propose to expand an existing nonconformity for the rear setback in the Neighborhood Residence (NR) district, which requires a Special Permit Finding.

SUMMARY OF PROPOSAL

The Applicant is proposing to expand an existing nonconforming property in the rear setback. The proposed modification will expand the first and second floor rear decks and increase the existing nonconforming rear setback encroachment by six (6) inches.

BACKGROUND

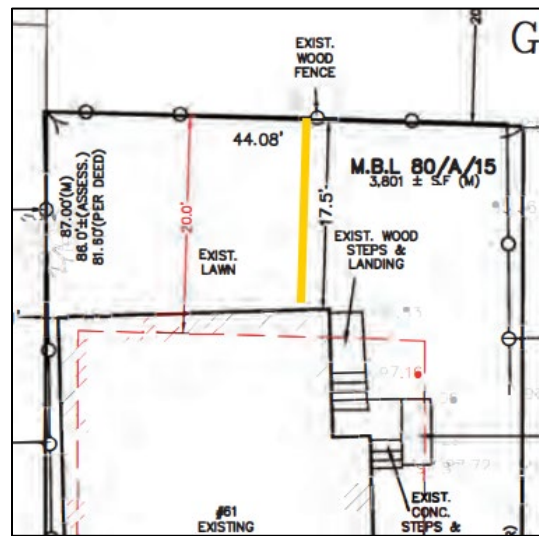
61 Boston Street is located in the Neighborhood Residence (NR) zoning district in the Prospect Hill neighborhood represented by Ward 3 Councilor Ben Ewen-Campen. Following the Board's decision regarding the Special Permit Finding, the proposal will be by-right. The Zoning Board of Appeals is the decision-making authority for all discretionary or administrative permits required for the NR zoning district.

ANALYSIS

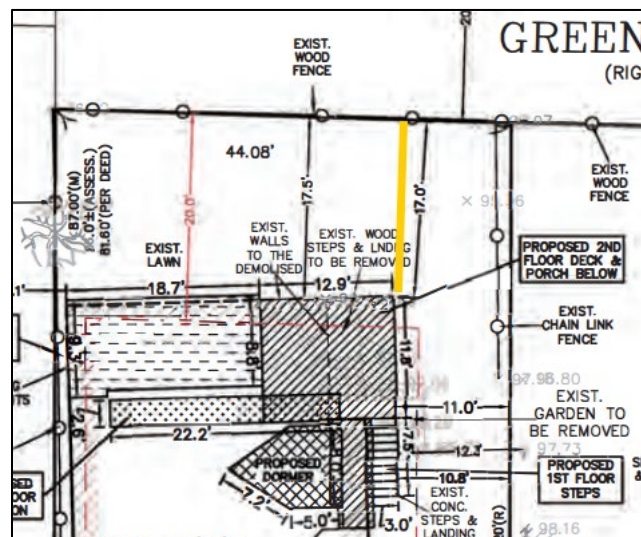
The property at 61 Boston Street is a detached two-unit house in the Prospect Hill neighborhood. The property is currently nonconforming on the left side setback, the

main massing width, the number of stories, and the rear setback. The overall scope of work includes several changes that are by-right. The proposed work under the purview of the ZBA is only the nonconforming rear setback.

Pursuant to SZO 3.1.8, the rear setback requirement for a detached house in the Neighborhood Residence (NR) is a minimum of twenty feet (20'). The existing nonconforming rear setback at 61 Boston Street is seventeen feet and six inches (17.5'). The proposed work for the rear first and second floor deck will make the rear setback seventeen feet (17'). Therefore, the proposed work with would increase the nonconformity in the rear setback by six inches (6").



61 Boston St Existing Plot Plan: Yellow line is existing nonconforming setback of 17.5'



61 Boston St Proposed Plot Plan: Yellow line is proposed setback of 17'

Since this building is an existing two-unit dwelling, the property owner is entitled to pursue a Special Permit under [Massachusetts General Law \(M.G.L.\) 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)- the Zoning Board of Appeals- makes a finding that the proposed alteration is not substantially more detrimental than the existing nonconformity to the neighborhood.

Upon analysis of the submitted material by the Applicant, Planning Staff does not believe that the granting of the Special Permit Finding 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 of the Comprehensive Plan of the City of Somerville*
- *To consider already established areas of detached and semi-detached residential buildings*

Purpose:

- *To permit the development of one-, two-, and three-unit detached and semi-detached 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 non conforming buildings for arts and 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*"

Planning Staff does not believe the expansion of the rear decks is substantially more detrimental to the neighborhood than the existing nonconforming structure.

PERMIT CONDITIONS

Should the Board approve the required Special Permit to expand the existing non-conformity, Planning 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 Division staff for the public record.