



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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ALEX MELLO, *PLANNER*

**Case #:** ZBA 2018-36

**Date:** June 20, 2018

**Recommendation:** Conditional Approval

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**PLANNING STAFF REPORT**

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**Site:** 40 Harvard Street

**Applicant Name:** 40 Harvard St Somerville, LLC

**Applicant Address:** 57 Mishawum Rd.,  
Woburn, MA 01801

**Owner Name:** 40 Harvard St Somerville, LLC

**Owner Address:** 57 Mishawum Rd., Woburn,  
MA 01801

**Alderman:** Ben Ewen-Campen

**Legal Notice:** Applicant and Owner, 40 Harvard Street, LLC, seeks Special Permits under §4.4.1 of the SZO to alter a non-conforming structure including by finishing the basement. Special Permit for parking under Article 9\* of the SZO. RZ zone. Ward 3.



**Date of Public Hearing(s):** June 20, 2018 – ZBA

\* Since the publication of this legal notice, it has been determined that no parking relief is needed for this project.

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## I. PROJECT DESCRIPTION

**1. Subject Property:** The locus presents a two-family residential structure located in the RA zoning district. This 2 ½-story structure currently presents 3,262 square feet of usable area and rests on a 3,781 square-foot parcel.

**2. Proposal:** The Applicant proposes retaining the two-family use of the structure but intends to re-arrange the interior layout and finish a portion of the basement. Finishing the basement will increase the FAR from the already non-conforming .86 to a further non-conforming .97. The property is located in the RA zone where a maximum FAR of .75 is allowed.

**3. Green Building Practices:**

The applicant has provided no statement on the application regarding green building practices.

## **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 §4.4.1 of the SZO. This section of the report goes through §4.4.1 in detail.*

**1. Information Supplied:**

Staff finds that the information provided by the Applicant conforms to the requirements of §4.4.1 and 5.1.4 of the SZO.

**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."*

**Regarding §4.4.1 of the 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."*

**FAR**

Currently, the FAR for this property is non-conforming at .86. The proposal to finish the basement along with other interior reconfigurations will increase the FAR to .97. An FAR of .75 is the maximum allowed in the RA zone. However, under Special Permit, an Applicant can petition to further increase this non-conformity.

With the exception of site improvements and minor window/door re-arrangements, the majority of the proposed changes to this property will occur on the interior. The property is currently a two-family and will remain as such after the completion of this project. The bedroom count on the property will remain the same, leaving for no increase in the parking requirement. Given this, Staff finds that the proposed changes to the property will not be more detrimental to traffic volumes, traffic congestion, on-street parking, adequacy of municipal water supply, or sewer capacity. The neighborhood can expect some uptick in noise and, perhaps, odor, during the construction phase of this project. Beyond that, no increase in these nuisances is anticipated. No additions to the structure are proposed, therefore no additional shading of abutting properties or the public way should be expected. Staff anticipates that, as-conditioned,

the changes to the property will visually improve the property in a manner that is consistent with the neighborhood character.

**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."***

Staff finds that the proposal is consistent with the purpose of the RA zone which is: “[t]o establish and preserve quiet neighborhoods of one- and two-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 proposal will improve the usability of the existing structure and overall provide for an upgrade to the property. As most the changes to the property are interior to the building, Staff does not anticipate a negative impact on the surrounding neighborhood. Staff has conditioned the approval for this project to include the submission of a full landscape plan, removal of bituminous material, and improved exterior finishes/materials on the structure.

**5. Housing Impact: *Will not create adverse impacts on the stock of existing affordable housing.***  
 The proposal will not add to the existing stock of affordable housing.

**6. SomerVision:**

The proposal will contribute to SomerVision in that it will provide visual improvements to an existing property.

**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
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1	Approval is to increase the non-conforming FAR by finishing the basement and conducting interior re-configurations.	BP/CO	ISD/PIng.					
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>March 15, 2018</td> <td>Application submitted to City Clerk's office.</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	March 15, 2018	Application submitted to City Clerk's office.
	Date (Stamp Date)				Submission			
March 15, 2018	Application submitted to City Clerk's office.							
<p style="color: red;">Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval. Whether or not a change is <i>de minimis</i> in nature must be determined by the Planning Office.</p>								
<b>Design</b>								
2	All materials, including, but not limited to windows, exterior finishes, siding, and similar shall be submitted to, reviewed and approved by Planning Staff prior to the issuance of a building permit.	BP	ISD/PIng					
3	This entire property is being overhauled. Therefore, the vinyl siding shall be removed and existing clapboard siding found beneath it shall be retained and re-used (if extant) and in good condition. Otherwise, wood or cementitious siding shall be installed. No vinyl siding, trim, decking, or railing shall be permitted. All materials used shall be submitted to Planning Staff for their review and approval prior to ordering and installation.	BP	ISD/PIng					
4	<u>All grids (muntins) on windows shall be adhered to the exterior of the glass. No between-the-glass-grids shall be permitted.</u>	CO	ISD/PIng					
<b>Site</b>								
5	The Applicant shall provide a professional landscaping plan to Planning Staff for their review and approval prior to the issuance of a building permit.	BP for landscaping plan	ISD/PIng					
	The landscaping plan shall include, at a minimum: removal of any bituminous material, quality landscaping materials, list of materials (plants), number and location of installation. Location and materials for sidewalks and fences shall be provided. No asphalt or cement for hardscaping and no vinyl for fencing. All hardscaping shall be permeable.	CO for installation						
6	Trash and recycling areas shall be placed behind the house and shall be screened from the public view and abutting properties. Screening material shall be presented to Planning Staff for their review and approval prior to installation	BP-review  CO-installation and screening	ISD/PIng					
7	AC condensers and related/similar mechanicals shall not be located along the front façade of the structure	CO	ISD/PIng					
8	Utility meters shall not be located on the front façade of the structure.	CO	ISD/PIng					
<b>Construction Impacts</b>								

9	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	
10	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/ISD	
11	The name(s) and contact information of all entities working on the site shall be posted in an area easily-visible from the public way for the passing public to see.	During Construction	ISD	
12	The applicant must comply with the "Policy for new connections to and modifications to existing connections to the municipal sewer and drainage system stormwater management and infiltration/inflow mitigation."  The Applicant shall work with Engineering to meet this condition and provide the required fees/mitigation.	BP	Engineering/ISD	
13	All food waste shall be removed from the construction site on a daily basis.	During Construction	ISD	
14	Construction waste shall be removed from the site on a daily basis and/or stored in dumpsters on-site, for which the property permits shall first be granted by the City	During Construction	ISD	
<b>Public Safety</b>				
15	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
16	All smoke detectors shall be hard-wired.	CO	Fire Prevention / ISD	
17	Grills, barbeques, chimineas, and the like are not permitted on decks or porches Somerville Fire Prevention regulations	CO/perpetual	ISD/PIng	
18	All exterior lighting shall be downcast and shall not shine onto abutting properties or the public way in any fashion.	CO/perpetual	ISD/PIng	
<b>Miscellaneous</b>				
19	If the units in this property are currently rental units being converted to for-sale condo units, the Applicant must first appear before the condo review board to formally convert the units from rental to condos.	BP	ISD/PIng	
<b>Final Sign-Off</b>				
20	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	PIng.	