



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

PLANNING BOARD

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Case #: ZBA 2009-20

Date: July 15, 2009

Recommendation: Conditional approval

PLANNING BOARD REPORT

Site: 22 Ashland Street

Applicant Name: Frank Martin

Applicant Address: 22 Ashland Street, Somerville, MA

Property Owner Name: same

Alderman: O'Donovan

Legal Notice: The Applicant seeks a special permit under §4.4.1 to construct a deck within the required rear yard setback.

Zoning District/Ward: Residence B / 5

Zoning Approval Sought: Special Permit under SZO §4.4.1

Date of Application: May 29, 2009

Date(s) of Meetings/Public Hearing: PB: June 25, 2009 / ZBA: July 15, 2009

Date of Decision: N/A

Vote: N/A

Dear ZBA members:

At its regular meeting on June 25, 2009 the Planning Board heard the above-referenced application. Based on materials submitted by the Applicant and the Staff recommendation, the Board voted (4-0, with Kevin Prior and Michael Capuano absent), to recommend **conditional approval** of the requested **Special Permit**.

In conducting its analysis, the Planning Board found:

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is an approximately 3,605 s.f. lot on which sits a 2.5 story wood frame single-family dwelling. The property is a shallow lot at only 56' in depth and the structure, at 50' in depth is almost as deep as the lot. The property is approximately 64' wide and the structure is situated at the far left side, which creates an approximately 38' right side yard.

2. Proposal: The Applicant is seeking a special permit under SZO §4.4.1 to construct a 27' by 17' deck in the rear yard. The deck would be attached to the structure from an enclosed porch and cover an area that is currently asphalt. The deck floor would be 2' from the ground and a small upper landing would be approximately 4' from the ground to facilitate entry to the house. The deck would be 35' from the front property line and 15' from the side property line.

3. Nature of Application: The existing primary structure is non-conforming with respect to rear yard requirements. The rear yard requirement for this property is 10' and the existing rear yard is approximately 2.3' deep. The deck in this proposal would be 3' from the rear lot line and would therefore be expanding the non-conformity in the rear yard.

The existing nonconformity allows the Applicant to apply for a special permits under §4.4.1 of the Somerville Zoning Ordinance (SZO). Section 4.4.1 states: "Lawfully existing one- and two-family dwellings which are used only as residences, which are non-conforming with respect to dimensional requirements, may be enlarged, expanded, renovated, or altered only by special permit granted 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."

4. Surrounding Neighborhood: The property is located in a Residence B (RB) zone. The immediate neighborhood is predominantly residential, with a mix of one-, two- and three-family homes. Most properties in the area do not have a similar site plan to that of the subject property.

6. Green Building Practices: The deck will be constructed of "TimberTech EarthWood" material. No trees are cut down for the purpose of making this material. TimberTech is a member of the U.S. Green Building Council.

7. Comments:

Fire Prevention: Deputy Chief Steve Keenan has been contacted and has yet to provide comments.

Alderman: Alderman O'Donovan has been contacted and has yet to provide comments.

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 Board 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 Applicant requires a special permit under §4.4.1 of the SZO. Under §4.4.1, "the SPGA, as a condition of granting a special permit under this Section must find that such extension, enlargement, renovation or alteration is not substantially more detrimental to the neighborhood than the existing nonconforming structure."

The Board finds that the Applicant's proposal would not be substantially more detrimental to the surrounding neighborhood than the existing structure, as required under §4.4.1 of the SZO. The Board finds that any negative impacts associated with the appearance and/or privacy of the neighbors to be minimal. The deck would be located in an area that is currently asphalt so no landscaping or pervious surfaces will be removed. The Board will require a landscaping plan be submitted for Staff approval that will serve to reduce the massing of the deck from the public way and improve the appearance of the neighborhood.

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 Board finds that the proposal **is consistent** with the purposes set forth in Article 1 of the Zoning Ordinance, and with, to the extent possible for a lawful pre-existing nonconforming structure, those purposes established for the Residence B (RB) zoning district in which the property is located, namely "(t)o establish and preserve medium density neighborhoods of one-, two- and three-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 Board finds that the proposal **is compatible** with the site and area. The deck would be an addition to the neighborhood appearance as it would be covering an asphalt area. The Board finds the low profile of the deck to minimize any visual impacts to the surrounding neighborhood.

III. RECOMMENDATION

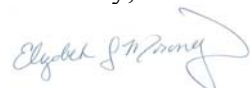
Special Permit under §4.4.1

Based on the above findings, the Planning Board recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT**.

Although the Planning Board is recommending approval of the requested Special Permit, the following conditions should be added to the permits:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes				
1	Approval is for the construction of a 27' by 17' foot deck. This approval is based upon the following application materials and the plans submitted by the Applicant and/or the Agent:	Building Permit	Plng.					
	<table><tr><th>Date(OSPCD stamp)</th><th>Submission</th></tr><tr><td>5/29/09 (6/9/09)</td><td>Initial application, plot plan and renderings submitted to the City Clerk's Office</td></tr></table>				Date(OSPCD stamp)	Submission	5/29/09 (6/9/09)	Initial application, plot plan and renderings submitted to the City Clerk's Office
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5/29/09 (6/9/09)	Initial application, plot plan and renderings submitted to the City Clerk's Office							
Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive ZBA approval.								
2	The deck shall be constructed with the "TimberTech EarthWood" material identified by the applicant.	CO	ISD					
3	The applicant shall submit a landscaping plan for Staff approval.	Building permit	ISD/ Plng					
4	The Applicant shall contact Planning Staff at least five working days in advance of a request for a final sign-off on the building permit to ensure the proposal was constructed in accordance with the plans and information submitted and the conditions attached to this approval.	CO	Plng. / ISD					

Sincerely,



Elizabeth Moroney
Acting Chair



22 ASHLAND STREET