



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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**PLANNING DIVISION**

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FREDERICK J. LUND, *SENIOR DRAFTSMAN*

**Case #:** ZBA 2010-17

**Date:** May 3, 2010

**Recommendation:** Conditional Approval

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**PLANNING STAFF REPORT**

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**Site:** 104-106A Concord Ave

**Applicant Name:** Brian E. Doody

**Applicant Address:** 556 Main St, Stoneham, MA 02180

**Property Owner Name:** same

**Agent Name:** none

**Alderman:** Maryann Heuston

Legal Notice: Applicant & Owner, Brian E. Doody, seek a Special Permit (SZO §5.1) under §4.4.1 in order to construct a second story deck within the non-conforming rear yard (§8.5.I).

Zoning District/Ward: Residence B / 2

Zoning Approval Sought: Special Permit §4.4.1 and 5.1

Date of Application: April 12, 2010

Dates of Public Meeting • Hearing: Planning Board 5/6/10 • Zoning Board of Appeals 5/19/10

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**I. PROJECT DESCRIPTION**

1. Subject Property: The existing four-family house is located on a 3,975 square foot parcel. It has 2-stories and is clad with wood clapboard on the front and sides and asphalt shingles in the back. There is a one-story deck on the left side of the house in the rear and a second story deck on the right side of the house in the rear. The lot is entirely paved with asphalt.

2. Proposal: The proposal is to construct a second story over the existing one-story deck in the rear. A window would be replaced with a door to access the deck. The footprint of the deck would match that of the deck below (6.67 feet x 15 feet). The material of the deck would be 5/4" x 6" composite decking.



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*104-106a Concord Ave: (left top and bottom) location of proposed deck, (right) front*



3. Nature of Application: The structure is currently nonconforming with respect to several dimensional requirements, including lot area, lot area per dwelling unit, landscaped area, front, rear and side yard setbacks. The proposed deck would affect the nonconforming rear yard setback. The nonconforming rear yard from the existing and proposed deck is 8.1 feet deep and the minimum in this district is 16.25 feet with the reduction for the shallow lot size. The existing nonconformities requires the Applicant to obtain a special permit under §4.4.1 of the Somerville Zoning Ordinance (SZO).

4. Surrounding Neighborhood: The surrounding neighborhood is comprised of one-, two-, and multi-family homes.

5. Impacts of Proposal: There are no foreseen negative impacts from the proposal. The deck would be adjacent to the neighbors' rear yards so privacy is not a concern. The rusty metal stair railing and deck railing on the first floor would be replaced with composite decking when the deck above is constructed. The renovation would improve the look of the deck; however, there would be an increase in the bulk of the building in the rear yard. There is an opportunity to improve the impervious surface cover at this site by replacing some of the asphalt with landscaping or providing planters on the asphalt to absorb runoff from the site.

6. Green Building Practices: None.

7. Comments:

*Ward Alderman:* Has been contacted but has not provided comments.

**II. FINDINGS FOR SPECIAL PERMIT (SZO §5.1 & §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."

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 second story deck would be the same dimensions as the first story deck and would not increase the nonconformities of the structure. The deck would be adjacent to the neighbors' rear yards so privacy is not a concern.

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 the purpose of the district by enhancing this multi-family home.

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 proposed second story deck is compatible with the built and unbuilt surrounding area. It would be the same dimensions as the first story deck and the rusty metal stair railing and deck railing on the first floor would be replaced with composite decking when the deck above is constructed. The renovation would improve the look of the existing deck; however, there would be an increase in the bulk of the building in the rear yard. There is an opportunity to improve the impervious surface cover at this site by replacing some of the asphalt with landscaping or providing planters on the asphalt to absorb runoff from the site. The full compliance with the landscape requirement would require 994 sf of the site to be landscaped. Staff is recommending that the owner add 350 sf of landscaping to the site.

**III. RECOMMENDATION****Special Permit under §5.1 & §4.4.1**

Based on the above findings and subject to the following conditions, the Planning Staff recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT**.

#	Condition	Timeframe for Compliance	Verified (initial)	Notes								
1	Approval is for the construction of a 6.67 feet x 15 feet second story deck. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	Plng.									
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>Apr 12, 2010</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>Mar 3, 2009</td><td>Plans submitted to OSPCD (Plot Plan)</td></tr><tr><td>(May 3, 2010)</td><td>Plans submitted to OSPCD (deck elevations and details)</td></tr></table>				Date (Stamp Date)	Submission	Apr 12, 2010	Initial application submitted to the City Clerk's Office	Mar 3, 2009	Plans submitted to OSPCD (Plot Plan)	(May 3, 2010)	Plans submitted to OSPCD (deck elevations and details)
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Any changes to the approved plans that are not <i>de minimis</i> must receive SPGA approval.												
2	There shall be 350 sf of landscaping onsite. The owner must show a landscape plan to staff prior to obtaining a building permit. Staff recommends that the front yard area becoming landscaping with bushes and ground cover in raised beds.	BP/CO	Plng.									
3	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.									

