



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

**STAFF**

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DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*  
FREDERICK J. LUND, *SENIOR DRAFTSMAN*

**Case #:** ZBA 2008-26  
**Site:** 48 Meacham Rd.  
**Date:** June 19, 2008  
**Recommendation:** Conditional Approval

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## PLANNING STAFF REPORT

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**Applicant Name:** Consuelo J. Perez  
**Applicant Address:** 48 Meacham Road, Somerville MA  
**Property Owner Name:** same  
**Alderman:** Gewirtz

Legal Notice: The Applicant seeks a special permit §4.4.1 to construct an approx 19 s.f. one-story addition to the rear of the structure and an approx 160 s.f. deck.

Zoning District/Ward: Residence B / 6

Zoning Approval Sought: Special Permit under SZO §4.4.1

Date of Application: June 9, 2008

Date(s) of Public Hearing: ZBA: July 9, 2008

Date of Decision: N/A

Vote: N/A

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### I. PROJECT DESCRIPTION

1. Subject Property: The property is a one-family wood-frame dwelling clad in asbestos shingles, which has 2.5 stories. It is on an approximately 2,515 s.f. lot that is L-shaped, containing an approximately 288 s.f. "panhandle" projection at the rear. It is located near Davis Square. The rear yard is not formally landscaped but contains some young deciduous trees along the rear property line; some 6-7 foot hemlock trees provide a degree of screening along the right side yard. There is a privacy fence in poor condition on or near the right side property line.

2. Proposal: The proposal is to construct an approximately 19 s.f. (3'7" x 5'3") one-story addition to the rear of the structure and an approximately 160 square foot deck. The addition would house a new laundry room, extending an existing rear addition to align with the right-hand wall of the main structure (at the southwest corner of the building). The deck would also be L-shaped, extending into the panhandle, ranging from 5' in depth on the shortest side to 14'6" on the longest side; it would extend approximately 15' in width along the rear of the building, narrowing to 8' within the panhandle.



3. Nature of Application: The structure is currently nonconforming with respect to several dimensional requirements, including minimum lot size, front yard setback, rear yard setback, and side yard setbacks. The proposal increases the structure's encroachment on the nonconforming side yard, which is 3.4 feet; the minimum side yard setback in this district is 8 feet. These existing nonconformities require the Applicant to obtain special permits under §4.4.1 of the Somerville Zoning Ordinance (SZO). Section 4.4.1 states that "[l]awfully existing one- and two-family dwellings which are only used as residences, which are nonconforming with respect to dimensional requirements, may be enlarged, extended, renovated or altered by special permit granted by the SPGA in accordance with the procedures of Article 5."

4. Surrounding Neighborhood: The surrounding neighborhood features homes of similar scale and design. The neighboring property to the northeast has a deck of very similar design, being situated on a lot that mirrors the shape of the subject property.

5. Impacts on Abutting Properties: The abutter to this property has a similar lot configuration and deck. The Applicant has stated that the abutters to the rear of their property are not opposed to the proposed addition.

5. Green Building Practices: None

6. Comments: No comments have been received from the Fire Prevention Bureau or the Ward Alderman.

## **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 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." To the extent possible for a nonconforming structure, the proposal complies with the standards of the zoning ordinance. The additional intrusion of the proposed laundry room into the side yard setback is minimal, whereas the deck is subject to less stringent setback requirements and its encroachment would be minimally impactful.
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 purposes of the ordinance, including "to conserve the value of land and buildings".

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 addition would be in character with the existing structure and would facilitate the addition of attractive French doors on the rear, an improvement from the existing blank wall. Replacement of the rear concrete steps will likewise be an improvement of the property. The deck is complemented by a similar feature on the neighboring property. The impacts of the proposed changes appear to be minimal. Should there be any concerns about proximity of the decks to the property in the rear, privacy could be increased through the introduction of high, dense plant material. Staff recommend requiring that the existing trees along the rear and side property lines be retained and that the fence be removed, repaired, or replaced if it is within the Applicant's control.

### III. RECOMMENDATION

#### Special Permit under §4.4.1

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

Staff finds that this application complies with the requirements for granting a special permit as set forth under §5.1.4 and that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure.

Although the Planning Staff 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	<p>Approval is for the alterations to the rear of the structure, including addition of a 19± s.f. laundry room and 160± s.f. deck. This approval is based upon the following application materials and the plans submitted by the Applicant and/or its contractor:</p> <table><tr><th>Date</th><th>Submission</th></tr><tr><td>June 9, 2008</td><td>Application and plans submitted to the City Clerk’s Office</td></tr></table> <p>Any changes to the approved site plans and elevations that are not <i>de minimis</i> must receive ZBA approval.</p>	Date	Submission	June 9, 2008	Application and plans submitted to the City Clerk’s Office	BP and CO	ISD and Plng.	
Date	Submission							
June 9, 2008	Application and plans submitted to the City Clerk’s Office							
2	The young trees along the rear property line and the hemlock trees along the side property line shall be preserved, or replaced with similar sized trees according to National Nurseryman’s Standards if damaged during construction.	Perpetual	Plng. / ISD					
3	The Applicants shall remove, repair, or replace the fence on the right side property line if it is within their control to do so.	CO	Plng.					
4	The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the building and all on-site amenities, including landscaping, fencing, lighting, parking areas and storm water systems, ensuring they are clean, well kept and in good and safe working order.	Perpetual	ISD					
5	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.	Final sign off	Plng.					

