



## CITY OF SOMERVILLE, MASSACHUSETTS

### PLANNING BOARD

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MICHAEL A. CAPUANO, ESQ. (ALT.)

**Case #:** 2008-12

**Site:** 7A Partridge Street

**Date:** April 3, 2008

**Recommendation:** Conditional Approval

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### PLANNING BOARD REPORT

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**Applicant Name:** Kathleen McGilvray

**Applicant Address:** 7A Partridge Ave, Somerville MA 02145

**Property Owner Name:** Kathleen McGilvray & David Edwards

**Property Owner Address:** 7A Partridge Ave, Somerville MA 02145

**Alderman:** O'Donovan

Legal Notice: (Applicant: Kathleen McGilvray, Applicant/Owner: Kathleen McGilvray & David Edwards) The Applicant seeks a special permit §4.4.1 to extend an existing handrail on the second story such that it encompasses the entire deck area.

Zoning District/Ward: Residence A / 5

Zoning Approval Sought: Special Permit under SZO §4.4.1, 8.5.H

Date of Application: March 11, 2008

Date(s) of Public Hearing: ZBA: April 16, 2008

Date of Decision: N/A

Vote: N/A

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Dear ZBA members:

At its regular meeting on April 3, 2008 the Planning Board heard the above-referenced application. Based on materials submitted by the Applicant and the Staff recommendation, the Board voted (5-0), to recommend **conditional approval** of the requested **Special Permit**.

In conducting its analysis, the Planning Board found:

## I. PROJECT DESCRIPTION

1. Subject Property: The property is a two-family dwelling on a 2240 square foot lot. The structure is approximately 2,600 square feet and is two and one-half stories in height.

2. Proposal: The Applicant seeks to extend an existing handrail on the second story so that it encompasses the entire deck area. The deck on the second story would then match the railing on the first story. The Applicant is intending to stain and paint the entire deck to match or complement the house.

3. Nature of Application: The structure is currently nonconforming with respect to dimensional requirements. 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.”

The proposal would affect the nonconforming front and side yard setbacks. The required front yard setback is 10 feet (reduced under §8.6.5) and the current setback is 3 feet. The railing would extend this 3-foot front yard setback because of its height on the second floor. The required side yard setback is 8 feet and the house is currently setback 3.5 feet. The second story railing side yard setback would be 7.5 feet.



4. Surrounding Neighborhood: The property is located in a Residence A district in the Winter Hill neighborhood.

5. Impacts on Abutting Properties: None.

5. Green Building Practices: None

6. Comments: Fire prevention and the Ward Alderman did not have comments on this proposal.

## **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 proposal would not be substantially more detrimental to the surrounding neighborhood than the existing structure, as required under §4.4.1 of the SZO.

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 railing extension is consistent with the general purposes of the Ordinance, including "to conserve the value of land and structures".

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."

Extending the railing would make the porch more symmetrical and improve the appearance of the front of the house.

### **III. RECOMMENDATION**

#### **Special Permit under §4.4.1**

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

The Board 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 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 extension of an existing handrail on the second story so that it encompasses the entire deck area. This approval is based upon the following application materials and the plans submitted by the Applicant and/or its contractor:	Building Permit	Plng.						
	<table><tr><th>Date</th><th>Submission</th></tr><tr><td>March 11, 2008</td><td>Initial application submitted to the City Clerk’s Office</td></tr></table>				Date	Submission	March 11, 2008	Initial application submitted to the City Clerk’s Office	
	Date				Submission				
	March 11, 2008				Initial application submitted to the City Clerk’s Office				
Any changes to the approved site plan or elevations must receive ZBA approval.									
2	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 Building Permit Signoff	Plng/ISD						

Sincerely,

Elizabeth Moroney  
Acting Chair

Cc: Applicant/Owner: Kathleen McGilvray & David Edwards

