



CITY OF SOMERVILLE, MASSACHUSETTS

PLANNING BOARD

JOSEPH A. CURTATONE, MAYOR

MEMBERS

KEVIN PRIOR, *CHAIRMAN*

JOSEPH FAVALORO

ELIZABETH MORONEY

JAMES KIRYLO

LINDA BOHAN

MICHAEL A. CAPUANO, ESQ. (ALT.)

Case #: ZBA 2008-54

Date: November 6, 2008

Recommendation: Conditional Approval

PLANNING BOARD REPORT

Site: 52 Powder House Boulevard

Applicant Name: Mohit Dilawari

Applicant Address: 52 Powder House Boulevard #3, Somerville MA 02144

Property Owner Name: same

Alderman: Gewirtz

Legal Notice: The Applicant seeks a special permit (SZO §4.4.1) to expand an existing nonconforming deck on a garage roof to be approx 150 sf.

Zoning District/Ward: Residence A / 6

Zoning Approval Sought: Special Permit under §4.4.1

Date of Application: October 14, 2008

Date(s) of Public Hearing: ZBA: November 19, 2008

Date of Decision: N/A

Vote: N/A

Dear ZBA members:

At its regular meeting on November 6, 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 with Kevin Prior 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 property is a three-family dwelling which has 2 ³/₄ stories. It is on an approximately 4572 s.f. rectangular lot. The property is a Local Historic District and its style is Colonial

Revival. There is currently a wooden deck that projects from the rear on the second floor and is supported by the top of the garage. The deck is 14.5 feet by 5.5 feet and the wood is rotting.

2. Proposal: The Applicants are proposing to replace the deck and extend it to be 15 feet by 10.3 feet. It would be made of wood and have a similar style to the existing deck. The proposal is currently being reviewed by the Historic Preservation Commission and final details of the materials, massing, architectural details, etc. will be determined by this Commission.



52 Powder House
Blvd

Left – front
Right – rear from
Leonard St

3. Nature of Application: The structure is currently nonconforming with respect to the use as a three family dwelling and several dimensional requirements, including minimum lot area, lot area per dwelling unit, floor area ratio, rear yard setback, and side yard setback. The proposal increases the structure's encroachment on the nonconforming side yard, which is 5 feet; the minimum side yard setback is 7.6 feet. The proposal also increases the nonconformity of the rear yard, which would be 12 feet; the minimum rear yard setback is 20 feet. These existing nonconformities require the Applicant to obtain special permits under §4.4.1 of the Somerville Zoning Ordinance (SZO).

4. Surrounding Neighborhood: The surrounding neighborhood features homes of similar scale and design; many of which have decks in the rear yard. Tufts playing fields are located across the street from the property.

5. Impacts of Proposal: The house on the lot that abuts this property to the southwest has a setback of a few feet from the property line. The proposed deck would be approximately 4.5 feet closer to this house than the existing deck. The proposed deck would be deeded to one two-bedroom unit of the property and no outdoor lights are proposed for the deck. There are no anticipated impacts from this proposal.

6. Green Building Practices: None.

7. Comments:

Fire Prevention – No smoking or open flames are allowed on the proposed deck.

Historic Preservation - Scheduled for HPC review on November 18, 2008.

Ward Alderman - Has been contacted but has not provided 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."

In considering a special permit under §4.4 of the SZO, the Board finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The increase in deck area by approximately 70 s.f. 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 general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to providing for and maintain the uniquely integrated structure of uses in the City, conserving the value of land and buildings, and preserving the historical and architectural resources of the City.

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 expansion of the deck is compatible with the surrounding residential uses. The Historic Preservation Commission will review and approve final details of the deck to ensure that it is designed in a manner that is appropriate for the style and period of the house.

III. RECOMMENDATION

Special Permit under §4.4.1

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

#	Condition	Timeframe for Compliance	Verified (initial)	Notes				
1	Approval is for the construction of a 150± rear deck. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	Plng.					
	<table><tr><th>Date</th><th>Submission</th></tr><tr><td>October 24, 2008 (OSPCD stamp)</td><td>Application submitted to the City Clerk's Office (plan view, rear & side elevations)</td></tr></table>				Date	Submission	October 24, 2008 (OSPCD stamp)	Application submitted to the City Clerk's Office (plan view, rear & side elevations)
	Date				Submission			
October 24, 2008 (OSPCD stamp)	Application submitted to the City Clerk's Office (plan view, rear & side elevations)							
Changes to the approved plans that are not <i>de minimis</i> must receive ZBA approval, except as specified in condition 2.								
2	The Applicant shall comply with all of the laws, rules and regulations of the Historic Preservation Commission. Changes to the design of the deck (materials, massing, architectural details, etc) requested by the HPC that do not affect the side and rear yard setbacks would not require ZBA approval.	Building Permit	HPC					
3	No open flames are allowed on the deck.	Perpetual	ISD/FP					
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.	Final sign off	Plng.					

Sincerely,



Elizabeth Moroney
Acting Chair

Cc: Applicant/Owner: Mohit Dilawari

