

# DRAFT

**STAFF**

MADELEINE MASTERS, *DIRECTOR OF PLANNING*  
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FREDERICK J. LUND, *SENIOR DRAFTSMAN*

**Case #:** 2008-03  
**Site:** 7 Prospect Hill Ave  
**Date:** February 21, 2008  
**Recommendation:** Conditional Approval

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## PLANNING BOARD REPORT

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**Applicant Name:** Kevin Whalen  
**Applicant Address:** 7 Prospect Hill Ave  
**Property Owner Name:** Kevin Whalen  
**Property Owner Address:** 7 Prospect Hill Ave  
**Agent Name:** none  
**Alderman:** Thomas Taylor

Legal Notice: Applicant & Owner Kevin Whalen seek special permits (SZO §4.4.1 & §4.5.3) to construct a one-story addition in the back and steps on the side of the dwelling to extend the residential use.

Zoning District/Ward: Residence A (RA). Ward 3  
Zoning Approval Sought: Special Permit under SZO §4.4.1, 4.5.3  
Date of Application: January 14, 2008  
Date(s) of Public Hearing: ZBA: February 20, 2008  
Date of Decision: N/A  
Vote: N/A

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### I. PROJECT DESCRIPTION

1. Subject Property: The property is an approximately 4,246 sf lot on which sits a three-story wood structure. The structure is a three unit dwelling. There is a stucco shed and another outbuilding for storage in the rear yard.

2. Proposal: The Applicant proposes constructing a one-story addition to the family room in the rear of the property that is 5' by 10'9". The applicant also proposes to construct steps on the west side of the dwelling that are 3' by 12'.



*View of front of structure (left)*

*View of driveway and location of proposed staircase (below)*



3. Nature of Application: The three-unit dwelling is nonconforming in use and dimensional requirements. The lot is irregularly shaped. The required side yard setback is 9'8" and rear yard setback is 20'. From the closest points, the current side yard setback is approximately 5' and the rear yard setback is 9'6".

The proposed stairs would have a side yard setback of 2'. From the SZO, "...steps down from the first story... may project into the required side yard not more than one-quarter of the required setback, nor more than three feet in any case." The redesigned stairs do project more than one-quarter of the required setback but the projection is only 3'. The proposed addition of the family room would extend the nonconforming rear yard setback. The addition would also increase the gross floor area of the three-unit dwelling by approximately 54'.

These existing nonconformities require the Applicant to obtain special permits under §4.4.1 and §4.5.3 of the Somerville Zoning Ordinance (SZO). Section 4.4.1 states that "[l]awfully existing nonconforming structures other than one- and two-family dwellings may be enlarged, extended, renovated or altered only by special permit authorized by the SPGA in accordance with the procedures of Article 5." Section 4.5.3 states "[e]xpansion, alteration, enlargement or extension of a lawfully existing nonconforming use shall be permitted only by the granting of a special permit authorized by the SPGA in accordance with the procedures of Article 5..."

4. Surrounding Neighborhood: The subject property is located in an RA district in the Prospect Hill neighborhood. Reflective of the underlying RA zoning, the immediate neighborhood is predominantly residential, with a mix of two- and three-family homes. There is a historic home adjacent to the property.

5. Impacts on Abutting Properties: The visual impact of this large house expanding would impact the abutting properties considering the current and proposed rear and side yard setbacks in this residential

district. The backyard is currently small and cluttered with an outbuilding (not shown on the submitted plot plan) and shed. The addition would exacerbate the increases to the nonconforming nature of the structure; however, the Applicants redesigned the project to mitigate these concerns. The property is adjacent to a residential structure that is on the National Registry of Historic Places and is a proposed site for the local historic district designation. The adjacent structure is significant for its brick Queen Anne architectural style. The proposed additions are on the side of the property that abuts the historic property; however, the redesign of the project will help to improve the rear portion of the house.



*View of proposed location of living room expansion*



*View of rear yard*

5. Green Building Practices: none

6. Parking: There is a driveway that is approximately 83' long. The stairway would shorten the driveway by approximately 15'.

7. Landscaping: The front yard is landscaped with low vegetation and hard landscaping materials. The rear yard is not well maintained – there is a dirt yard and concrete paving.

8. Comments from Fire Prevention Bureau: “The Fire Prevention Bureau would require the installation of a smoke detector in or near the family room in accordance with M.G.L., Chapter 148, section 26B, 26D, and 26E. The 22 inch width on the plans is inadequate for Fire Department access on that side of the building.”

9. Comments from Ward Alderman: Alderman Taylor supports the staff recommendations.

## **II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1 & 4.5.3):**

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."

The Applicant requires a special permit under §4.4.1 and §4.5.3 of the SZO. "The SPGA must find that such extension, enlargement, renovation or alteration is not substantially more detrimental to the neighborhood than the existing nonconforming building ... the SPGA may consider, without limitation, impacts upon the following: traffic volumes, traffic congestion, type of traffic, change in traffic patterns and access to the site, adequacy of municipal water supply and sewer capacity, noise, odor, glare, scale, on-street parking, shading, visual effects and neighborhood character."

Staff finds that the proposal would not be substantially more detrimental than the existing structure with the redesigned staircase and attached conditions. The fire department access would become limited with the addition of the proposed stairs; however, the Applicant redesigned the stairs so that they do not project as much into the side yard, and they are shifted away from the irregularly shaped side yard to allow for more space to access the rear yard. The visual effect of the addition would be a reduction of the backyard that is currently small and cluttered with an outbuilding and shed. The Applicant agreed to remove the plastic shed and landscape the rear yard to mitigate this impact. The Applicant stated that the stucco shed is sufficient to store belongings. The redesigned stairs are much smaller in bulk due to the size reduction in width and depth and a change to a hip roof.

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 Staff finds that the proposal to construct a staircase and addition to the family room is consistent with the purposes of the Ordinance.

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 Staff finds that the proposal is compatible with the site or area.

### **III. RECOMMENDATION**

#### **Special Permit under §4.4.1 & 4.5.3**

Based on the above findings, the information submitted, comments from City Departments, and a Staff site visit, the Planning Staff recommends **Conditional Approval** of the requested **Special Permits**.

(Updated conditions for 02/21/2008 meeting)

#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	Approval is to construct a one-story addition in the back and steps on the side of the dwelling to extend the residential use. This approval is based upon the following application materials and the plans submitted by the Applicant and/or Agent:	Building Permit	Plng.							
	<table><tr><th>Date</th><th>Submission</th></tr><tr><td>January 14, 2008</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>February 15, 2008</td><td>Modified plans submitted to OSPCD (proposed elevations and proposed plan)</td></tr></table>				Date	Submission	January 14, 2008	Initial application submitted to the City Clerk's Office	February 15, 2008	Modified plans submitted to OSPCD (proposed elevations and proposed plan)
	Date				Submission					
	January 14, 2008				Initial application submitted to the City Clerk's Office					
	February 15, 2008				Modified plans submitted to OSPCD (proposed elevations and proposed plan)					
Any changes to the approved site plan and elevations must receive ZBA approval.										
2	The Applicant must install a smoke detector in or near the family room in accordance with M.G.L., Chapter 148, section 26B, 26D, and 26E.	CO	FP							
3	The Applicant shall remove the plastic shed in the rear yard.	CO	Plng. / ISD							
4	The Applicant shall landscape the rear yard in compliance with the National Nurserymen's Standards.	CO	Plng. / 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 Building Permit Signoff	Plng. / ISD							



7 Prospect Hill Avenue

