



CITY OF SOMERVILLE, MASSACHUSETTS

PLANNING BOARD

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Case #: ZBA 2008-37

Site: 69 Walnut Street

Date: August 7, 2008

Recommendation: Conditional Approval

PLANNING BOARD REPORT

Applicant Name: Nikhil Rangaraj

Applicant Address: 69 Walnut Street

Property Owner Name: same

Agent Name: none

Alderman: Taylor

Legal Notice: The Applicant seeks a Special Permit under §4.4.1 to alter a nonconforming structure in order to build a roof deck and extension stairs between porches.

Zoning District/Ward: Residence A / 3

Zoning Approval Sought: Special Permit under SZO §4.4.1

Date of Application: July 21, 2008

Date(s) of Public Meeting / Hearing: Planning Board: August 7, 2008 / ZBA: August 20

Date of Decision: N/A

Vote: N/A

Dear ZBA members:

At its regular meeting on August 7, 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 Joseph Favaloro 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 subject property is a two-family dwelling with wood shingle siding that is currently being replaced with cedar clapboard on the front and back of the house (the front bay windows

69 Walnut Street: view of front, side (existing porch), and rear (proposed location of stairs)



would remain cedar shingles). The structure has a mansard roof on the front portion of the house, considered $2\frac{3}{4}$ stories, and a flat roof in the rear portion of the building, which is two stories. It is on a 4511 square foot rectangular lot. There is a two-story porch on the rear southwest side of the house that was once enclosed but is now open.

2. Proposal: The proposal is to construct a 320 sf (20 x 16 foot) roof deck on the rear flat roof and add stairs (10 x 8.6 feet) from an existing two-story porch and the proposed deck. The purpose of the roof deck is to provide outdoor space for the second unit. The purpose of the stairs is to allow movement from the porches to the yard. The deck would be mahogany and the railings and balusters would be painted to match the house. The French doors shown on the right elevation currently exist on the second floor but not on the first floor. The Applicant states that he may not install the French doors on the first floor but that the existing door and window would remain.

3. Nature of Application: The structure is currently nonconforming with respect to dimensional requirements, including lot area, front yard setback, side yard setback and street frontage. The proposal increases the structure's encroachment on the nonconforming side yards, which are 3.1 and 7.4 feet; the minimum side yard setback is 9.6 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. There are several homes in the area that have Local Historic Designation.

5. Impacts on Abutting Properties: There are no anticipated impacts on surrounding properties. The abutting dwelling to the left is the same height as the dwelling where the deck would be located so that the deck would not be adjacent to a window. The property on the right side does not extend to the proposed location of the deck or stairs. The houses that share a rear yard with this property are similar in height and are setback from this property. The Noise Control Ordinance would address concerns regarding noise.

6. Green Building Practices: None.

7. Comments:

No comments have been received from the Ward Alderman.

Historic Preservation: "It is part of a group of 1880s Second Empire homes constructed at the crest of Walnut Street. It retains some of the historic character of the period and abuts the 1870 Folsom-Duxbury House which is soon to be included in the City's roster of Local Historic Districts. The other buildings near it on the opposite side of Walnut include part of the Pleasant Avenue Historic District and the only Tudor Revival residence in the City. While this group of Second Empire homes has the possibility of being up-graded to a District on their own right, the altered conditions would need major investment by the owners to return these buildings to their intended styles. This appears to be yet another owner who is making changes to the historic fabric. At best, clapboard is replacing the shingles on the front second floor façade but many details have been removed that were key characteristics of the building style. Changes to the rear of the building are unlikely to affect the streetscape as much as the alterations already done to the main elevation."

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." To the extent possible for a nonconforming structure, the proposal complies with the standards of the zoning ordinance. The additional intrusion of the extension stairs and railing of a roof deck into the side yard setback 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 stairs and deck railing would match the existing building materials and would be in character with the existing structure. The roof deck would only be slightly visible from the street. The Board notes that the changes are part of a larger project that is restoring this property. Opening the rear porch that was once closed has reduced the bulk of the building.

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	<p>Approval is for the construction a 320 sf (20 x 16 foot) roof deck on the rear flat roof and stairs (10 x 8.6 foot) from an existing two-story porch and the proposed deck. This approval is based upon the following application materials and the plans submitted by the Applicant and/or Agent:</p> <table><tr><th>Date</th><th>Submission</th></tr><tr><td>July 17, 2008</td><td>Initial application submitted to the City Clerk's Office</td></tr></table> <p>Any changes to the approved plans that are not <i>de minimis</i> must receive ZBA approval.</p>	Date	Submission	July 17, 2008	Initial application submitted to the City Clerk's Office	BP/CO	Plng.	The Applicant may not install the French doors shown on the first floor of the right elevation.
Date	Submission							
July 17, 2008	Initial application submitted to the City Clerk's Office							
2	<p>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.</p>	Final sign off	Plng.					

Sincerely,

Kevin Prior
Chairman

Cc: Applicant/Owner: Nikhil Rangaraj

