



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
**JOSEPH A. CURTATONE**  
**MAYOR**

MICHAEL F. GLAVIN  
EXECUTIVE DIRECTOR

**PLANNING DIVISION STAFF**

GEORGE PROAKIS, *DIRECTOR OF PLANNING*  
LORI MASSA, *SENIOR PLANNER*  
ETHAN LAY-SLEEPER, *PLANNER*  
SARAH WHITE, *PRESERVATION PLANNER*  
DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*

**Case #:** ZBA 2015-114

**Date:** February 3, 2016

**Recommendation:** Conditional Approval

---

**PLANNING STAFF REPORT**

---

**Site:** 22 MacArthur Street

**Applicant Name:** Mark Shiffer

**Applicant Address:** 22 MacArthur Street #4, Somerville, MA 02145

**Owner Name:** Mark Shiffer

**Owner Address:** 22 MacArthur Street #4, Somerville MA 02145

**Agent Name:** Zach Pursley

**Agent Address:** 59 Pearson Rd. Somerville, MA 02144

**Alderman:** Matthew McLaughlin

Legal Notice: Applicant and Owner Mark Shiffer, is seeking a Special Permit to modify a nonconforming structure by adding rear decks.

Dates of Public Hearing: February 3, 2016

---

**I. PROJECT DESCRIPTION**

1. Subject Property: The subject property is a 4,120 sf lot that contains a 4-story "quadruple-decker" that is a bit of an anomaly for MacArthur Street; however there are similar structures along Broadway in the neighborhood. The structure contains 4 units, one on each level, and is 6,200sf.



Aerial view of property in context



Street view of property in context





Rear view of property

2. Proposal: The proposal is to add rear decks for each level in order to provide outdoor amenity space for the tenants.

3. Green Building Practices: Project will use steel with high recycled content to frame deck. Applicant will try to source wood from sustainable forests.

4. Comments:

*Ward Alderman:* Alderman McLaughlin supports the construction of the decks.

## **II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4):**

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 structure is currently nonconforming with respect to the following use and dimensional requirements: 4 units in an RB Zone, FAR, height, front yard setback, side yard setbacks, and landscaped area.

The project requires a special permit because the nonconforming side yard dimension will be impacted. The existing side yard setback is approximately 2'. The proposed deck will continue in the same plane as the existing structure, thereby extending the existing nonconforming dimension by another 12'. This alteration to a nonconforming structure requires 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 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. The SPGA must find that such extension, enlargement, renovation or alteration is not substantially more detrimental to the neighborhood than the existing nonconforming building. In making the finding that the enlargement, extension, renovation or alteration will not be substantially more detrimental, the SPGA may consider, without limitation, impacts upon the following: traffic volumes, traffic congestion, adequacy of municipal water supply and sewer capacity, noise, odor, scale, on-street parking, shading, visual effects and neighborhood character."

In considering a special permit under §4.4 of the SZO, Staff find the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The proposal will provide significant outdoor amenity spaces for the residents, and will improve the look of the rear of the property, especially on the top floor with the wood slat wall.

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 The purposes of the Ordinance are to promote the health, safety, and welfare of the inhabitants of the City of Somerville; to provide for and maintain the uniquely integrated structure of uses in the City; to protect health; to provide adequate light and air; to encourage the most appropriate use of land throughout the City; and to preserve and increase the amenities of the municipality.

The proposal is consistent with the purpose of the district, which is, RB - To establish and preserve medium density neighborhoods of one-, two- and three-family homes, free from other uses except those which are both compatible with and convenient to the residents of such districts.

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."*

*Surrounding Neighborhood:* The surrounding neighborhood contains a diverse range of residential buildings of various unit counts and architectural styles.

*Impacts of Proposal (Design and Compatibility):* While the decks look quite large in plan, they will only take up an additional 42sf of usable lot area in the rear yard, which is a reasonable trade off compared to the resource that they provide. There is a large tree in the rear yard which helps screen the rear of the property from neighbors, but even so, the decks are a visual improvement over the existing structure and actually help to break up the massing of the structure. The general appearance and especially the functionality of the decks are compatible with the neighborhood.

5. Adverse environmental impacts: *The proposed use, structure or activity will not constitute an adverse impact on the surrounding area resulting from: 1) excessive noise, level of illumination, glare, dust, smoke, or vibration which are higher than levels now experienced from uses permitted in the surrounding area; 2) emission of noxious or hazardous materials or substances; 3) pollution of water ways or ground water; or 4) transmission of signals that interfere with radio or television reception.*

*Impacts of Proposal (Environmental):* No adverse negative environmental impacts are anticipated as a result of the proposal with respect to any of the issues outlined in 1-4 above.

6. Vehicular and pedestrian circulation: *The circulation patterns for motor vehicles and pedestrians which would result from the use or structure will not result in conditions that create traffic congestion or the potential for traffic accidents on the site or in the surrounding area.*

*Impacts of Proposal (Circulation):* No adverse negative impacts are anticipated as a result of the proposal with respect to circulation patterns or safety around motor vehicles or pedestrians.

7. Housing Impact: *Will not create adverse impacts on the stock of existing affordable housing.*

No impact on affordable housing is anticipated.

8. SomerVision Plan: *Complies with the applicable goals, policies and actions of the SomerVision plan, including the following, as appropriate: Preserve and enhance the character of Somerville's neighborhoods, transform key opportunity areas, preserve and expand an integrated, balanced mix of safe, affordable and environmentally sound rental and homeownership units for households of all sizes and types from diverse social and economic groups; and, make Somerville a regional employment center with a mix of diverse and high-quality jobs. The areas in the SomerVision map that are designated as enhance and transform should most significantly contribute towards the SomerVision goals that are outlined in the table below. The areas marked as conserve are not expected to greatly increase the figures in the table since these areas are not intended for large scale change.*

9. Impact on Affordable Housing: *In conjunction with its decision to grant or deny a special permit for a structure of four or more units of housing, the SPGA shall make a finding and determination as to how implementation of the project would increase, decrease, or leave unchanged the number of units of rental and home ownership housing that are affordable to households with low or moderate incomes, as defined by HUD, for different sized households and units.*

No impact on affordable housing is anticipated.

### III. RECOMMENDATION

#### Special Permit under §4.4

Based on the materials submitted by the Applicant, the above findings and subject to the following conditions, the Planning Staff recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT**.

The recommendation is based upon a technical analysis by Planning Staff of the application material based upon the required findings of the Somerville Zoning Ordinance, and is based only upon information submitted prior to the public hearing. This report may be revised or updated with new recommendations,

findings and/or conditions based upon additional information provided to the Planning Staff during the public hearing process.

#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	Approval is for the Special Permit to modify a nonconforming structure. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/Plng.							
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>12/23/2015</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>12/23/2015</td><td>Modified plans submitted to OSPCD (1-7)</td></tr></table>				Date (Stamp Date)	Submission	12/23/2015	Initial application submitted to the City Clerk's Office	12/23/2015	Modified plans submitted to OSPCD (1-7)
	Date (Stamp Date)				Submission					
	12/23/2015				Initial application submitted to the City Clerk's Office					
12/23/2015	Modified plans submitted to OSPCD (1-7)									
Any changes to the approved plans that are not <i>de minimis</i> must receive SPGA approval.										
Construction Impacts										
2	The applicant shall post the name and phone number of the general contractor at the site entrance where it is visible to people passing by.	During Construction	Plng.							
3	Approval is subject to the Applicant's and/or successor's right, title and interest in the property.	Cont.	Plng.	Deed submitted & application formed signed						
4	The Applicant shall at their expense replace any existing equipment (including, but not limited to street sign poles, signs, traffic signal poles, traffic signal equipment, wheel chair ramps, granite curbing, etc) and the entire sidewalk immediately abutting the subject property if damaged as a result of construction activity. All new sidewalks and driveways must be constructed to DPW standard.	CO	DPW							
5	All construction materials and equipment must be stored onsite. If occupancy of the street layout is required, such occupancy must be in conformance with the requirements of the Manual on Uniform Traffic Control Devices and the prior approval of the Traffic and Parking Department must be obtained.	During Construction	T&P							
Design										
6	An exterior light and electrical receptacle is required for the first (or all) level of the porch and an electrical receptacle is required for the second level (if there is no access to the ground).	Final sign off	Wiring Inspector							
Public Safety										
7	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP							
8	To the extent possible, all exterior lighting must be confined to the subject property, cast light downward and must not intrude, interfere or spill onto neighboring properties.	CO	Plng.							

Final Sign-Off				
9	The Applicant shall contact Planning Staff at least five working days in advance of a request for a final inspection by Inspectional Services 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.	

