



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*

**Case #:** ZBA 2014-46

**Date:** June 12, 2014

**Recommendation:** Conditional Approval

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**PLANNING STAFF REPORT**

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**Site:** 10 Columbus Ave

**Applicant & Owner Name:** Joanne & John Scott Dwyer

**Applicant & Owner Address:** 10 Columbus Ave Somerville, MA 02143

**Alderman:** Bob McWatters

Legal Notice: Applicant and Owners, Joanne & John Scott Dwyer, seek a Special Permit per SZO §4.4.1 to alter a nonconforming structure by expanding the footprint of an existing first floor rear deck. RA zone. Ward 3.

Dates of Public Hearing: Zoning Board of Appeals – July 16, 2014

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**I. PROJECT DESCRIPTION**

1. Subject Property: The subject property is an existing 2 family on a 3,920 square foot lot. The property is a 2 ½ story structure with front and rear decks.
2. Proposal: In the Spring of 2014 the property owner demolished the existing rear deck to treat a rodent problem. The deck was rebuilt, with the appropriate building permits shortly thereafter. In reconstruction, the deck was squared off to make it a roughly 20' x 16' deck, see photo above.



Photo during demolition



The rebuilt deck

3. Green Building Practices: None listed on the application.

4. Comments:

*Fire Prevention*: Fire Prevention has been contacted and have not provided comments at this time.

*Ward Alderman*: Alderman McWatters has been contacted and has not provided comments at this time.

## 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 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."*

Per SZO §4.4.1 alterations to lawfully existing one- and two-family dwellings which are used only as residences, which are nonconforming with respect to dimensional requirements, may be enlarged, expanded, renovated, or altered by special permit. To square off the deck and expand the nonconforming side requires a special permit.

In considering a special permit under §4.4 of the SZO, Staff find that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure.

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 promoting the health, safety, and welfare of the inhabitants of the City of Somerville.

The proposal is consistent with the purpose of the district, which is, “To establish and preserve quiet neighborhoods of one- and two-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."*

Front and rear decks are common in the neighborhood and throughout Somerville. The deck is finished with durable materials including composite decking and railing. There will be no impacts to the proposal.

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

This improvement will not have an impact on housing.

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.*

This project complies with the SomerVision Plan by allowing homeowners to make improvements to their property.

**III. RECOMMENDATION**

**Special Permit under §4.4.1**

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
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1	<p>Approval is for to alter a nonconforming structure by expanding the footprint of an existing first floor rear deck. This approval is based upon the following application materials and the plans submitted by the Applicant:</p> <table border="1" data-bbox="248 338 886 569"> <thead> <tr> <th data-bbox="248 338 565 373">Date (Stamp Date)</th> <th data-bbox="565 338 886 373">Submission</th> </tr> </thead> <tbody> <tr> <td data-bbox="248 373 565 474">May 14, 2014</td> <td data-bbox="565 373 886 474">Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td data-bbox="248 474 565 569">(July 8, 2014)</td> <td data-bbox="565 474 886 569">Plans submitted to OSPCD (mortgage inspection plan, first floor plan)</td> </tr> </tbody> </table> <p>Any changes to the approved elevations that are not <i>de minimis</i> must receive SPGA approval.</p>	Date (Stamp Date)	Submission	May 14, 2014	Initial application submitted to the City Clerk's Office	(July 8, 2014)	Plans submitted to OSPCD (mortgage inspection plan, first floor plan)	BP/CO	ISD / Plng.	
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2	<p>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.</p>	Final signoff	Plng./ISD							

