



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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GEORGE PROAKIS, *DIRECTOR OF PLANNING*  
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SARAH WHITE, *CITY PLANNER / PRESERVATION PLANNER*  
DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*

**Case #:** ZBA 2016-67

**Date:** August 17, 2016

**Recommendation:** Conditional Approval

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**PLANNING STAFF REPORT**

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**Site:** 65 Concord Avenue

**Applicant Name:** Andre J. White  
**Applicant Address:** 19 Inman St. #2, Cambridge, MA 02139  
**Owner Name:** 65 Concord Ave., LLC  
**Owner Address:** 10 Tower Hill Circle, Lynn, MA 01905  
**Alderman:** Maryann Heuston

**Legal Notice:** Applicant, Andre J. White, and Owner, 65 Concord Ave., LLC, seek a Special Permit under SZO §4.4.1 to reconstruct an existing side porch and add a porch to the second and third floors of a 3-family structure. RB zone. Ward 2.

**Dates of Public Hearing:** Zoning Board of Appeals – August 17, 2016



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**I. PROJECT DESCRIPTION**

1. **Subject Property:** The subject property is a 2 ¾ -story three-family conversion with 2,703 square feet of living space. The building sits on a 3,485 square foot lot in the RB zone.
2. **Proposal:** The building is undergoing a gut renovation. The Applicant's proposal is to remove an existing set of steps and corresponding landing/deck that already encroach in the left side yard setback. The Applicant proposes to construct a 3-story deck within which further encroaches into the left side yard setback.
3. **Green Building Practices:** None listed on the application.

#### 4. Comments:

*Ward Alderman:* Maryann Heuston has been notified of this project.

## 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 §4.4.1 of the SZO. This section of the report goes through §4.4. in detail.

### 1. Information Supplied:

#### Regarding SZO §4.4.1:

- Staff finds that the information provided by the Applicant conforms to the requirements of §4.4.1 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."*

#### Regarding SZO §4.4.1:

- The non-conformity affected by this proposal is the left side yard setback.
- This structure is located in the RB zone where the minimum setback requirement is 10 feet. The construction of the decks will reduce the non-conforming setback further and leave a setback of 6.7 feet.

*Section 4.4.1 states that Lawfully existing non-conforming 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.*

#### Regarding SZO §4.4.1:

- In considering a Special Permit under §4.4.1 of the SZO, Staff finds that the construction of the 3-story deck will not be more detrimental to the property or surrounding neighborhood than the current conditions.
- The addition of these three decks will provide outdoor space for future occupants of this property that is tucked at the rear of the property and away from the street.

### 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."*

**Regarding SZO §4.4.1:**

- 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; to secure safety from fire, panic and other dangers...

**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 style, size, location and massing of the proposed decks is consistent with other properties in the neighborhood, the majority of which do not have front decks. Those properties presenting decks at all have them constructed at the rear or rear sides of a residential structure.

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

- There will be no impact on affordable housing.

**7. 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.***

- The project will have no impact on the SomerVision Plan.

**III. RECOMMENDATION**

**Special Permit under SZO §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								
1	Approval is for the extension of the existing rear roof deck and increasing the net living area in this structure.	BP/CO	ISD/ Plng.									
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>June 8, 2016</td><td>Initial submission to City Clerk</td></tr><tr><td>June 23, 2016</td><td>Deed and Articles of Incorporation submitted to OSPCD</td></tr><tr><td>August 8, 2016</td><td>Certified plot plan submitted to OSPCD</td></tr></table>				Date (Stamp Date)	Submission	June 8, 2016	Initial submission to City Clerk	June 23, 2016	Deed and Articles of Incorporation submitted to OSPCD	August 8, 2016	Certified plot plan submitted to OSPCD
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<u>Any changes to this project must be submitted to Planning Staff for review prior to their implementation.</u>												
Construction Impacts												
2	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									
3	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	ISD/Plng.									
4	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. Construction equipment shall NOT be stored on City property.	During Construction	T&P/ ISD									
Design												
5	The decks shall be constructed of wood or metal. No composite materials shall be used. Pressure-treated wood shall not be used.	CO	ISD/Plng									
Site												
6	Any lighting for these decks shall be downcast and shall not throw any light onto the abutting property.	Perpetual	Plng. / ISD									
7	As per Somerville Fire Prevention, grills and similar items shall not be used or stored on any of the decks, including that at ground level.	Perpetual	Plng/ISD/ Fire Prevention									
Miscellaneous												
8	The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the building and property.	Perpetual	ISD/Plng									
Public Safety												

9	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
10	The decks shall meet building code and all life-safety requirements	CO	ISD	
<b>Final Sign-Off</b>				
11	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	ISD/Plng.	