



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2013-45

Date: July 3, 2013

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 8 Fennell Street

Applicant & Owner Name: Aaron Elias

Applicant & Owner Address: 8 Fennell Street Somerville, MA 02145

Alderman: Courtney O'Keefe

Legal Notice: Applicant and Owner, Aaron Elias, seek a Special Permit under SZO §4.4.1 to expand a non conforming structure by adding a rear second story deck. RB Zone. Ward 5.

Zoning District/Ward: RB / Ward 5

Zoning Approval Sought: Special Permit under SZO §4.4.1

Date of Application: June 11, 2013

Dates of Public Meeting • Zoning Board of Appeals – July 10, 2013

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a 3,672 square foot lot located between Magoun Square and Trum Field. The single family home on the property is 1.5 stories and 1,582 square feet of livable area. The rear of the home has a concrete patio with a roof extending from an existing 1-story addition to the home. The rear yard is accessed from a side door and concrete steps along the narrow side yard.



Left Photo – Egress along narrow side yard, porch, and porch roof. Existing stairs will be demolished.
Above Photo – Rear Yard showing the existing basement entrance, the 1-story addition, and existing porch and roof. The existing roof will be demolished.

2. Proposal: The proposal is to build a two story deck in the rear yard. The existing porch roof and the concrete stairs to the yard from the side egress stairs will be demolished. The first level of the deck will be 32" above grade and will be directly accessed via the existing side door. The second level of the deck will be accessed by a spiral staircase. The second story deck will be 13' above grade mounted above the roof of the existing 1-story addition and will be the same size as the deck below. The deck will be finished with Douglas Fir flooring and railings.

3. Nature of Application: The applicant seeks a Special Permit under SZO §4.4.1 to alter an existing, non-conforming, rear structure by building a two story deck within the existing non-conforming side and rear yard setbacks. The right side yard setback is 2.8' and the rear yard setback is 5.4'. Due to the shallow lot, the required rear setback is 12.5'. The left side yard and front yard setbacks are not affected by this renovation.

4. Surrounding Neighborhood: The subject property is nestled in between Magoun Square, Trum Field, and the DPW lot on Franey Road. Fennell Street is a very short street with only 5 homes. The neighborhood is mostly one-, two-, and three-family homes bounded by the commuter rail tracks to the south, Broadway, Trum Field, and Lowell Street.

5. Impacts of Proposal: The largest impact of this proposal will be the view impact of abutting neighbors. The residents of the homes will now be able to look down into other lots from the exterior of their home. That being said, this increases the usability of the exterior of the home and provides two spaces for outside programming. The Applicant has worked with Planning Staff to make the decks similar to other two-story decks in Somerville and incorporate existing conditions on the property. The decks will be built within the existing setbacks of the patio/patio roof.

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

7. Comments:

Fire Prevention: Has been contacted and has not provided comments.

Ward Alderman: Alderman O'Keefe will not be able to make it to the hearing but is supportive of the proposal.

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."

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; to provide for and maintain the uniquely integrated structure of uses in the City; to prevent the overcrowding of land; to conserve the value of land and buildings.

The proposal is consistent with the purpose of the Residential B district, which is, "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."

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						
1	Approval is for a Special Permit under SZO §4.4.1 to expand a non conforming structure by adding a rear second story deck. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/PIng.							
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>June 11, 2013</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>(July 1, 2013)</td><td>Modified plans submitted to OSPCD (Side Yard Photo, Rear Yard Photo, Plot Plan, Site Plan 5 (Existing Structure), Plan, East Elevation, Rear Elevation)</td></tr></table>				Date (Stamp Date)	Submission	June 11, 2013	Initial application submitted to the City Clerk’s Office	(July 1, 2013)	Modified plans submitted to OSPCD (Side Yard Photo, Rear Yard Photo, Plot Plan, Site Plan 5 (Existing Structure), Plan, East Elevation, Rear Elevation)
	Date (Stamp Date)				Submission					
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Any changes to the approved plan or elevations that are not <i>de minimis</i> must receive SPGA approval.										
Construction Impacts										
2	The Applicant shall at his 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	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										
4	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							
5	The deck shall remain open and may not be screened.	Perpetual	ISD/PIng.							
6	Below the deck should be screened with lattice or similar material. Any access door should have a latch.	CO	ISD/PIng.							

7	The spiral staircase design will be submitted to Planning Staff for approval.	CO	ISD/Plng.	
Miscellaneous				
8	The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the building and all on-site amenities, including landscaping, fencing, lighting, parking areas and storm water systems, ensuring they are clean, well kept and in good and safe working order.	Cont.	ISD	
Public Safety				
9	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
Final Sign-Off				
10	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.	

