



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

**Case #:** ZBA 2016-66

**Date:** August 17, 2016

**Recommendation:** Conditional Approval

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**PLANNING STAFF REPORT**

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**Site:** 16 Monmouth St.

**Applicant Name:** Stephen Kasper of Our House Design & Build

**Applicant Address:** 59 High Street, Reading, MA 01867

**Owner Name:** Dan & Ursula Stoutenburgh

**Owner Address:** 16 Monmouth Street, Somerville, MA 02143

**Alderman:** Robert J. McWatters

**Legal Notice:** Applicant, Stephen Kasper of Our House Design & Build, and Owners, Dan & Ursula Stoutenburgh, seek a Special Permit under SZO §4.4.1 to alter an existing deck and stairs within the rear yard setback. RB zone. Ward 3.

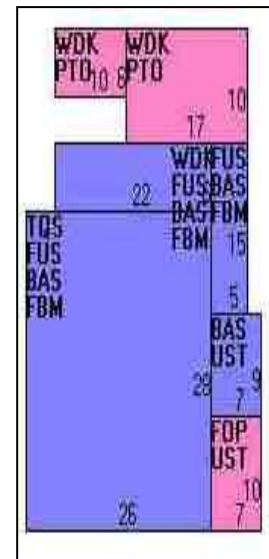


**Dates of Public Hearing:** Zoning Board of Appeals – August 17, 2016

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**I. PROJECT DESCRIPTION**

1. **Subject Property:** The subject property is a 2.8 story single-family residential structure on a 3,920 square foot lot in the RB zone.
2. **Proposal:** The Applicant proposes to remove the existing stairs leading to the deck and filling in that same space with additional deck area. New stairs and a landing extending off the back, left corner of the deck will be installed.
3. **Green Building Practices:** None listed on the application.



#### 4. Comments:

*Ward Alderman:* Robert McWatters has been informed 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 rear yard setback.
- In the RB zone, the required rear yard setback is 20 feet. The existing deck is 5 feet from the rear property line. The infill of the deck in the location of the soon-to-be-former stairs, triggers the special permit. Further triggering the special permit is the construction of new stairs to access the deck. The new stairs will be code-compliant, and reduce the steepness of the current stairs.

*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 extension of the rear deck and construction of related stairs and landing would not be substantially more detrimental to the property or the surrounding neighborhood than the conditions currently extant on the lot.
- Infilling current stair space to create additional deck area, and constructing safe, code-compliant stairs are reasonable allowances to provide this Applicant particularly

given that the rear setback will not be further encroached upon and life safety issues will be addressed.

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 increase in deck area and construction of new access stairs will be compatible with the surrounding area.

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 22, 2016</td><td>Plan submission to OSPCD</td></tr><tr><td>August 2, 2016</td><td>Updated plans submitted to OSPCD.</td></tr></table>				Date (Stamp Date)	Submission	June 8, 2016	Initial submission to City Clerk	June 22, 2016	Plan submission to OSPCD	August 2, 2016	Updated plans submitted to OSPCD.
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August 2, 2016	Updated plans submitted to OSPCD.											
<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 deck addition shall use the same materials as are extant on the existing deck.  **Should the Applicant find that the existing deck will have to be replaced in its entirety, no vinyl or synthetic products shall be used to construct an entirely new deck and stairs.**	CO	ISD/Plng									
Site												
6	Any new lighting installed for this deck shall be downcast and shall not cast light onto abutting properties.	Perpetual	Plng. / ISD									
7	As per Somerville Fire Prevention regulations, grills and similar items shall not be used or stored on the deck, stairs or landing.	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	
<b>Public Safety</b>				
9	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
10	The deck and stairs shall meet all building code and 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.	