



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

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EXECUTIVE DIRECTOR

**PLANNING DIVISION STAFF**

GEORGE PROAKIS, *DIRECTOR OF PLANNING*  
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AMIE HAYES, *PLANNER*  
MELISSA WOODS, *PLANNER*  
DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*

**Case #:** ZBA 2014-95  
**Date:** October 30, 2014  
**Recommendation:** Conditional Approval

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**PLANNING STAFF REPORT**

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**Site:** 56 Otis Street

**Applicant Name:** Jack Hayes  
**Applicant Address:** P.O. Box 377, Medford, MA 02155  
**Owner Name:** J&G Realty  
**Owner Address:** P.O. Box 377, Medford, MA 02155  
**Agent:** none  
**Alderman:** Matthew McLaughlin

Legal Notice: Applicant, Jack Hayes, and Owner, J&G Realty, seek a Special Permit to alter a nonconforming 6-family structure under SZO §4.4.1 to add a 3-story deck. RB / Ward 1

Dates of Public Hearing: November 5, 2014

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**I. PROJECT DESCRIPTION**

1. Subject Property: The property is a six unit residential structure on a 2,200 square foot lot.
2. Proposal: The proposal is to construct a 3-story deck that will be in the rear and side yards. The second means of egress is currently inside of the building and does not meet the current building code. The second means of egress will be moved outside to this deck. The proposal also includes adding a farmer's porch to the front of the building.
3. Green Building Practices: None.



4. Comments:

*Fire Prevention:* Has reviewed the proposal and has not comments at this time.

*Wiring Inspection:* An exterior light and electrical receptacle is required for all levels of the porch.

*Ward Alderman:* Has been contacted but has not yet provided comments.

**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. The deck will not encroach farther into the nonconforming side or conforming rear yard than the existing structure. The rear yard is currently 10.5 feet, which is conforming due to the reduction in rear yard allowed for shallow lots and the side yard is 5.2 feet, which is nonconforming. The front porch will make the front yard more usable for the residents and will add character to the existing structure. The front yard is currently nonconforming at 6.3 feet and will be 1.1 feet.

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 safety of the inhabitants of the City of Somerville and providing for and maintaining the uniquely integrated structure of uses in the City.

The proposal is consistent with the purpose of the RB district in improving the egress and front appearance of this dwelling.

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 surrounding houses are tightly knit. Most have rear additions and several have front porches. The proposal will not be out of character of the neighborhood.

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

The use of the property will remain as six residential units.

6. 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 use of the property will remain as six residential units and the appearance of the front of the house will improve as a result of the application.

### 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 the construction of a three-story rear deck and a front porch. 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>Sept 10, 2014</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>Oct 15, 2014</td><td>Modified plans submitted to OSPCD (SK.01 Site Plan/First Floor, SK.02 2<sup>nd</sup> &amp; 3<sup>rd</sup> Floor, SK.03-SK.07 Renderings, )</td></tr><tr><td>Aug 8, 2014</td><td>Modified plans submitted to OSPCD (Plot Plan)</td></tr></table>				Date (Stamp Date)	Submission	Sept 10, 2014	Initial application submitted to the City Clerk's Office	Oct 15, 2014	Modified plans submitted to OSPCD (SK.01 Site Plan/First Floor, SK.02 2 <sup>nd</sup> & 3 <sup>rd</sup> Floor, SK.03-SK.07 Renderings, )	Aug 8, 2014	Modified plans submitted to OSPCD (Plot Plan)
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Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.												
2	An exterior light and electrical receptacle is required for all levels of the porch.	Final sign off	Wiring Inspector									
3	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												
4	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.									

