



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2017-104
Date: October 18, 2017
Recommendation: Conditional Approval

UPDATED PLANNING STAFF REPORT

Site: 103 Pearson Avenue

Applicant Name: Candyce Dostert
Applicant Address: 103 Pearson Avenue, Somerville, MA 02144
Owner Name: Candyce Dostert and Donald Stevens
Owner Address: 103 Pearson Avenue, Somerville, MA 02144
Alderman: Mark Niedergang

Legal Notice: Applicant, Candyce Dostert, and Owners, Candyce Dostert and Donald Stevens, seek a Special Permit under SZO §4.4.1 to alter a nonconforming structure by constructing a second story rear deck on top of the existing one-story rear porch that is within the required left side yard setback requirement. RA Zone. Ward 5.

*This staff report has been updated. Items which no longer apply have been ~~struck~~ and updated information has been **highlighted in yellow**.*

Dates of Public Hearing: Zoning Board of Appeals – October 18, 2017

I. PROJECT DESCRIPTION

1. Subject Property: The subject property contains one parcel of 2,969 square feet with a single family dwelling. There is a one-story covered rear porch but it is not enclosed. There are posts and railings above the porch.
2. Proposal: The proposal is to install a door in the rear on the second floor to access the second level of an existing one-story rear porch and to install a new railing system.



3. Green Building Practices: There are no green building practices listed on the application form.
4. Comments:

Ward Alderman: Alderman Niedergang has been contacted but has yet to provide comment as of the publication of this report.

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."*

The structure is currently nonconforming with respect to the following dimensional requirements: lot area, front yard setback, left side yard setback, right side yard setback, and the number of parking spaces.

The proposal will impact the nonconforming left side yard setback. The current dimension is 3.1 for the current porch and the proposal will **maintain that distance** ~~bring the railings in to be 5 feet from the property line.~~ The requirement in the district is 8 feet. This alteration to a nonconforming structure requires the Applicant to obtain special permits under §4.4.1 of the Somerville Zoning Ordinance (SZO).

Section 4.4.1 states that “[l]awfully existing one-and two-family dwellings which are only used as residences, which are nonconforming with respect to dimensional requirements, may be enlarged, extended, renovated or altered by special permit granted by the SPGA in accordance with the procedures of Article 5.”

In considering a special permit under §4.4 of the SZO, Staff finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The proposal has been designed with setbacks that minimally impact the neighbors and the requirements for lot area per dwelling unit, ground coverage, landscape area, pervious area, floor area ratio (FAR), building height, rear yard setback, and street frontage will continue to be conforming to the requirements of the SZO.

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 promote the health, safety, and welfare of the inhabitants of the City of Somerville; to protect health; to provide adequate light and air; to conserve the value of land and buildings; to adequately protect the natural environment; to encourage the most appropriate use of land throughout the City; and to preserve and increase the amenities of the municipality.

The proposal is consistent with the purpose of the RA 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."*

The proposal will not have an impact on the site design. The improved railing system will enhance the aesthetics of the existing rear porch.

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

8. **SomerVision Plan:** The proposal will allow for upgrades to the property that are in keeping with the character of the neighborhood.

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 installation of a door on the second level of a rear porch and for a new railing system. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/Pln g.											
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>September 12, 2017</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>September 11, 2017</td><td>Modified plans submitted to OSPCD (A1, A2, A3, A4, A5, A6, A7, S1, and S1)</td></tr><tr><td>September 19, 2017</td><td>Plan of Land</td></tr><tr><td>(October 11, 2017)</td><td>Alternate deck layout</td></tr></table>				Date (Stamp Date)	Submission	September 12, 2017	Initial application submitted to the City Clerk's Office	September 11, 2017	Modified plans submitted to OSPCD (A1, A2, A3, A4, A5, A6, A7, S1, and S1)	September 19, 2017	Plan of Land	(October 11, 2017)	Alternate deck layout
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	(October 11, 2017)				Alternate deck layout									
Any changes to the approved elevations that are not <i>de minimis</i> must receive SPGA approval.														

Construction Impacts				
2	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	Plng.	
3	Approval is subject to the Applicant's and/or successor's right, title and interest in the property.	Cont.	Plng.	Deed submitted & application form signed
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.	During Construction	T&P	
Design				
5	Applicant shall provide final material samples for siding, trim, windows, and doors (to the Design Review Committee for review and comment and) to Planning Staff for review and approval prior to the issuance of a building permit.	BP	Plng.	
6	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	
Site				
7	Landscaping shall be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD	
Miscellaneous				
8	Granting of the applied for use or alteration does not include the provision for short term rental uses, such as AirBnB, VRBO, or the like. Separate approvals are needed for the aforementioned uses.	Ongoing	ISD / Plng.	
9	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				
10	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
11	Per Somerville fire safety regulations, grills, barbecues, chimineas and the like are NOT permitted on decks or porches.	Perpetual	FP/ISD	
Final Sign-Off				
12	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.	

