



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2018-82
Date: August 8, 2018
Recommendation: Conditional approval

PLANNING STAFF REPORT

Site: 80 Powder House Boulevard

Applicant / Owner Name: David J. Giller
Applicant / Owner Address: 59 Walpole St, 103,
Canton, MA 02021
Agent Name: n/a
Agent Address: n/a
Alderman: Katjana Ballantyne



Legal Notice: Applicant and Owner, David J. Giller, seeks a special permit to add a second story deck within the left side yard setback under SZO §4.4.1. RA zone. Ward 7.

Dates of Public Hearing: Zoning Board of Appeals – August 8, 2018

I. PROJECT DESCRIPTION

1. **Subject Property:** The locus presents a 2 ¾-story residential structure sited on a corner lot. The locus contains 4,156 square feet of land and the two-family structure presents 5,636 square feet of living space. RA zone.
2. **Proposal:** The Applicant is doing a gut renovation of the property. The property will remain a two-family and the total number of bedrooms will decrease from eight to seven. Two non-conforming tandem parking spaces shall remain. The Applicant proposes adding a second-story open deck over an existing first floor deck. The proposal creates an upward extension of an existing, non-conforming left side yard setback, triggering the need for special permit relief.
3. **Green Building Practices:** The application does not list any green building practices.

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 non-conformity impacted by the Applicant's proposal is the left side yard setback (facing the property from Powder House Boulevard). As indicated in §8.5 of the SZO, in the RA zone, a minimum side yard setback of 8 feet is required. The Applicant proposes to construct a second-story open deck above an existing first-story open deck on the rear elevation of the building. The existing deck rests three (3) feet from the left side yard setback. The proposal to create an upward extension of this non-conformity requires a Special Permit (a discretionary permit) from the ZBA.

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 §4.4.1 of the SZO, Staff finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The proposal is a reasonable request in order to allow for future occupants of the second story unit to have access to outdoor space in a densely-built urban environment.

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."*

Staff finds that 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 provide for and maintain the uniquely integrated structure of uses in the City; to lessen congestion in the streets; to protect health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; 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.

Staff also finds that the proposal is consistent with the purpose of the RA district, which is, "[t]o 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."*

Surrounding Neighborhood: There are numerous other "modified gambrel"-style houses in the immediate vicinity of 80 Powder House Boulevard, particularly along Mason Street. Several of these structures contain rear decks of varying types: open, enclosed, covered.

Impacts of Proposal (Design and Compatibility): Staff finds that the proposed open deck is designed to be well-proportioned in relation to the rear façade of the building. The proposed second-story deck will be only three feet from the property line. However, given how densely-built this West Somerville neighborhood is, Staff finds that the proposal is consistent with the proximity of other decks and porches in the area to their property lines.

7. **Housing Impact:** Will not add to the City's stock of affordable housing.

8. **SomerVision Plan:** The overall project enhances an existing property in need of improvement. The specific deck proposal allows for unit occupants to have access to outdoor space in a densely built-out neighborhood.

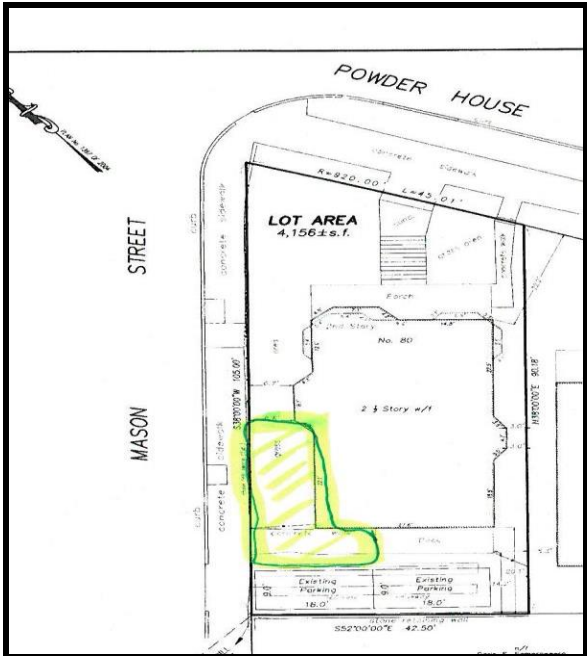
III. RECOMMENDATION

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 to construct a second story open deck at the rear of the building and three feet from the left side yard property line.	BP/CO	ISD/Plng.									
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>June 12, 2018</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>July 31, 2018</td> <td>Updated plot plan submitted to OSPCD</td> </tr> <tr> <td>August 1, 2018</td> <td>Corrected plot plan submitted to OSPCD</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	June 12, 2018	Initial application submitted to the City Clerk's Office	July 31, 2018	Updated plot plan submitted to OSPCD	August 1, 2018	Corrected plot plan submitted to OSPCD
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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	All construction materials, construction equipment and construction-related shall 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. Permits must be obtained for all dumpsters.	During Construction	T&P									
4	Construction shall occur from 7:30am – 5:00pm Monday-Friday ONLY. There shall be no construction or construction-related work allowed on the weekends or holidays.	During Construction	ISD									
Design												
5	Applicant shall provide final material samples for siding, trim, windows, and doors to Planning Staff for review and approval prior to the issuance of a building permit. Vinyl siding, decking, and railings shall not be permitted	BP	Plng./ISD									

Site				
6	The property shall be re-landscaped. A full landscaping plan shall be submitted to Planning Staff for their review and approval prior to the installation of any landscaping. Type and number of plantings and path materials shall be included in the landscaping plan.	Prior to installation/ CO	ISD / Plng.	
7	All bituminous material shall be removed from the property. Pervious material shall be installed in the location where the two existing, non-conforming, tandem parking spaces are currently located at the rear of the property. Pervious material may include pervious pavers, pea stone or similar. Proposed materials shall be submitted to Planning Staff for their review and approval prior to installation	Prior to installation/ CO	ISD / Plng.	
8	All garbage and recycling areas shall be screened from public view. Screening materials shall be submitted to Planning Staff for their review and approval prior to installation. Location of garbage and recycling areas shall be indicated on the landscaping plan.	Prior to installation/ CO	ISD / Plng.	
9	The areas indicated on the site plan in green shall be landscaped. Type and number of plantings for this area shall be included in the landscaping plan noted in Condition #6 above. 	CO/Perpetua l	ISD/Pln g	
10	This property shall be limited to two (2) parking spaces (standard and or compact).	CO/Perpetua l	ISD/Pln g	
Miscellaneous				
11	Granting of the applied for use or alteration does <u>not</u> include the provision for short term rental uses, such as AirBnB, VRBO, or the like. Separate approvals are needed for the aforementioned uses.	Perpetual	ISD / Plng.	

Public Safety				
12	The Fire Prevention Bureau's requirements shall be met.	CO	FP	
13	The existing chain-link fence shall be removed from the perimeter of the property. If a new fence or plantings are installed at along the property along the Powder House/Mason Street frontages, they shall be no taller than 3 ½-feet per City regulations.	CO/Perpetua l	ISD / Plng.	
14	Per Somerville fire safety regulations, grills, barbecues, chimineas and the like are NOT permitted on decks or porches.	Perpetual	FP/ISD	
15	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				
16	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.	

