



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

PLANNING DIVISION

STAFF

GEORGE PROAKIS, *DIRECTOR OF PLANNING*
LORI MASSA, *SENIOR PLANNER*
DAN BARTMAN, *SENIOR PLANNER*
ADAM DUCHESNEAU, *PLANNER*
AMIE SCHAEFFER, *PLANNING INTERN*
DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*

Case #: ZBA 2012-46

Date: July 5, 2012

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 82 Pearson Avenue

Applicant and Property Owner Name: 82 Pearson, LLC
Applicant and Property Owner Address: 66 Cranberry Lane, Needham, MA 02492
Agent Name: Richard G. Di Girolamo, Esq.
Agent Address: 424 Broadway, Somerville, MA 02145
Alderman: Sean O'Donovan

Legal Notice: Applicant and Owner 82 Pearson, LLC seeks a Special Permit under SZO §4.4.1 to make façade modifications to an existing nonconforming three-family structure including enlarging and constructing a third level rear deck, restoring an original second story open front porch, and to increase Floor Area Ratio (FAR) by removing an internal staircase. RA zone. Ward 5.

Zoning District/Ward: RA zone / Ward 5

Zoning Approval Sought: Special Permit under SZO §4.4.1

Date of Application: May 31, 2012

Date of Public Hearing: Zoning Board of Appeals – **July 11, 2012**

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a 3,520 square foot lot with a three-family residence situated on Pearson Avenue, a few lots north of the intersection of Kidder Avenue and Pearson. The residence is 3 stories high, not including the basement level, with a gambrel roof. The gross floor area of the footprint of the building is 1,524 square feet. The dwelling currently has 4,254 square feet of habitable space with a Floor Area Ratio (FAR) of 1.21, which is nonconforming for the RA district in which the property is located.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722

www.somervillema.gov



2. Proposal: The proposal is to remove an existing two story deck on the rear of the three-family residence to construct a new enlarged deck and an entirely new deck on the third floor. The new construction would also add stairs connecting all three levels of the deck down to the backyard. The dimensions for the portion of the decks without stairs would be approximately 8 feet deep and 13 feet 3 inches wide. The stairs would add an additional 3.5 feet of depth and 7 feet of width on the left side of the deck extending outside of the envelope of the proposed deck. All three levels of the deck would have the same dimensions, except that the first floor would contain stairs from the ground level of the backyard across the entire width of the deck, and therefore the first floor deck would be shallower than the second and third floors. A door will be created on the third floor of the dwelling to access the new third floor deck.

Additionally, an internal staircase towards the rear of the property that connected the first, second, and third floors will be removed, which will increase the structure's FAR. The plans indicate that currently there is an enclosed front porch on the second floor, which will be converted to an original open porch. Site visit pictures from June 27, 2012 reveal that the existing condition is an open porch on the second floor of the front façade.

3. Nature of Application: This is a residential property within an RA district. The structure is currently nonconforming with respect to minimum lot size, Floor Area Ratio, number of stories, number of parking spaces, and the minimum right side yard and front yard setbacks. It is also nonconforming with respect to use because the property contains three dwelling units in an RA district, which is not permitted. The above listed existing dimensional nonconformities require the Applicant to obtain a Special Permit under Somerville Zoning Ordinance (SZO) §4.4.1 to alter the nonconforming structure to enlarge and construct a third level deck on the rear of the three-family dwelling, to increase Floor Area Ratio by removing an internal staircase, and to make façade alterations including restoring the second story open porch on the front of the building.

4. Surrounding Neighborhood: This property is located in an RA district. The building abuts residential properties of similar style, size, and scale on all sides. The entire surrounding neighborhood consists of single-, two-, and three-family dwellings on small parcels. There is a three-family dwelling located on the adjacent parcel to the right of the subject property and single- and two-family dwellings abut the lot on all other sides.

5. Impacts of Proposal: There shall be minimal impacts to the surrounding neighborhood as the proposed deck at the rear of the dwelling would not appear to be detrimental to the immediate abutters or the surrounding area. The first and second stories of the deck already exist. The proposed changes will renovate the first and second stories of the deck as well as add a third floor and stairs connecting all three levels of deck to the backyard. The dimensions for the portion of the decks without stairs would be approximately 8 feet deep and 13 feet 3 inches wide. The stairs would add an additional 3.5 feet of depth and 7 feet of width on the left side of the deck extending outside of the envelope of the proposed deck. The proposed changes to the deck will not increase any of the existing nonconformities, and the new staircase will serve as an additional means of egress for the second and third floor units of the property. Furthermore, the deck would not be visible from the Pearson Avenue right of way and would not alter the streetscape in any manner.

The removal of an internal staircase will increase the structure's habitable space and therefore, will also increase the building's Floor Area Ratio (FAR). The current FAR of 1.21 is already nonconforming for an RA district and the slight increase will not be substantially more detrimental to the property or the surrounding neighborhood. Furthermore, when coupled with the new staircase on the deck in the rear of the existing structure, the property will maintain two sets of stairways. The property will remain a three

story, three-family residential use which is consistent with the surrounding neighborhood. Therefore, there are no anticipated negative impacts from the proposal.

6. Green Building Practices: None indicated.

7. Comments:

Fire Prevention: Has been notified but has not yet provided comments.

Ward Alderman: Alderman O'Donovan has been notified but has not yet provided comments.

Wiring Inspector: Has been notified but has not yet provided comments.



Existing Conditions at 82 Pearson Avenue, Front and Side Façades





*Existing Conditions at 82 Pearson Avenue
Rear Façade*

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 finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The deck will be located at the rear of the existing structure and will not be visible from the Pearson Avenue right of way. Additionally, the proposed deck will not expand any existing nonconformities. Electrical code requires there to be one exterior light fixture and one exterior electrical receptacle for all deck levels and Staff is proposing a condition to require these items.

The removal of an internal staircase will increase the structure's habitable space and therefore will also increase the building's Floor Area Ratio (FAR). The current FAR of 1.21 is already nonconforming for an RA district, and the slight increase will not be substantially more detrimental to the property or the surrounding neighborhood. Furthermore, when coupled with the new staircase on the deck at the rear of the existing structure, the property will maintain two sets of stairways for egress purposes. The property will remain a three story, three-family residential use which is consistent with the surrounding neighborhood.

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 secure safety from fire, panic and other dangers; to provide adequate light and air; to conserve the value of land and buildings; to encourage the most appropriate use of land throughout the City; and to encourage housing for persons of all income levels."

The proposal is also consistent with the purpose of the district (6.1.1. RA - Residence Districts), 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." While the RA district does not permit three-family dwellings as-of-right, the project will simply be maintaining the existing nonconforming three-family residential use. Furthermore, the three-family use is generally consistent with the predominantly residential surrounding neighborhood.

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 project is compatible with the characteristics of the surrounding neighborhood. There shall be minimal impacts to the surrounding neighborhood as the proposed deck at the rear of the dwelling would not appear to be detrimental to the immediate abutters or the surrounding area. The first and second stories of the deck already exist. The proposed changes will renovate the first and second stories of the deck as well as add a new third floor and stairs connecting all three stories to the backyard. The dimensions for the portion of the decks without stairs would be approximately 8 feet deep and 13 feet 3 inches wide. The stairs would add an additional 3.5 feet of depth and 7 feet of width on the left side of the deck extending outside of the envelope of the proposed deck. The proposed changes to the deck will not increase any of the existing nonconformities, and the new staircase will serve as an additional means of egress for the second and third floor units at the property. Furthermore, the deck would not be visible from Pearson Avenue right of way and would not alter the streetscape in any manner.

The removal of an internal staircase will increase the Net Floor Area, and therefore will also increase the building's Floor Area Ratio (FAR). The current FAR of 1.21 is already nonconforming for an RA district, and the slight increase will not be substantially more detrimental to the property or the surrounding neighborhood. Furthermore, when coupled with the new staircase on the deck at the rear of the existing structure, the property will maintain two sets of stairways for egress purposes. The property will remain a three story, three-family residential use which is consistent with the surrounding neighborhood. Therefore, there are no anticipated negative impacts from the proposal.

5. Adverse Environmental Impacts: The proposed use, structure or activity will not constitute an adverse impact on the surrounding area resulting from: 1) excessive noise, level of illumination, glare, dust, smoke, or vibration which are higher than levels now experienced from uses permitted in the surrounding area; 2) emission of noxious or hazardous materials or substances; 3) pollution of water ways or ground water; or 4) transmission of signals that interfere with radio or television reception.

No adverse environmental impacts are anticipated from this proposal. No new noise, glare, smoke, vibration, nor emissions of noxious materials nor pollution of water ways or ground water nor

transmission of signals that interfere with radio or television reception are anticipated as part of the proposal. The structure will remain a three story, three-family dwelling and will continue to be used for residential purposes.

III. RECOMMENDATION

Special Permit under §4.4.1

Based on 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 alter a nonconforming structure under SZO §4.4.1 to make façade modifications to an existing nonconforming three-family structure including enlarging and constructing a third level rear deck, restoring an original second story open front porch, and to increase Floor Area Ratio (FAR) by removing an internal staircase. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/Plng.																					
	<table border="1"> <thead> <tr> <th data-bbox="246 634 565 667">Date (Stamp Date)</th> <th data-bbox="565 634 886 667">Submission</th> </tr> </thead> <tbody> <tr> <td data-bbox="246 667 565 772">(May 31, 2012)</td> <td data-bbox="565 667 886 772">Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td data-bbox="246 772 565 877">May 2, 2012 (June 28, 2012)</td> <td data-bbox="565 772 886 877">Certified Plot Plan</td> </tr> <tr> <td data-bbox="246 877 565 982">January 19, 2007 (June 28, 2012)</td> <td data-bbox="565 877 886 982">Title Sheet (1 of 6)</td> </tr> <tr> <td data-bbox="246 982 565 1087">May 2, 2012 (June 28, 2012)</td> <td data-bbox="565 982 886 1087">Condominium Site Plan</td> </tr> <tr> <td data-bbox="246 1087 565 1192">January 19, 2007 (June 28, 2012)</td> <td data-bbox="565 1087 886 1192">Floor Plans Existing Conditions and Demolition (2 of 6)</td> </tr> <tr> <td data-bbox="246 1192 565 1318">January 19, 2007 (June 28, 2012)</td> <td data-bbox="565 1192 886 1318">Exterior Elevations Existing Conditions and Demolition (3 of 6)</td> </tr> <tr> <td data-bbox="246 1318 565 1423">June 27, 2012 (June 28, 2012)</td> <td data-bbox="565 1318 886 1423">Floor Plans New Layouts (4 of 6)</td> </tr> <tr> <td data-bbox="246 1423 565 1528">June 27, 2012 (June 28, 2012)</td> <td data-bbox="565 1423 886 1528">Exterior Elevations Alterations (5 of 6)</td> </tr> <tr> <td data-bbox="246 1528 565 1654">January 19, 2007 (June 28, 2012)</td> <td data-bbox="565 1528 886 1654">Foundation/Basement Plan, Floor Framing Plans, Roof Framing Plan (6 of 6)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	(May 31, 2012)	Initial application submitted to the City Clerk's Office	May 2, 2012 (June 28, 2012)	Certified Plot Plan	January 19, 2007 (June 28, 2012)	Title Sheet (1 of 6)	May 2, 2012 (June 28, 2012)	Condominium Site Plan	January 19, 2007 (June 28, 2012)	Floor Plans Existing Conditions and Demolition (2 of 6)	January 19, 2007 (June 28, 2012)	Exterior Elevations Existing Conditions and Demolition (3 of 6)	June 27, 2012 (June 28, 2012)	Floor Plans New Layouts (4 of 6)	June 27, 2012 (June 28, 2012)	Exterior Elevations Alterations (5 of 6)	January 19, 2007 (June 28, 2012)	Foundation/Basement Plan, Floor Framing Plans, Roof Framing Plan (6 of 6)
	Date (Stamp Date)				Submission																			
	(May 31, 2012)				Initial application submitted to the City Clerk's Office																			
	May 2, 2012 (June 28, 2012)				Certified Plot Plan																			
	January 19, 2007 (June 28, 2012)				Title Sheet (1 of 6)																			
	May 2, 2012 (June 28, 2012)				Condominium Site Plan																			
	January 19, 2007 (June 28, 2012)				Floor Plans Existing Conditions and Demolition (2 of 6)																			
	January 19, 2007 (June 28, 2012)				Exterior Elevations Existing Conditions and Demolition (3 of 6)																			
	June 27, 2012 (June 28, 2012)				Floor Plans New Layouts (4 of 6)																			
	June 27, 2012 (June 28, 2012)				Exterior Elevations Alterations (5 of 6)																			
January 19, 2007 (June 28, 2012)	Foundation/Basement Plan, Floor Framing Plans, Roof Framing Plan (6 of 6)																							
Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.																								

2	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	
3	The Applicant shall meet the Fire Prevention Bureau's requirements.	CO	FP	
4	The Applicant shall install one exterior light fixture, one electrical receptacle, and emergency lighting on each level of the rear deck space.	CO	Wiring Inspector	
5	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	
6	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.	



82 Pearson Avenue