



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

*PLANNING DIVISION*

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ELIZABETH MORONEY  
JAMES KIRYLO  
DANA LEWINTER, ALT.

**Case #:** ZBA 2011-18  
**Date:** March 17, 2011  
**Recommendation:** Conditional Approval

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**PLANNING BOARD RECOMMENDATION**

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**Site:** 50 Brastow Avenue

**Applicant Name:** Mark & Randi Soltysiak  
**Applicant Address:** 50 Brastow Ave, Somerville MA 02143  
**Property Owner Name:** same  
**Agent Name:** none  
**Alderman:** Thomas Taylor

Legal Notice: The Applicants/Owners Mark & Randi Soltysiak seek a Special Permit under SZO §4.4.1 to alter the single-family dwelling by constructing stairs in the nonconforming side and rear yard.

Zoning District/Ward: Residence A / 3

Zoning Approval Sought: Special Permit under SZO §4.4.1 & 5.1

Date of Application: February 22, 2011

Dates of Public Meeting • Hearing: Planning Board 3/17/11 • Zoning Board of Appeals 4/6/11

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Dear ZBA members:

At its regular meeting on March 17, 2011 the Planning Board heard the above-referenced application. Based on materials submitted by the Applicant and the Staff recommendation, the Board voted 4-0 with Kevin Prior and Michael Capuano absent, to recommend **conditional approval** of the requested **Special Permit**.

In conducting its analysis, the Planning Board found:



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## I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a 2,456 sf parcel on which is a 2 ½ story structure. The back yard of the house is approximately 10 feet by 37 feet. With the stairs that project into the middle of the yard and the slope of the land towards the rear lot line, there is not much space to utilize the back yard. The house is located two feet from the eastern property line.

2. Proposal: The proposal is to remove the existing staircase in the backyard, relocate a door from the back of the house to the eastern side of the house and construct a new staircase close to the eastern property line. Since the stairs will be closer than three feet from the property line, the stairs must be constructed out of a noncombustible material. The plans indicate that the material will be wood but the owners understand that the material will have to change (see conditions below). The purpose is to have more usable space in the backyard. The Owners will also be improving the condition of the backyard by regrading the soil, installing permeable pavers, a new planting area, and a low (approximately 4 feet) fence that allows for the transference of light. They will retain an existing garden box and grass in the side yard.



3. Nature of Application: The structure is currently nonconforming with the following dimensional requirements: minimum lot size, ground coverage, floor area ratio, and front, rear and side yard setbacks.

The proposed staircase would be located in the nonconforming side yard, 11.5 inches from the property line. The house is set back 2 feet from the property line and the minimum in the district is 6 feet 11

inches with the reduction for narrow lots. The stairs will be located 9 feet 8.5 inches from the rear property line. The minimum rear yard in the district is 11 feet 6 inches with the reduction for shallow lots. The stairs are currently 5 feet from the rear property line. These nonconformities require the applicant to obtain a special permit under §4.4.1 of the SZO.

4. Surrounding Neighborhood: The surrounding area is comprised of one-, two-, and multi-family homes as well as the Somerville Hospital. The properties adjacent to the subject property on Brastow Avenue have similar small backyards, while the abutting properties on Summer Street have larger backyards that are approximately eight feet below the grade of 50 Brastow Avenue.



5. Impacts of Proposal: The house is currently located a few feet from the property line and the adjacent house is also very close to the property line. Therefore, access to the backyard is through the western side yard and the proposed stairs will not interfere with the access points to the property. The benefit of the new stair location is that the backyard will have more usable space.

6. Green Building Practices: The environmentally friendly activities that will occur in the backyard are organic gardening and composting. Additionally, the yard will provide space for a wildlife habitat.

7. Comments:  
*Fire Prevention:* Has been contacted but has not provided comments.

*Ward Alderman:* Alderman Taylor visited the site. He is in favor of the request to expand the family’s outdoor living space.

**II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1, 5.1):**

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 Board 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, the Board finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The stairs will be located in an existing nonconforming side yard and the nonconforming rear yard will become more conforming with this arrangement. The stairs must be made of a noncombustible material to comply with the building code.

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 providing for and maintaining the uniquely integrated structure of uses in the City and the purpose of the district in improving the site plan of this single-family property.

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 stairs will be located in the side yard that currently does not provide sufficient space to access the back yard. The new stairs will be less obtrusive to the backyard and provide more open space. Relocating the stairs is part of a larger project to improve the appearance and usability of the back yard.

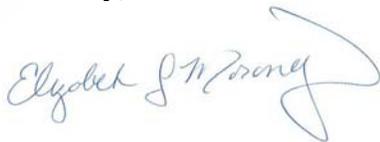
**III. RECOMMENDATION**

**Special Permit under §4.4.1, 5.1**

Based on the above findings and subject to the following conditions, the Planning Board recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT**.

#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	<p>Approval is for the construction of stairs in the nonconforming side and rear yards. This approval is based upon the following application materials and the plans submitted by the Applicant:</p> <table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>2/22/11</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>(3/14/11)</td> <td>Plans submitted to OSPCD (existing &amp; proposed site plan, east, south, west elevations)</td> </tr> </tbody> </table> <p>Any changes to the approved site plan that are not <i>de minimis</i> must receive SPGA approval.</p>	Date (Stamp Date)	Submission	2/22/11	Initial application submitted to the City Clerk's Office	(3/14/11)	Plans submitted to OSPCD (existing & proposed site plan, east, south, west elevations)	BP/CO	PIng.	
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2	The stairs and landing shall be made of a noncombustible material.	BP	ISD.							
3	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	PIng.							

Sincerely,



Elizabeth Moroney  
 Acting Chair

Cc: Applicant/Owner: Mark & Randi Soltysiak

