



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*

Case #: ZBA 2018-90  
Date: ~~August 8, 2018~~ September 5, 2018  
Recommendation: Conditional approval

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**UPDATED PLANNING STAFF REPORT**

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**Site:** 12 Quincy Street

**Applicant / Owner Name:** Jennifer Park, Eric Shea, and Tatum Smigliski  
**Applicant / Owner Address:** 12-2 Quincy Street, Somerville, MA 02143; 12-3 Quincy Street, Somerville, MA 02143; and 10 Lowes Lan, Ipswich, MA 01938

**Agent Name:** Tobin Wells  
**Agent Address:** 5 Burley Street, Wenham, MA 01984  
**Alderman:** J.T Scott

Legal Notice: Applicants and Owners, Jennifer Park, Eric Shea, and Tatum Smigliski, seek a Special Permit under SZO §4.4.1 to alter a nonconforming structure by adding two decks off of the existing rear stairs. RB Zone. Ward 2.

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

Dates of Public Hearing: Zoning Board of Appeals – ~~August 8, 2018~~ September 5, 2018

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**I. PROJECT DESCRIPTION**

- Subject Property: The subject property is a three-unit condominium within a three-story structure that sits on a 4,950 square foot lot adjacent to the Quincy Street Park.
- Proposal: The proposal is to extend 2<sup>nd</sup> and 3<sup>rd</sup> story rear decks **off of an existing rear stair.**
- Green Building Practices: The application states that they will remove the existing failing decking and handrails and replace them with new ipe (wood) decking and handrails. The new construction will also have ipe decking and handrails.



#### 4. Comments:

*Ward Alderman:* Alderman Scott has been informed of the proposal and has yet to 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, rear yard setback, and right side yard setback.

The proposal will not impact the nonconforming dimensions of the rear and right side yard setbacks. The current respective dimensions are 14.3 feet and 8.1 feet and the normal requirements in the district are 20 feet and 10 feet. The SZO includes a provision for projections into side yards, SZO §8.6.6 reads, "...decks, unenclosed porches, or other similar structures and ornamental features may project into a required side yard not more than one-quarter (1/4) of the required setback, nor more than three (3) feet in any case." The adjusted required side yard setback for the deck structure becomes 7.5 feet and the proposal will keep the deck 8.1 feet from the side property line, which will comply with the setback requirement.

The SZO also includes a provision for a reduction in the required rear yard setback for shallow lots. SZO §8.6.13 reads, "for each foot by which a lot is less than one hundred (100) feet deep on the effective date of this Ordinance, three (3) inches may be deducted from the required depth of the rear yard, provided that no rear yard shall be less than ten (10) feet." The lot is 90 feet deep; therefore, the required rear yard setback may be reduced by 30 inches to make the required setback 17.5 feet. SZO §8.6.14 also allows decks and unenclosed porches to project into a rear yard up to 1/4 of the required setback but in no case within 10 feet of a rear lot line. The adjusted required rear yard setback for the deck structure becomes 13.125 feet and the proposal will keep the deck 14.3 feet from the rear property line, which will comply with the setback requirement.

The proposal to extend the decks will not encroach any further into the setback than the existing structure and will comply with the setback requirements for decks. This alteration to a nonconforming structure requires the Applicant to obtain special permits under §4.4.1 of the Somerville Zoning Ordinance (SZO) because it is a three-family structure.

Section 4.4.1 states that "[I]awfully existing nonconforming structures other than one- and two-family dwellings may be enlarged, extended, renovated or altered only by special permit authorized by the SPGA in accordance with the procedures of Article 5. The SPGA must find that such extension, enlargement, renovation or alteration is not substantially more detrimental to the neighborhood than the existing

*nonconforming building. In making the finding that the enlargement, extension, renovation or alteration will not be substantially more detrimental, the SPGA may consider, without limitation, impacts upon the following: traffic volumes, traffic congestion, adequacy of municipal water supply and sewer capacity, noise, odor, scale, on-street parking, shading, visual effects and neighborhood character.”*

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 proposed deck extensions will allow for the second and third unit owner to expand their outdoor space. The proposal has been designed with setbacks that minimally impact the neighbors and the requirements for lot area per dwelling unit, ground coverage, landscaped area, pervious area, floor area ratio (FAR), front and left 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 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.

The proposal is consistent with the purpose of the RB district, which is, “to establish and preserve medium density neighborhoods of one-, two- and three-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:* Quincy Street is a residential street located between Somerville Avenue and Summer Street. The subject property is located on the west side of the street. The neighborhood contains two-, three-, and multi-family dwellings.

*Impacts of Proposal (Design and Compatibility):* The proposed extension of the decks **will be** in the rear and will not be visible from the street. They will not have an impact of the design and compatibility of the neighborhood.

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

8. 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.

### 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 extension of second and third floor rear decks. 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>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>July 2, 2018</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>May 14, 2018</td> <td>Proposed Plan of Land</td> </tr> <tr> <td>February 2, 2018 (July 31, 2018) (August 30, 2018)</td> <td>Deck Plans</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	July 2, 2018	Initial application submitted to the City Clerk's Office	May 14, 2018	Proposed Plan of Land	February 2, 2018 (July 31, 2018) (August 30, 2018)	Deck Plans
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Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.												
<b>Construction Impacts</b>												
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 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									
<b>Design</b>												
4	Applicant shall provide final material samples for decking to Planning Staff for review and approval prior to the issuance of a building permit.	BP	Plng.									
<b>Site</b>												
5	Landscaping shall be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD									
<b>Miscellaneous</b>												

6	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.	
7	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	
<b>Public Safety</b>				
8	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
9	Per Somerville fire safety regulations, grills, barbecues, chimineas and the like are NOT permitted on decks or porches.	Perpetual	FP/ISD	
10	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.	
<b>Final Sign-Off</b>				
11	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.	

