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MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2018-58
Date: ~~June 6, 2018~~ August 8, 2018
Recommendation: ~~Denial~~
Conditional approval

UPDATED PLANNING STAFF REPORT

Site: 19 Wesley Park

Applicant / Owner Name: Francisco and Vivaldo Meneses
Applicant / Owner Address: 19 Wesley Park, Somerville, MA 02143
Alderman: Ben Ewen-Campen

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

Legal Notice: Applicants / Owners, Francisco and Vivaldo Meneses, seek a special permit under SZO §4.4.1 to alter a nonconforming structure by constructing a roof deck and a second story deck atop an existing front porch. RB Zone. Ward 3.

*The proposal has been revised to only include the second story deck/porch atop an existing front porch.

Dates of Public Hearing: Zoning Board of Appeals – ~~June 6, 2018~~ August 8, 2018

I. PROJECT DESCRIPTION

1. Subject Property: The subject property contains of one parcel of 2,079 square feet and consists of a two-family triple-decker style structure. It has frontage on Wesley Park and on Hillside Park. The roof has an existing penthouse on the roof. There is a side porch on the right of the structure that overhangs the property line.

2. Proposal: The proposal is to construct a roof deck on top of the triple-decker that will be offset two feet from the edge of the roof. The proposal also includes added is to add a second level to the existing porch fronting on Hillside Park.



3. Green Building Practices: None listed on the Application form.

4. Comments:

Ward Alderman: Alderman Ewen-Campen has been informed of this proposal and supports Planning Staff's position to recommend denial of the requested original petition. Alderman Ewen-Campen has been informed of the revised proposal and has yet to take a position 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, lot area per dwelling unit, ground coverage, landscaped area, pervious area, front, rear, left, and right yard setbacks, and street frontage.

The proposal of constructing a ~~roof deck and~~ second story front porch on Hillside will impact the following nonconforming use/dimensions:

	<i>Required</i>	<i>Existing</i>	<i>Setback of proposed roof deck</i>	<i>Setback of proposed second story porch</i>
Front yard setback	15 feet	12.7 feet	14.7 feet	n/a
Rear yard setback	20 feet	0 feet	22.5 feet	16 feet
Left side yard setback	10 feet	1.2 feet	4.7 feet	2.6 feet
Right side yard setback	10 feet	Over property line	6.3 feet	3.8 feet

These ~~These~~ **This** alteration to a nonconforming structure requires the Applicant to obtain **a** 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 ~~does not find~~ **finds** that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The site is currently severely nonconforming due to the small size of the lot and the size of the building. Staff ~~finds that constructing additional nonconforming aspects to the existing building with the proposed roof deck will be more detrimental to the neighborhood than the existing structure because of its close proximity to surrounding structures.~~ **However, Staff finds that constructing a second story front porch facing Hillside**

Park will have a minimal effect on the nonconforming nature of the structure and will not be substantially more detrimental to the neighborhood than the existing structure.

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 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." ~~Staff finds that the proposed roof deck would not be compatible with and convenient to the residents of the 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."*

Surrounding Neighborhood: Wesley Park is a cul-de-sac off of Bow Street just outside of Union Square. The surrounding neighborhood is residential in nature and structures on this particular stretch of Wesley Park are built very close together. The residential structures on Wesley Park Street are 2.5 story structures with the exception of the subject property and the property adjacent to the left. ~~The proposal would result in a large roof deck atop a triple-decker that would be looking down upon the skylights in neighboring properties.~~ The structure is also part of Hillside Park, which is a dead-end street off of Walnut Street. The structure appears at the end of Hillside Park as a two story building with a head house atop the roof. Hillside Park is a residential street with 2.5 and three-story structures.

Impacts of Proposal (Design and Compatibility): The existing structure is not designed to be compatible to the surrounding neighborhood. ~~and the proposed roof deck would exacerbate the incompatibility of the existing structure.~~ Adding railings to an existing second story porch to the Hillside Park elevation will not change nor exacerbate the issue. Second story porches are very common throughout the city, some of which can be found nearby on Walnut Street.

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

8. SomerVision Plan: The proposal would ~~not~~ comply 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 ~~because the proposal will worsen the structure's incompatibility to the surrounding 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 ~~DENIAL~~ **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.

(Updated Recommendations for the August 8, 2018 meeting)

#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	Approval is for the construction of a second story porch on the Hillside Park elevation. 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>April 11, 2018</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>July 3, 2018</td> <td>Modified plans submitted to OSPCD</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	April 11, 2018	Initial application submitted to the City Clerk's Office	July 3, 2018	Modified plans 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 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										
4	Applicant shall provide final material samples for decking and rails to Planning Staff for review and approval prior to the issuance of a building permit.	BP	Plng.							
Site										
5	Landscaping shall be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD							
Miscellaneous										
6	Electrical conduits on the exterior facades of buildings shall be painted to match the wall material to which they are attached. Conduits are not allowed on the front of any structure.	CO	Plng.							
7	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.							

8	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				
9	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
10	Per Somerville fire safety regulations, grills, barbecues, chimineas and the like are NOT permitted on decks or porches.	Perpetual	FP/ISD	
11	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.	
12	Prior to the issuance of a building permit, the Applicant shall provide a report completed by a Massachusetts Licensed/Certified Structural Engineer on the integrity of the structural support members of the proposed porch.	BP	ISD	
Final Sign-Off				
13	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.	

