



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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**Case #:** ZBA 2019-21  
**Date:** April 3, 2019  
**Recommendation:** Conditional approval

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**PLANNING STAFF REPORT**

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**Site:** 31 Lake Street

**Applicant / Owner Name:** Shawn Hockert and Miranda Elmorsi  
**Applicant / Owner Address:** 31 Lake Street, Somerville, MA 02143  
**City Councilor:** J.T. Scott

Legal Notice: Applicants/Owners, Shawn Hockert and Miranda Elmorsi, seek a special permit under SZO §4.4.1 to alter a nonconforming structure by constructing a rear deck and stairs within the required right side yard setback. RC Zone. Ward 2.

Dates of Public Hearing: Zoning Board of Appeals – April 3, 2019

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**I. PROJECT DESCRIPTION**

- Subject Property: The subject property contains one parcel of 3,377 square feet and consists of a two-family dwelling.
- Proposal: The proposal is to construct a deck within the required right side yard setback. The Applicants/Owners will also convert the two-family dwelling into a single family dwelling and make as-of-right alterations to the front entry porch.
- Green Building Practices: The application states that the entire envelope of the home will be upgraded with new exterior insulation, cavity insulation, and new high efficiency windows.

4. Comments:

*City Councilor:* Councilor Scott has been informed of this 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, front yard setback, right side yard setback, and frontage.

The proposal will impact the nonconforming dimension of the right side yard setback. The current dimension is 0 feet as the property is on the lot line and the proposed deck stairs will be 3'-3" from the right property line. This alteration to a nonconforming structure requires the Applicant to obtain 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 finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The proposed rear stairs allow for the construction of a second story to the deck that is part of an overhaul of the property that will result in a single family home. 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), building height, rear yard setback, and left side yard setback 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 protect health; to secure safety from fire, panic and other dangers; 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 RC district, which is, “to establish and preserve a district for multi-family residential and other compatible uses which are of particular use and convenience to the residents of the district.”

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:* Lake Street is just south of Somerville Avenue in Union Square. Lake Street has mostly single and two-family structures with an industrial warehouse at the west end of the street.

*Impacts of Proposal (Design and Compatibility):* The proposed alterations to the rear of the structure are part of an overhaul of the entire property that will enhance the aesthetics of the site. The renovation will include new siding, windows, and upgraded landscaping/site amenities. Overall, the proposed alterations will be compatible with the surrounding area.

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 construction of rear deck stairs. 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>February 28, 2019</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>(March 21, 2019)</td> <td>Plans submitted to OSPCD (A0.2, A1.0, A1.1, A2.0, A2.1, and L1.1)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	February 28, 2019	Initial application submitted to the City Clerk’s Office	(March 21, 2019)	Plans submitted to OSPCD (A0.2, A1.0, A1.1, A2.0, A2.1, and L1.1)
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Any changes to the approved (site plan or elevations/use) 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	The Applicant shall at their 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	
4	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	
5	For the convenience of and respect for the neighborhood, during the construction phase, construction work shall not begin prior to 7:30am and shall finish no later than 5pm Monday through Friday. There shall be no construction or construction-related work performed on weekends or holidays.	During Construction	ISD	
<b>Design</b>				
6	Applicant shall provide final material samples for siding, decking, trim, windows, and doors to Planning Staff for review and approval prior to the issuance of a building permit. Decking balusters must be horizontal.	BP	Plng.	
<b>Site</b>				
7	Landscaping shall be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD	
<b>Miscellaneous</b>				
8	Gas and electric meters shall not be on the front of the structure. Gas and electric meters may be located on the side of the structure but shall be screened from the street by a hardy, staff approved evergreen planting. Utilities shall not be located adjacent to windows and shall not impact any parking, landscaping, or egress. The provisions of this condition may be waived by staff if the applicant submits a letter from the utility, signed by a utility representative, on utility letterhead, indicating that there is no feasible alternative to placing meters in violation of this condition.	CO	ISD	
9	Garbage and recycling locations shall be clearly indicated on site plans. Storage areas shall be inside of the structure or shall be fully screened from view from both the public way and abutters by an appropriate material reviewed and approved by staff. The location shall not impact any parking, landscaping, or egress.	BP	Plng.	
10	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.	

11	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>				
12	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
13	Per Somerville fire safety regulations, grills, barbecues, chimineas and the like are NOT permitted on decks or porches.	Perpetual	FP/ISD	
14	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>				
15	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.	

