



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2017-44

Date: June 15, 2017

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 33 Walnut Street

Applicant / Owner Name: Kevin Kee

Applicant / Owner Address: 33 Walnut Street, Somerville, MA 02143

Alderman: Robert McWatters

Legal Notice: Applicant / Owner Name, Kevin Kee, seeks a Special Permit under Section 4.4.1 of the Somerville Zoning Ordinance (SZO) to alter a nonconforming structure by constructing a three-story open deck off the rear of the structure. RA Zone. Ward 3.

Dates of Public Hearing: Zoning Board of Appeals –
June 21, 2017

I. PROJECT DESCRIPTION

1. Subject Property: The locus contains a parcel of approximately 6,296 square feet of land with a three-family triple decker. The locus is long and narrow and it includes a large landscaped back yard.
2. Proposal: The proposal is to construct a three-story open porch in the rear of the structure.
3. Green Building Practices: The Application does not list any green building practices.
4. Comments: *Ward Alderman:* Alderman McWatters



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 requirement: lot area, lot area per dwelling unit, front yard setback, right and left side yard side back, and street frontage.

The proposal will impact the nonconforming dimensions of the left and right side yard setback requirements. The current dimensions are 5.3 feet and 3.2 feet respectively where ten feet is required for a three story building in the RA zoning district. The proposed three-story porch will decrease the left side yard setback to 4.7 and will maintain a 3.2 feet right side yard. 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 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/use. The proposed three-story porch will not become any wider than the existing structure. The decrease in the left side yard setback is because of the geometry of the lot. The width of the lot decreases towards the rear because the left property line is at an irregular angle. The proposal has been designed with setbacks that minimally impact the neighbors and the requirements for lot coverage, landscaped area, pervious area, building height, and rear 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 provide for and maintain the uniquely integrated structure of uses in the City; to protect health; to secure safety from fire, panic and other dangers; to provide adequate light and air; 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 RA district, 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.”

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: The locus is located on the east side of Walnut Street toward the southern end near Union Square. The surrounding neighborhood is comprised of residential dwellings that range from single to multi-family dwellings.

Impacts of Proposal (Design and Compatibility): The proposed three-story porch will form an “L” shape. The long part of the “L” will be three stories and the shorter end will only be one story and provide a step down to grade. The proposed deck will be painted/stained wood.

5. Housing Impact: The proposal will not create adverse impacts on the stock of existing affordable housing.

6. SomerVision Plan: Complies with the applicable goals, policies and actions of the SomerVision plan as this proposal will preserve and enhance the character of the 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 **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 a three-story rear porch. 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>May 4, 2017</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>May 4, 2017</td> <td>Plans submitted to OSPCD (PH1.1, PH1.2, PH1.3, EX1.1, A0.1, and A1.1)</td> </tr> <tr> <td>April 28, 2017</td> <td>Proposed plot plan submitted to OSPCD (1)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	May 4, 2017	Initial application submitted to the City Clerk's Office	May 4, 2017	Plans submitted to OSPCD (PH1.1, PH1.2, PH1.3, EX1.1, A0.1, and A1.1)	April 28, 2017	Proposed plot plan submitted to OSPCD (1)
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Any changes to the approved site plan or 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 deck colors and material samples to Planning Staff for review and approval prior to the issuance of a building permit.	BP	Plng.									
5	The Applicant shall meet the Wiring Inspector's requirements for exterior lights and electrical receptacles for the all levels of the porch.	Final sign off	Wiring Inspector									
Site												
6	Landscaping shall be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD									
Miscellaneous												
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									
8	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.	Cont.	ISD									
Public Safety												
9	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP									

Final Sign-Off				
10	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.	

