



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2014-123
Date: January 15, 2015
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 9-11 Aberdeen Road

Applicant Name: Paul Lavelle
Applicant Address: P.O.Box 400334, Cambridge, MA 02140
Owner Name: ULS Aberdeen Realty Trust
Owner Address: P.O.Box 400334, Cambridge, MA 02140
Alderman: Mark Niedergang

Legal Notice: Applicant, Paul Lavelle, and Owner, ULS Aberdeen Realty Trust, seeks a Special Permit under SZO §4.4.1 to alter a non-conforming, three-family dwelling to create a three-story rear deck with egress. RB zone. Ward 5.

Dates of Public Hearing: **Zoning Board of Appeals – Wednesday, January 21, 2015**

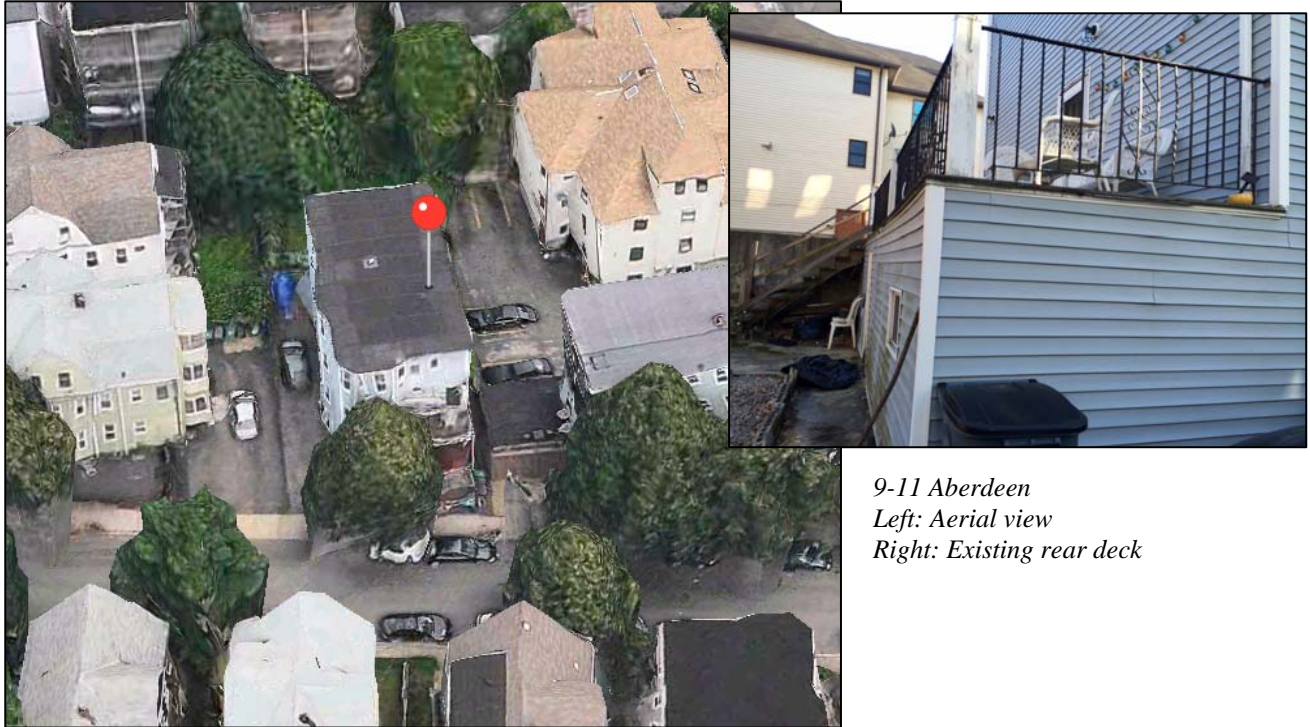
I. PROJECT DESCRIPTION

1. Subject Property: The subject parcel is 3,755 square feet and composed of a three-family dwelling (triple-decker). The landscape and pervious areas are 29% while the floor area ratio is 1.23.

There has been no prior zoning relief.

2. Proposal: The proposal is to construct a 3-story deck that will be in the rear and side yards. The second means of egress is currently inside of the building and does not meet the current building code. The second means of egress will be moved outside to this deck and windows on the second and third floors will be converted to doors. The existing landscaping will also be improved as part of this application.





*9-11 Aberdeen
Left: Aerial view
Right: Existing rear deck*

3. Green Building Practices: None are indicated on the application.

4. Comments:

Fire Prevention: Has reviewed the proposal and does not have comments at this time.

Wiring Inspection: An exterior light and electrical receptacle is required for all levels of the porch.

Ward Alderman: Has been contacted but has not yet provided comments.

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."*

Under SZO §4.4.1, a three-family dwelling may only alter a nonconformity through the granting of a Special Permit. Therefore, the addition of rear decks require Special Permit approval.

In considering a special permit under §4.4 of the SZO, Staff find that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The deck will encroach less into the nonconforming right side yard and retain a conforming 20’ rear yard setback.

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 promoting the safety of the inhabitants of the City of Somerville and providing for and maintaining the uniquely integrated structure of uses in the City.

The proposal is consistent with the purpose of the RB district, §6.1.2, 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.” The proposal is consistent with the purpose of the RB district by improving the egress and providing an outdoor amenity for residents while providing a more appropriate right side yard setback of 3.5’.

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."*

This neighborhood is just beyond Davis Square and is primarily residential, consisting of similarly scaled single-, two- and three-family homes. Aberdeen Road is a one-way residential street with on-street parking on both sides of the street.

The proposal will improve the egress and provide an outdoor amenity for residents while providing a more appropriate right side yard setback of 3.5’.

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

The use of the property will remain as three residential units.

7. 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, transform key opportunity areas, preserve and expand an integrated, balanced mix of safe, affordable and environmentally sound rental and homeownership units for households of all sizes and types from diverse social and economic groups; and, make Somerville a regional employment center with a mix of diverse and high-quality jobs. The areas in the SomerVision map that are designated as enhance and transform should most significantly contribute towards the SomerVision goals that are outlined in the table below. The areas marked as conserve are not expected to greatly increase the figures in the table since these areas are not intended for large scale change.*

<u>SomerVision Summary</u>	<i>Existing</i>	<i>Proposed</i>
<i>Dwelling Units:</i>	3	3
<i>Affordable Units:</i>	0	0

<i>Parking Spaces:</i>	1	1

The use of the property will remain as three residential units and the appearance of the front of the house will improve as a result of the application.

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 a Special Permit under SZO §4.4.1 to alter a non-conforming, three-family dwelling to create a three-story rear deck with egress. 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>(December 18, 2014)</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>December 17, 2014 (January 14, 2015)</td> <td>Plans submitted to OSPCD (plot plan, A-1, & A-2)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission
Date (Stamp Date)	Submission					
(December 18, 2014)	Initial application submitted to the City Clerk’s Office					
December 17, 2014 (January 14, 2015)	Plans submitted to OSPCD (plot plan, A-1, & A-2)					
	Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.					
Design						
2	An exterior light and electrical receptacle is required for all levels of the porch .	Final sign off	Wiring Inspector			
Site						
3	There shall be a minimum of one tree planted upon improving the landscaping within the rear yard.	CO	Plng.			
Public Safety						
4	The Applicant or Owner shall meet the Fire Prevention Bureau’s requirements.	CO	FP			
5	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.			
Final Sign-Off						

6	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.	
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