



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2019-22

Date: April 3, 2019

Recommendation: Conditional approval

PLANNING STAFF REPORT

Site: 54 Meacham Road

Applicant Name: Margaret Bruton
Applicant Address: 54 Meacham Road,
Somerville, MA 02143
Owner Name: Mark Philben
Owner Address: same as above
City Councilor: Lance Davis



Legal Notice: Applicant, Mark Philben, and Owner, Margaret Bruton, seek Special Permits under §4.4.1 of the SZO to construct stairs within the rear yard setback. RB zone. Ward 6.

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

I. PROJECT DESCRIPTION

- 1. Subject Property:** The locus presents a single-family residential structure sited on a 2,672.5 square foot lot in the RB zoning district. The property is in a Local Historic District (LHD). The property is already non-conforming in terms of lot size, rear yard setback, street frontage, and right side yard setback.
- 2. Proposal:** The proposal is to construct a set of stairs within the non-conforming rear yard setback. The rear yard setback is currently 3.76 feet from the rear property line. The Applicant proposes constructing a set of steps to egress from an existing porch.

3. Green Building Practices: The application states that all lumber is FSC (Forest Stewardship Council)¹ and finishes are low or no VOC.

4. Comments:

- City Councilor: Councilor Davis has been informed of this proposal.
- Historic Preservation Commission (HPC): Despite the property being located in a Local Historic District (LHD), the construction of the stairs does not come under the purview of the HPC as they are not visible from a public way.

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, street frontage, left side yard setback.

The proposal is to construct stairs existing down from an existing rear deck. The proposed stairs are within the already non-conforming rear yard setback. The existing rear yard setback is 3.76 feet. The stairs will terminate this same distance from the rear 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 or 4.5 of the SZO, Staff finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The proposal allows the building occupants to exit from an existing rear to grade below. The proposed stairs will not exacerbate the non-conforming rear yard setback further. Rather, the edge of the stairs will terminate at the edge of the deck, which is already within the non-conforming 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,*

¹ FSC – "Forest Stewardship Council". "An international non-profit, multi-stakeholder organization established in 1993 to promote responsible management of the world's forests. The FSC does this by setting standards on forest products, along with certifying and labeling them as eco-friendly." – source: https://en.m.wikipedia.org/wiki/Forest_Stewardship_Council

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 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 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: There are primarily single- and two-family homes in the immediate area. These are rear steps exiting from an existing deck. Their existence will have no impact on the neighborhood.
- Impacts of Proposal (Design and Compatibility): These are rear steps exiting from an existing deck. They will not be visible from the street and will not have an impact on the design of the structure.

5. Housing Impact: Will have no impact on the existing housing stock (market rate) or affordable housing stock.

6. SomerVision Plan: The proposal has no impact on SomerVision positively or negatively; this is a short set of steps being constructed to exit from an existing deck.

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
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1	Approval is to construct deck steps within the non-conforming rear yard setback.	BP/CO	ISD/Plng.					
	<table border="1"> <thead> <tr> <th>Date</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>February 22, 2019</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> </tbody> </table>				Date	Submission	February 22, 2019	Initial application submitted to the City Clerk's Office
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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 shall 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					
4	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					
Design								
5	Applicant shall provide material samples for stairs/railings and related to Planning Staff for review and approval prior to the issuance of a building permit.	BP	Plng.					
Miscellaneous								
6	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								
7	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP					
8	Per Somerville fire safety regulations, grills, barbecues, chimineas and the like are <u>NOT</u> permitted on decks or porches.	Perpetual	FP/ISD					
9	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								
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.					