



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2016-112
Date: December 1, 2016
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 102 Morrison Avenue

Applicant Name: Paul Lavelle
Applicant Address: 194 Waltham Street, Lexington, MA 02421
Alderman: Lance Davis

Legal Notice: Case # **ZBA 2016-112** Applicant/Owner Paul Lavelle seeks a Special Permit under §4.4.1 to build an exterior stair for existing unenclosed decks at the rear of a 3-family. RA Zone. Ward 6.

Dates of Public Hearing: December 7th, 2016

I. PROJECT DESCRIPTION

1. **Subject Property:** The property is 4,419 square feet lot on Morrison Avenue near Willow Avenue with the rear property line along the Somerville Community Path. The existing building is a 3-story 3-family residential structure with dimensionally-compliant unenclosed rear decks at each floor.



2. Proposal: The proposal is to build dimensionally-compliant exterior stairs to access each of the rear decks.
3. Green Building Practices: Not applicable.
4. Comments: Given the simplicity of this request and the dimensionally-compliant nature of the proposal, this project was not shared with other departments for comment.

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."*

Nature of Application: RA - Residential

There will be no change to the existing structure or any of the existing non-conformities. However, the structure is currently nonconforming with respect to the following dimensional requirements:

Lot Area: 4,419sf (under the required 10,000sf)
 Street Frontage: 40' (under the required 50')
 Floor Area Ratio: 0.86 (over the required 0.75)
 Building Height: 3-story (over the required 2-1/2 stories maximum)
 Yards: Front: 10.9' (under the required 15')
 Side: 3.3' & 9.7' (under the required 10' minimum & 20' combined)
 Rear: compliant at 32.9' at stairs (20' minimum required)

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 find that the proposed exterior stair addition would 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 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 secure safety from fire, panic and other dangers; to provide adequate light and air; to adequately protect the natural environment; and, to protect and promote a housing stock that can accommodate the diverse household sizes and life stages of Somerville residents at all income levels, paying particular attention to providing housing affordable to individuals and families with low and moderate incomes.

The proposal is consistent with the purpose of the 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 majority of the surrounding properties are 2-1/2 story residential properties with gable ends facing Morrison Avenue. The properties on either side of the subject property are a 3-story 3-family to the east side (almost duplicative of the subject property), and a larger footprint 3-story multi-family structure to the west.

Impacts of Proposal (Design and Compatibility): There are no alterations to the structure that will be readily visible from the street. The stair is as small as possible to retain light and air access for the existing rear decks and is oriented to leave as much usable open space in the rear yard. The appearance of the rear of the structure was considered in the design as the stair will be visible from the Somerville Community Path.

5. 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>Commercial Sq. Ft.:</i>	0	0
<i>Estimated Employment:</i>	0	0
<i>Parking Spaces:</i>	2	2
<i>Publicly Accessible Open Space:</i>	0	0

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						
	Approval is for the exterior rear stairs connecting the existing decks. This approval is based upon the following application materials and the plans submitted by the Applicant: <table border="1" style="margin-left: 20px;"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>September 1, 2016</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>October 21, 2016</td> <td>Modified plans submitted to OSPCD (T1, Certified Plot Plan, Z1, A1, & A2)</td> </tr> </tbody> </table> Any changes to the approved site plan that are not <i>de minimis</i> must receive SPGA approval.	Date (Stamp Date)	Submission	September 1, 2016	Initial application submitted to the City Clerk's Office	October 21, 2016	Modified plans submitted to OSPCD (T1, Certified Plot Plan, Z1, A1, & A2)	BP/CO	ISD/PIng.	
Date (Stamp Date)	Submission									
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Construction Impacts										
	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	PIng.							
	Approval is subject to the Applicant's and/or successor's right, title and interest in the property.	Cont.	PIng.	Deed submitted & application form signed						
	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							
	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										
	An exterior light and electrical receptacle is required for all levels of the decks.	Final sign off	Wiring Inspector							
Miscellaneous										

	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				
	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
	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.	
	The Applicant shall provide notice of intent to strictly comply with applicable State and Federal regulations regarding air quality including without limitation continuous dust control during demolition and construction.	CO	Plng/OSE	
Final Sign-Off				
	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.	