



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2011-48

Date: July 28, 2011

Recommendation: Conditional Approval

UPDATED PLANNING STAFF REPORT¹

Site: 20 Main Street

Applicant and Property Owner Name: Erik Nottleson

Applicant and Property Owner Address: 18 Radcliffe Road, #2, Somerville, MA 02145

Alderman: Walter Pero

Legal Notice: Applicant and Owner Erik Nottleson, seeks a Special Permit under SZO §4.4.1 to remove the existing stairs and replace them with a spiral staircase on the side of an existing two-family dwelling. NB and RB zones. Ward 4.

Zoning District/Ward: NB and RB zones / Ward 4

Zoning Approval Sought: Special Permit under SZO §4.4.1

Date of Application: May 24, 2011

Date of Public Hearing: Zoning Board of Appeals – **July 13, 2011**

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a 5,081 square foot lot with a two-family residence situated on it near the intersection of Main Street and Edgar Avenue. The structure currently has 2,782 square feet of habitable space. The residence is 2½ stories high, not including the basement level, with a gable roof. The parcel spans NB and RB zoning districts with the entire structure being located in the NB district. However, the RB district line is only approximately 2 feet from the rear of the deck attached to the structure. On the right side of the structure there are two separate stairwells that provide egress from the first and second floors.

¹ The Applicant was originally proposing to install a spiral staircase and the legal advertisement indicated this. Since that time, the Applicant has chosen to revise their design and is instead proposing a standard staircase in the same location. This Staff Report has been updated to reflect these design changes.



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2. Proposal: On the right side of the structure, the Applicant is proposing to remove the existing second story landing and stairs and to replace these with a 12.5 foot long L-shaped landing with stairs that would land below on the first floor landing. The existing first floor landing and stairs would also be removed and replaced with a new landing, including an expanded portion that would extend 10 feet along the right side of the structure towards Main Street with newly installed stairs that would descend to the ground. The proposed 10 foot extension of the first floor landing would be as-of-right construction.

3. Nature of Application: This is a residential property where the structure sits on the front portion of the lot within an NB district and the rear portion of the lot is within an RB district. The structure is currently nonconforming with regard to the dimensional requirements for structures on lots in business districts that abut a residential district line. Section 8.6 Footnote 12 of the Somerville Zoning Ordinance (SZO) states that where a lot in a business district abuts a residential district line, no building shall be erected closer to the residential line than 1/3 the height of the said building, but not less than 15 feet. Therefore, since the proposal is requiring alterations to the structure within 15 feet of the residential district line, this requires the Applicant to obtain a special permit under §4.4.1 of the SZO.

4. Surrounding Neighborhood: Located in a Neighborhood Business district in Winter Hill near the Medford border, the neighborhood is characterized by a mix of commercial and residential uses including single-, two-, three-, and multi-family dwellings, with structures between 2 and 6 stories.

5. Impacts of Proposal: There shall be minimal impacts to the surrounding neighborhood as the proposed new landing and staircase would not appear to be detrimental to the immediate abutters or the surrounding area. The existing decks and landings on the right side of the structure are only 2.5 feet from the property line of 14-18 Main Street. The dwelling itself is approximately 10.5 feet away from the property line on the right side and the structure at 14-18 Main Street is very close to this property line as well, as can be seen in the submitted photos. The removal and replacement of the landings and stairs would create more space in the driveway area at 20 Main Street and less congestion between the two buildings. The new staircase down from the second floor landing will make for a more efficient use of space in the tight area between the two structures. The overall footprint of the new staircases and landings would only be slightly larger than what currently exists. The new staircase down from the second floor will be within the footprint of the first floor landing and would not interfere with the driveway below or the adjacent building at 14-18 Main Street. Additionally, the existing programming on this side of the subject property would not change as stairways and landings would remain for access to and from the first and second floors of the building. The new landings and stairs are all located on the side and towards the rear of the existing structure and they will not alter the streetscape along Main Street in any way. Furthermore, the structure has a substantial rear yard setback of approximately 38 feet and therefore the property to the rear should not be greatly impacted.

6. Green Building Practices: None indicated.

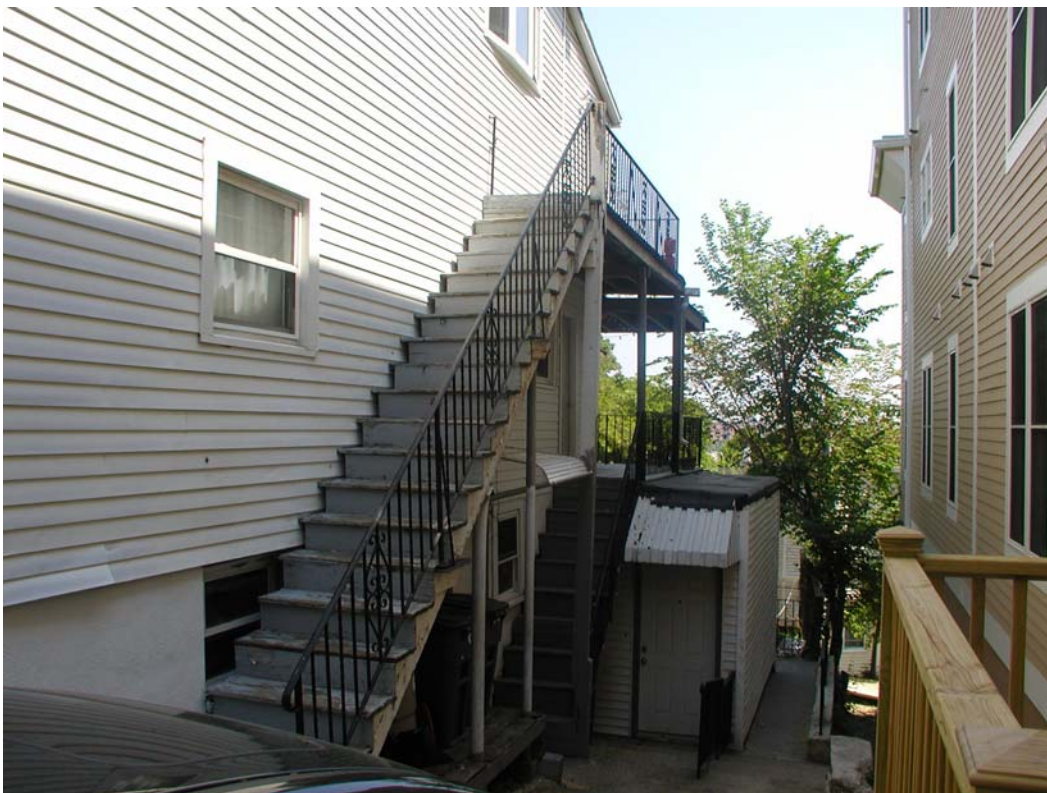
7. Comments:

Fire Prevention: Has been contacted but has not provided comments.

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



Existing Conditions



II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1, 5.1):

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."

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 overall footprint of the new staircases and landings would only be slightly larger than what currently exists at the property. The new staircase down from the second floor will be within the footprint of the first floor landing and would not interfere with the driveway below or the adjacent building at 14-18 Main Street. Additionally, the existing programming on this side of the subject property would not change as stairways and landings would remain for access to and from the first and second floors of the building. The new landings and stairs are all located on the side and towards the rear of the existing structure and they will not alter the streetscape along Main Street in any way. Furthermore, the structure has a substantial rear yard setback of approximately 38 feet and therefore the property to the rear should not be greatly impacted. The property will remain a 2½ story, two-family residential use which is consistent with the surrounding neighborhood.

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 providing for and maintaining "the uniquely integrated structure of uses in the City; to secure safety from fire, panic and other dangers; to conserve the value of land and buildings; to encourage the most appropriate use of land throughout the City; and to encourage housing for persons of all income levels."

The proposal is also consistent with the purpose of the districts (6.1.2. RB - Residence Districts and 6.1.4. NB - Neighborhood Business Districts), which are, "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," and "To establish and preserve areas for small-scale retail stores, services and offices which are located in close proximity to residential areas and which do not have undesirable impacts on the surrounding neighborhoods."

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."

The project is compatible with the characteristics of the surrounding neighborhood. The overall footprint of the new staircases and landings would only be slightly larger than what currently exists at the property. The new staircase down from the second floor will be within the footprint of the first floor landing and would not interfere with the driveway below or the adjacent building at 14-18 Main Street. The new

staircase down from the second floor landing will make for a more efficient use of space in the tight area between the two structures. Additionally, the existing programming on this side of the subject property would not change as stairways and landings would remain for access to and from the first and second floors of the building. The new landings and stairs are all located on the side and towards the rear of the existing structure and they will not alter the streetscape along Main Street in any way. Furthermore, the structure has a substantial rear yard setback of approximately 38 feet and therefore the property to the rear should not be greatly impacted. The property will remain a 2½ story, two-family residential use which is consistent with the surrounding neighborhood.

5. Adverse environmental impacts: The proposed use, structure or activity will not constitute an adverse impact on the surrounding area resulting from: 1) excessive noise, level of illumination, glare, dust, smoke, or vibration which are higher than levels now experienced from uses permitted in the surrounding area; 2) emission of noxious or hazardous materials or substances; 3) pollution of water ways or ground water; or 4) transmission of signals that interfere with radio or television reception.

No adverse environmental impacts are anticipated from this project. No new noise, lighting, glare, smoke, vibration, nor emissions of noxious materials nor pollution of water ways or ground water are anticipated as part of the proposal. The structure will remain a 2½ story, two-family dwelling and will continue to be used for residential purposes.

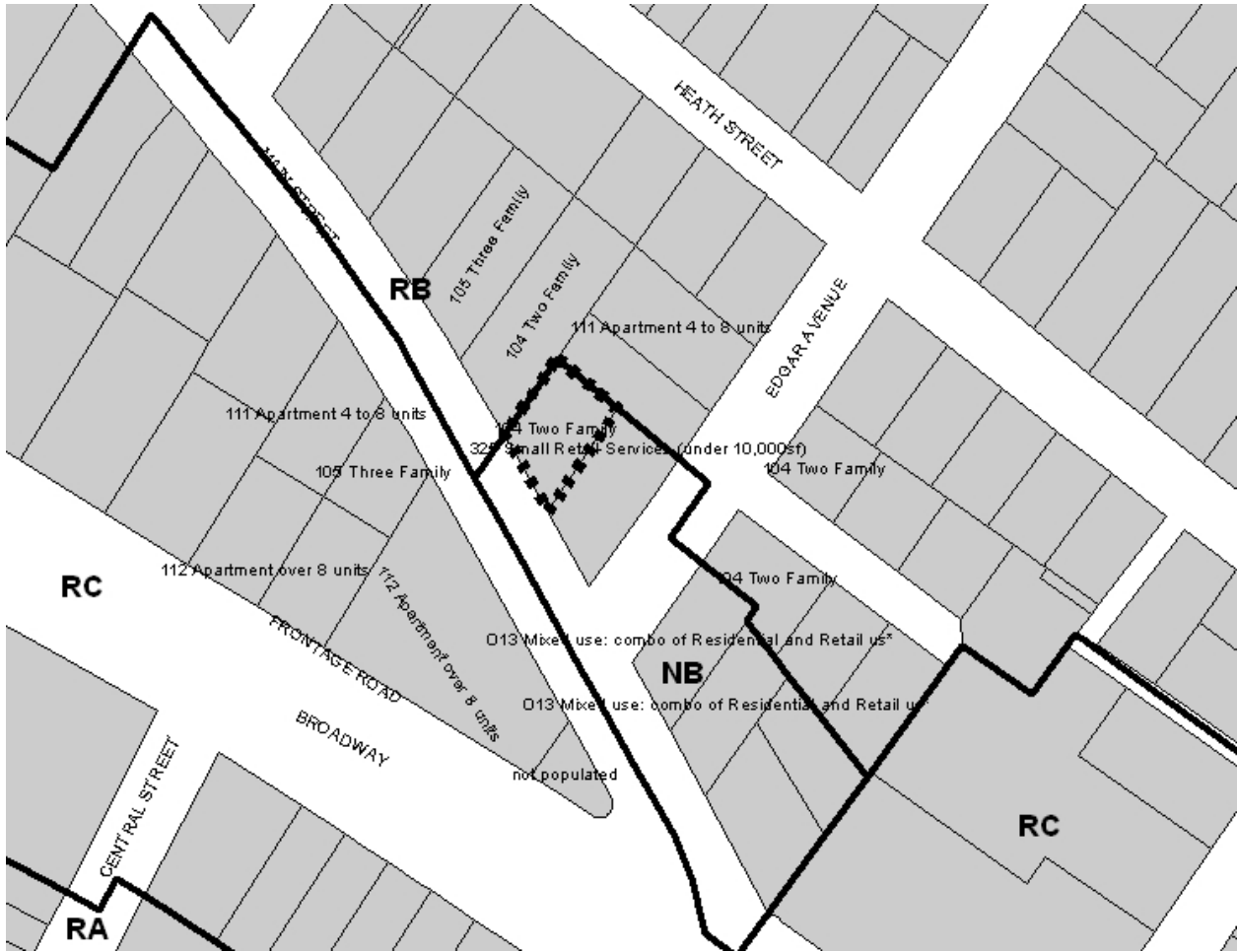
III. RECOMMENDATION

Special Permit under §4.4.1, 5.1

Based on 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	<p>Approval is to remove the existing stairs and replace them with a <u>newly designed</u> staircase on the side of an existing two-family dwelling. This approval is based upon the following application materials and the plans submitted by the Applicant:</p> <table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>(May 24, 2011)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td><u>July 15, 2011</u> (July 26, 2011)</td> <td>Plot Plan</td> </tr> <tr> <td><u>June 24, 2010</u> <u>Revised: July 21, 2011</u> (July 26, 2011)</td> <td><u>Stairs and Landing Plans (A-1.3 and A-2.3)</u></td> </tr> </tbody> </table> <p>Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.</p>	Date (Stamp Date)	Submission	(May 24, 2011)	Initial application submitted to the City Clerk's Office	<u>July 15, 2011</u> (July 26, 2011)	Plot Plan	<u>June 24, 2010</u> <u>Revised: July 21, 2011</u> (July 26, 2011)	<u>Stairs and Landing Plans (A-1.3 and A-2.3)</u>	BP/CO	ISD/Plng.	
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2	The Applicant shall meet the Fire Prevention Bureau's requirements.	Final Sign Off	FP									
3	<u>The Applicant shall install an exterior light next to the first and second floor rear egress doors in compliance with the National Electrical Code 2011.</u>	<u>Final Sign Off</u>	<u>Wiring Inspector</u>									
4	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.									



20 Main Street