



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
**JOSEPH A. CURTATONE**  
**MAYOR**

*PLANNING DIVISION*

**STAFF**

GEORGE PROAKIS, *PLANNING DIRECTOR*

LORI MASSA, *SENIOR PLANNER*

ADAM DUCHESNEAU, *PLANNER*

DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*

**Case #:** ZBA 2011-40

**Date:** June 2, 2011

**Recommendation:** Conditional Approval

---

**PLANNING STAFF REPORT**

---

**Site: 29R Albion Street, Unit 1**

**Applicant Name:** Fresh Start Contracting, Ben O'Sullivan-Pierce

**Applicant Address:** 131 Fawcett Street, Cambridge, MA 02138

**Property Owner Name:** Neal T. Kurfiss

**Property Owner Address:** 29R Albion Street, Unit 1, Somerville, MA 02143

**Alderman:** Sean O'Donovan

Legal Notice: Applicant, Fresh Start Contracting, seeks a special permit to alter a nonconforming structure under SZO §4.4.1 to expand a deck in the rear of an existing two-family structure. RA zone. Ward 5.

Zoning District/Ward: RA Zone / Ward 5

Zoning Approval Sought: Special Permit under SZO §4.4.1

Date of Application: May 10, 2011

Dates of Public Meeting • Hearing: Zoning Board of Appeals – **June 8, 2011**

---

**I. PROJECT DESCRIPTION**

1. Subject Property: The subject property is a 5,280 square foot lot with a two-family residence situated on it near the intersection of Albion Street and Centre Street. The dwelling unit currently has 1,022 square feet of habitable space. The residence is 2 stories high, not including the basement level, with a gable roof. In July of 1986, the landowner at the time was granted a lot area per dwelling unit variance to construct the two family structure that now sits on the property (ZBA 1986-18).

2. Proposal: The proposal is to remove an existing 8 foot wide by 8 foot long deck with stairs at the rear of the dwelling and to construct a new deck that is 32 square feet larger than the original. The new deck will be constructed to the same specifications as the existing deck, with a small 8 foot wide by 3 foot long expanded section in the rear and an 8 foot wide by 1 foot long expanded section in the front. As part of this deck expansion, a 6.5 foot long section of the deck will extend past the rear of the



**CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143**  
**(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722**

[www.somervillema.gov](http://www.somervillema.gov)



dwelling, which is a 3 foot increase from what currently extends past the structure. Additionally, the existing stairway layout will be moved closer towards Albion Street by 1 foot. The deck expansion will also reduce the landing area between the bottom of the stairs and the basement door from 5 feet to 4 feet. The deck will be supported by 5 foot long, 6" by 6" support posts that will rest on 4 foot deep concrete footers. The existing footer holes will be reused and two new holes will be dug to support the rear deck expansion.

3. Nature of Application: This is a residential property within an RA district. The structure is currently nonconforming with respect to the minimum left side yard setback. The existing left side yard setback nonconformity requires the Applicant to obtain a special permit under Somerville Zoning Ordinance (SZO) §4.4.1 to alter the nonconforming structure to expand the deck in the rear of the existing two-family structure.

4. Surrounding Neighborhood: This property is located in an RA district. The surrounding area is comprised mostly of single- and two-family homes at 2½ stories with the exception of a few three- and multi-family homes at 3 stories. There is also a mixed-use complex at 20 Vernon Street, just around the corner at the intersection of Central Street and Vernon Street. The subject property also abuts the Somerville Community Path and the railroad right-of-way to the north.

5. Impacts of Proposal: There shall be minimal impacts to the surrounding neighborhood as the proposed deck in the rear of the dwelling would not appear to be detrimental to the immediate abutters or the surrounding area. There is already an existing 64 square foot deck for Unit #1 and there is also a deck of the same size for Unit #2, which is closer to Albion Street. The proposed new deck would be approximately 96 square feet and there would be 8 foot long by 4 foot wide stairway leading down along the dwelling towards the basement doorway. The new deck would be 32 square feet larger than the existing deck. The proposal would only extend the existing nonconforming left side yard setback 3 feet deeper into the lot and 1 foot closer towards Albion Street. The proposed expanded deck would not be visible from the Albion Street right-of-way as the structure at 29 Albion Street and the dwelling and deck at 29R Albion Street Unit #2, would block the view from the streetscape. The rear yards and fence along the back of the residences at 15 and 19 Centre Street, and the Somerville Community Path and the railroad right-of-way to the north of the property will act as buffers between the proposed deck expansion and the nearby properties. The property will remain a 2 story, two-family residential use which is consistent with the surrounding neighborhood. Therefore, there are no anticipated negative impacts from the proposal.

6. Green Building Practices: The contractor will separately dispose of soil (landscaping debris) and the old structure so that each can be re-used if possible.

7. Comments:

*Fire Prevention:* Has been notified but has not yet provided comments.

*Ward Alderman:* Alderman O'Donovan has been notified but has not yet provided comments.

*Historic Preservation:* Has been notified but has not yet provided comments.



Existing Conditions



## 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."

In considering a special permit under §4.4 of the SZO, the Staff finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The deck expansion will be located in the rear of the existing structure and will not be visible from the Albion Street right-of-way. Additionally, the proposal will only extend the existing nonconforming left side yard setback 1 foot closer to Albion Street and 3 feet deeper into the lot. The rear yards and fence along the back of the residences at 15 and 19 Centre Street, and the Somerville Community Path and the railroad right-of-way to the north of the property will act as buffers between the proposed deck expansion and the nearby properties. Electrical code requires there to be one exterior light fixture and one exterior electrical receptacle for all decks, and Staff is proposing to require this as Condition #3. The property will remain a 2 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 conserve the value of land and buildings; and to encourage the most appropriate use of land throughout the City."

The proposal is also consistent with the purpose of the district (6.1.1. RA - Residence Districts), 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."

The project is compatible with the characteristics of the surrounding neighborhood. The Applicant is proposing to alter a nonconforming structure to expand a deck in the rear of an existing two-family structure. The proposed deck expansion is only 32 square feet and the proposal will only extend the nonconforming side yard setback 1 foot closer to Albion Street and 3 feet deeper into the lot. The rear yards and fence along the back of the residences at 15 and 19 Centre Street, and the Somerville Community Path and the railroad right-of-way to the north of the property will act as buffers between the proposed deck expansion and the nearby properties. The property will remain a 2 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, other than a single light installation as part of proposed Condition #3 attached to this special permit. The structure will remain a 2 story, two-family dwelling and will continue to be used for residential purposes.

**III. RECOMMENDATION**

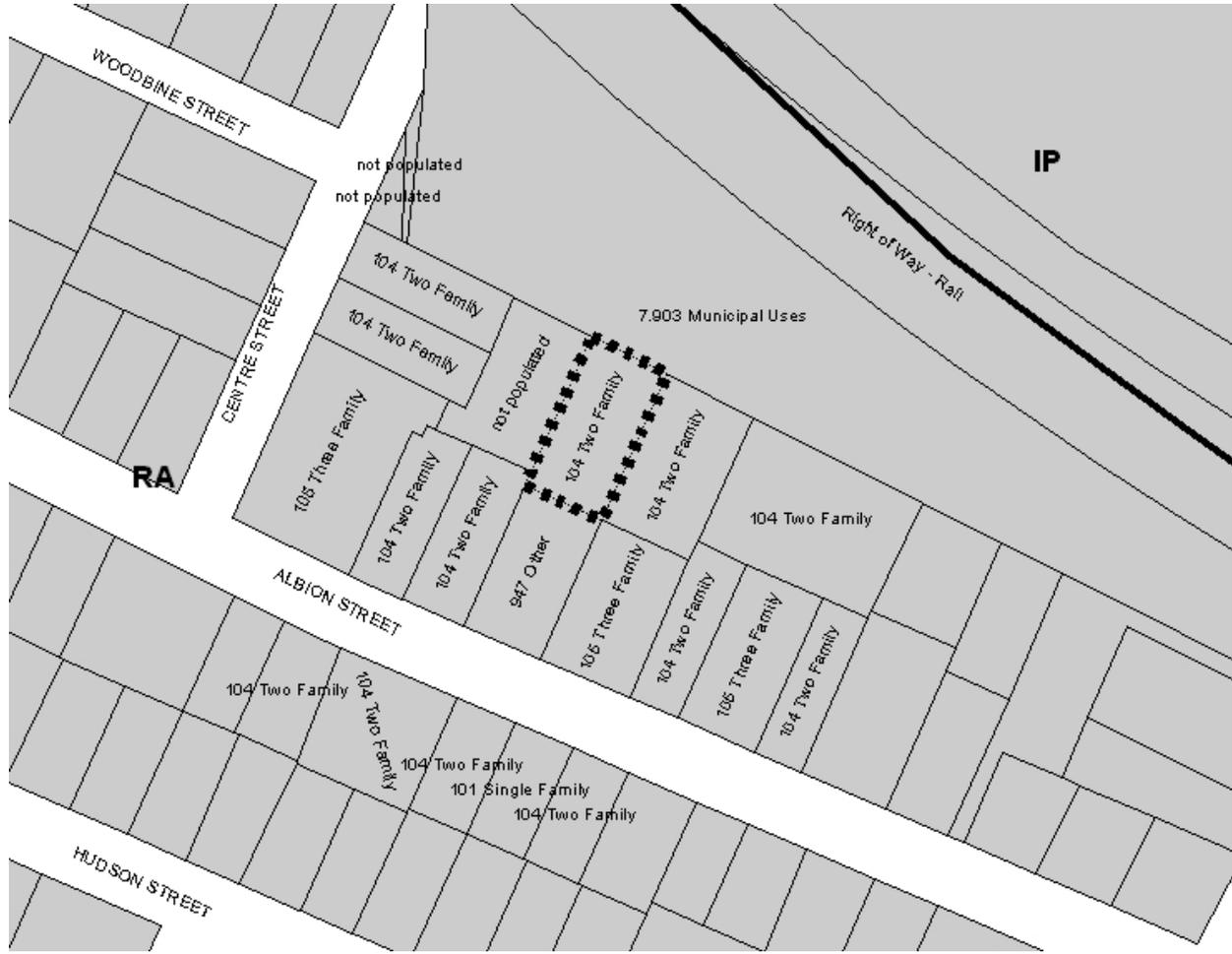
**Special Permit under §4.4.1**

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	Approval is to alter a nonconforming structure under SZO §4.4.1 to expand a deck in the rear of an existing two-family structure. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	Plng.											
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>(May 10, 2011)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>April 22, 2011 (May 19, 2011)</td> <td>Plot Plan</td> </tr> <tr> <td>(May 19, 2011)</td> <td>Existing and Proposed Site Plans</td> </tr> <tr> <td>(May 19, 2011)</td> <td>Existing and Proposed Elevations</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	(May 10, 2011)	Initial application submitted to the City Clerk's Office	April 22, 2011 (May 19, 2011)	Plot Plan	(May 19, 2011)	Existing and Proposed Site Plans	(May 19, 2011)	Existing and Proposed Elevations
	Date (Stamp Date)				Submission									
	(May 10, 2011)				Initial application submitted to the City Clerk's Office									
	April 22, 2011 (May 19, 2011)				Plot Plan									
(May 19, 2011)	Existing and Proposed Site Plans													
(May 19, 2011)	Existing and Proposed Elevations													
Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.														
2	The Applicant shall meet the Fire Prevention Bureau's requirements.	Final Sign Off	FP											

3	The Applicant shall install one new exterior light fixture and one new exterior electrical receptacle for the new outdoor deck space.	Final Sign Off	Wiring Inspector	
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.	



**29R Albion Street, Unit 1**