



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2014-105

Date: October 30, 2014

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 10 Hersey Street

Applicant & Owner Name: Ruchika Madan & Michael Stantine

Applicant & Owner Address: 10 Hersey Street Somerville, MA 02143

Alderman:

Legal Notice: Applicant and Owners, Ruchika Madan and Michael Stantine, seek a Special Permit per SZO §4.4.1 to expand a nonconforming structure by adding a rear deck. RA Zone. Ward 3.

Dates of Public Hearing: Zoning Board of Appeals – November 5, 2014

I. PROJECT DESCRIPTION

1. Subject Property: The existing single-family house is approximately 1,500 sf, constructed circa 1900. The house is two and a half stories including an attic level, approximately 35 feet in height, with two existing bedrooms. The house is located on a deeded 8,283sf lot which is made up of two adjoining parcels, Map Block Lot 51-A-13 and 52-A-14. The property received zoning relief in July of 2009 to add a 2 story addition in the rear yard.
2. Proposal: The proposal is to add a deck off of the addition that was approved in 2009. The deck will be roughly 10' by 20'.
3. Green Building Practices: The deck will be built with locally harvested lumber.
4. Comments:



Ward Alderman: Alderman McWatters has been contacted and has no comments at this time.

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 several dimensional requirements, including lot area, front and side yard setbacks. The proposal increases the structure's encroachment on the nonconforming side yard setback, which is 1.8 feet; the minimum side yard setback is 8 feet. This existing nonconformity requires the Applicant to obtain a special permit under §4.4.1 of the Somerville Zoning Ordinance (SZO). The rear yard will still be conforming to the setback.

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.

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 health, safety, and welfare of the inhabitants of the City of Somerville; to provide for and maintain the uniquely integrated structure of uses in the City; and to provide adequate light and air.

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."*

The surrounding neighborhood consists predominately of two-family homes with a few three-family residential structures immediately northeast of the subject property.

There are little to no impacts to the proposal. The nearest neighbors sit at a higher grade than the subject property so there is no impact on privacy to abutting neighbors.

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

This will have no effect on existing affordable housing.

8. 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.*

This proposal complies with the SomerVision plan by allowing homeowners to make small modifications to their property.

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 for a Special Permit per SZO §4.4.1 to expand a nonconforming structure by adding a rear deck. 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>October 2, 2014</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>(October 27, 2017)</td> <td>Modified plans submitted to OSPCD (Deck)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	October 2, 2014	Initial application submitted to the City Clerk’s Office	(October 27, 2017)	Modified plans submitted to OSPCD (Deck)
	Date (Stamp Date)				Submission					
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(October 27, 2017)	Modified plans submitted to OSPCD (Deck)									
Any changes to the approved plan that are not <i>de minimis</i> must receive SPGA approval.										
Pre-Construction										

2	The Applicant will be required to demonstrate that the updated project plans meet the current City of Somerville stormwater policy. Utility, grading, and drainage plans/reports must be submitted to the Engineering Department for review and approval.	BP	Eng.	
Construction Impacts				
3	The Applicant shall at his 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	
4	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				
5	An exterior light and electrical receptacle is required for the first level of the porch.	Final sign off	Wiring Insp.	
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	
7	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				
9	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.	

