



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2011-53

Date: July 7, 2011

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 85/87 Lexington Avenue

Applicant Name: Lorena M. Proia & Jeffrey Turner

Applicant Address: 85 Lexington Ave, Somerville MA 02144

Property Owner Name: same

Agent Name: none

Alderman: Rebekah Gewirtz

Legal Notice: Applicants & Owners Lorena M. Proia & Jeffrey Turner seek a special permit under SZO §4.4.1 to construct a two-story deck in the rear of a nonconforming two-family dwelling.

Zoning District/Ward: RA / 6

Zoning Approval Sought: Special Permit SZO §4.4.1

Date of Application: June 14, 2011

Dates of Public Hearing: Zoning Board of Appeals 7/13/11

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a two-family dwelling on a 3,600 sf lot. There is an existing one-story, 66 sf deck attached to the back of the house. The rear yard is otherwise open and is approximately 40 by 35 feet.

2. Proposal: The proposal includes constructing a larger first story deck and a small second story deck. The first floor will have a section that is 12 by 14 feet and another section that is 10 by 10 feet that will be used for a hot tub. There will be stairs down to the ground from both sides of the deck. The stairs leading to the dog run on the left side of the property are not shown on the plot plan but they are indicated on the site plan and elevations. These stairs will have a three foot setback from the property line. The second story will be 12 by 7.5 feet. The deck and railings will be made of wood with



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balusters and lattice panels. The posts on the corners of the deck will be masonry piers with a decorative light fixture on top of each pier.



85-87 Lexington Ave – existing deck (left) and back yard (right)



3. Nature of Application: The structure is currently nonconforming with respect to dimensional requirements, including lot area, lot area per dwelling unit and left side yard setback. The proposal alters the nonconforming side yard with the extension of the first floor of the deck and the addition of a second floor. The nonconforming side yard from the existing and proposed deck is 3.5 feet and the minimum in this district is 7 feet 2 inches with the reduction for the narrow lot size. The existing nonconformities requires the Applicant to obtain a special permit under §4.4.1 of the Somerville Zoning Ordinance (SZO).

4. Surrounding Neighborhood: The surrounding area is comprised mostly of two- and three-family houses. The Community Path abuts the back of the property. There is a solid wood fence along the rear property line so the path is not visible from ground level.

5. Impacts of Proposal: The proposal is not anticipated to negatively impact the surrounding properties. A two-story deck is typical in the rear yard of a house in the City. The three proposed lights on top of the piers should be reasonable residential lighting; however, a condition should be placed on the permit to ensure that this is the case.

6. Green Building Practices: The rear yard will be improved by restoring the landscaping in the back yard including adding additional vegetation.

7. Comments:

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

Ward Alderman: Alderman Gewirtz inquired about if any neighbors expressed concerns. Neighbors have not yet submitted comments to Planning Staff.

Wiring Inspector: The Applicant shall install a new exterior light fixture and a new exterior electrical receptacle for each of the levels of the new outdoor deck space in compliance with the National Electrical Code 2011.

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 find that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. It is typical to have two-story porch in the rear yard of a home in the city. Besides the side yard dimensional requirement, the deck does not create nonconformities in terms of rear yard setback, ground coverage or landscaped area. The stairs from the deck to the ground will be just greater than three feet from the property line and therefore the building code regulations do not prevent the stairs from being constructed of wood.

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 and the purpose of the RA district by making an alteration to a residential structure.

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 overall appearance of the rear yard will improve as a result of the proposal. Currently the landscaping in the back yard is not consistently planted, the existing deck needs to be replaced and there is a concrete patio that has deteriorated. The deck, patio and landscaping will be replaced as a result of this application. The lattice panels proposed for the top of the railing was designed to increase the privacy of the deck considering that there will be a hot tub on the deck. The panels do not appear to make the deck feel like an enclosed space which would not be compatible with typical decks in the City. The decorative lighting on the masonry piers can be attractive but should be kept to a level that will not cause light disturbance in the neighbors' backyards.

III. RECOMMENDATION

Special Permit under §4.4.1 & 5.1

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 the reconstruction of a rear, 2-story deck. 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>6/14/11</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>6/3/11</td> <td>Plans submitted to OSPCD (A1: Site Plan, A2: Proposed Elevations and Details)</td> </tr> <tr> <td>5/31/11</td> <td>Plans submitted to OSPCD (Plot Plan)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	6/14/11	Initial application submitted to the City Clerk's Office	6/3/11	Plans submitted to OSPCD (A1: Site Plan, A2: Proposed Elevations and Details)	5/31/11	Plans submitted to OSPCD (Plot Plan)
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Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.												
2	The Applicant shall install a new exterior light fixture and a new exterior electrical receptacle for each of the levels of the new outdoor deck space in compliance with the National Electrical Code 2011.	Final Sign Off	Wiring Inspector									
3	To the extent possible, the deck lighting must be confined to the subject property and must not intrude, interfere or spill onto neighboring properties.	Continuous	ISD									
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.									

