



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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**Case #:** ZBA 2011-74

**Date:** October 11, 2011

**Recommendation:** Conditional Approval

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**PLANNING STAFF REPORT**

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**Site:** 142 Orchard St.

**Applicant Name:** Michael Fischer and Susan Wilkinson

**Applicant Address:** 142 Orchard St., Somerville, MA 02144

**Property Owner Name:** Same

**Property Owner Address:** Same

**Agent Name:** David Eisen, Abacus Architects + Planners

**Alderman:** Rebekah Gewirtz

Legal Notice: Applicants and Owners Michael Fischer and Susan Wilkinson seek a special permit to alter a nonconforming structure under SZO §4.4.1 to construct a one-story addition and deck in the rear of an existing single-family residence. RB zone. Ward 6.

Zoning District/Ward: RB / 6

Zoning Approval Sought: Special Permit under SZO §4.4.1

Date of Application: September 20, 2011

Date of Public Hearing: Zoning Board of Appeals October 19, 2011

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**I. PROJECT DESCRIPTION**

1. Subject Property: The subject property is a 5,360 square foot lot with a single-family residence, located on Orchard Street between Dover Street and Day Street. The residence is 2.3 stories tall and has 2,406 square feet of habitable space. There are two existing open porches attached to the house: a 70 square foot front porch and a 40 square foot rear porch. There is also an existing 180 square foot first floor deck attached to the rear of the house. The rear yard is otherwise open and is approximately 2,200 square feet.

2. Proposal: The Applicant is proposing to construct a ~178 square foot one-story addition and a new ~210 square foot first floor deck at the rear of the house. The proposed addition will be



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built on the site of the existing deck, which will be removed. The new deck will extend across approximately two-thirds of the new rear wall, adjacent to the proposed addition, the existing house, and the existing rear porch. The new deck will be 2' 5" high and five steps will lead down to the backyard. The proposal also includes reconfiguring the window openings and installing sliding doors on the existing rear wall to provide access to the new deck.

The purpose of the proposed addition is to provide additional first floor space to allow the current owners to "age in place" and continue to live in the house as stairs become more difficult to climb.



*Existing conditions, 142 Orchard St.*

*Front and left side façade*



*Rear façade, including existing deck and rear porch*



*View from location of proposed addition to abutting property*

3. Nature of Application: The structure is currently nonconforming with respect to the lot size, minimum front yard setback, and minimum side yard setback on the left side of the property. The proposed addition is 5.5 feet from the left side property line, which is within the minimum side setback of 8 feet. (The proposed deck is 9.3' from the side property line, which is outside of the minimum setback.) The alteration of an existing nonconforming structure requires the Applicant to obtain a special permit under §4.4.1 of the Somerville Zoning Ordinance (SZO).

4. Surrounding Neighborhood: This is a residential property located within an RB district. The surrounding area is comprised mostly of single-, two-, and three-family dwellings and small apartment buildings between 2 and 4 stories tall. Many structures in the surrounding neighborhood have been designated as historic properties. The lot is approximately 1,000 feet from Davis Square, which is zoned CBD and contains a mix of retail stores, offices, restaurants, and residential use.

5. Impacts of Proposal: The proposal is not expected to negatively impact the abutting properties or the surrounding area. The existing structure is located 4.5' from the side property line, so the proposed addition will not decrease the side setback. The new deck will be located 9.3' from the side property line and 34.7' from the rear property line, which is outside of the required setbacks. The character of the house will remain intact, as the Applicant is proposing to match the shingle siding, roofline, and roofing materials of the existing structure. The proposed addition and deck will not be visible from the Orchard Street streetscape because they will be obscured by the existing structure. Only the stairs of the new deck will be visible from the abutting property on the right side (52 Dover Street); the addition and most of the deck will be obscured by the existing building and porch. The addition and deck will be visible from the abutting property on the left side (138 Orchard Street), but the view will be partially obscured by fences, neighboring structures, and plantings. There will be minimal disruption to the neighborhood or the streetscape during construction activities, as the construction will be occurring at the rear of the dwelling. The property will remain a 2.5 story, single-family residential use, which is consistent with the surrounding neighborhood. There are therefore no anticipated negative impacts from the proposal.

6. Green Building Practices: The new walls, roof, doors, and windows will all have high R values above the current code requirements. The exterior envelope will be sealed and insulated to minimize infiltration and provide thermal bypass.

7. Comments:

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

*Ward Alderman:* Alderman Gewirtz has been notified but has not provided comments.

*Historic Preservation:* Staff has reviewed the proposed plans to alter the house at 142 Orchard Street. It has never been fully surveyed. It falls within the potential Orchard Street National Register District. According to the Assessors Office, the house was constructed in 1868 in the Italianate style. A short review of materials available on the internet revealed that Thomas Parker, a Cambridge grain dealer lived there during the 1880's. The 1895 Bromley Atlas shows F Dewitt Lapham as the owner at that time. Lapham was a prominent insurance salesman, Civil War veteran, Alderman at Large as well as an early 1908 automobile owner, and a member of the Mendelsohn Choir and the Unitarian Church.

The proposed alterations to the building retain the original massing and form along the street edge. The proposed alteration will have minimal effect on the historic fabric and will not negatively impact the streetscape.

## **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 addition and deck will not decrease the existing side yard setback. The new construction will be located in the rear of the existing structure and will not be visible from the Orchard Street right-of-way. The addition and deck will be partially to mostly obscured from the view of the abutting properties on either side, and the potential impacts on the property to the rear will be mitigated by the large backyard.

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, conserving the value of land and buildings, and encouraging the most appropriate use of land throughout the City.

The proposal is consistent with the purpose of the district, which is, “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.”

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 construct a ~178 square foot one-story addition and a new ~210 square foot first floor deck at the rear of an existing house. The existing structure is located 4.5’ from the side property line, so the proposed addition will not decrease the side setback. The new deck will be located 9.3’ from the side property line and 34.7’ from the rear property line, which is outside of the required setbacks. The design of the addition and the new deck is compatible with typical homes in the neighborhood and Somerville as a whole. The character of the house will remain intact, as the Applicant is proposing to match the shingle siding, roofline, and roofing materials of the existing structure. The property will remain a 2.5 story, single-family residential use, which is consistent with the surrounding neighborhood.

### **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	<p>Approval is to alter a nonconforming structure under SZO §4.4.1 to construct a one-story addition and deck in the rear of an existing single-family residence. 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>(September 20, 2011)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>September 15, 2011 (September 28, 2011)</td> <td>Plans submitted with application (Plot Plan)</td> </tr> <tr> <td>September 19, 2011 (September 28, 2011)</td> <td>Plans submitted with application (Elevations)</td> </tr> <tr> <td>September 20, 2011 (September 28, 2011)</td> <td>Plans submitted with application (Site Plan)</td> </tr> <tr> <td>September 19, 2011 (September 28, 2011)</td> <td>Plans submitted with application (Proposed Floor Plan)</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	(September 20, 2011)	Initial application submitted to the City Clerk's Office	September 15, 2011 (September 28, 2011)	Plans submitted with application (Plot Plan)	September 19, 2011 (September 28, 2011)	Plans submitted with application (Elevations)	September 20, 2011 (September 28, 2011)	Plans submitted with application (Site Plan)	September 19, 2011 (September 28, 2011)	Plans submitted with application (Proposed Floor Plan)	BP/CO	ISD/Png.	
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2	The Applicant shall meet the Fire Prevention Bureau's requirements.	CO	FP													
3	New siding type and color, roofing, and materials of the addition shall match those of the existing structure.	CO	Png.													
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	Png.													

