



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2012-11

Date: Feb 23, 2012

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site:	88 Pearl Street
Applicant Name:	Shamsuddin Karim
Applicant Address:	98 LaGrange St. Chestnut Hill, MA 02467
Property Owner Name:	88 Pearl St. Realty Trust
Property Owner Address:	98 LaGrange St. Chestnut Hill, MA 02467
Agent Name:	N/A
Agent Address:	N/A
Alderman:	William Roche
<u>Legal Notice:</u>	Applicant, Shamsuddin Karim, Trustee, and Owner, 88 Pearl St. Realty Trust, seek a special permit to alter a nonconforming structure under SZO §4.4.1 by expanding an existing third story deck.
<u>Zoning District/Ward:</u>	RB / 1
<u>Zoning Approval Sought:</u>	Special Permit under §SZO 4.4.1
<u>Date of Application:</u>	Jan 30, 2012
<u>Dates of Public Meeting • Hearing:</u>	Zoning Board of Appeals – February 29, 2012

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a 3,000 square foot lot with a three (3) dwelling unit structure on Pearl Street between Hillside Avenue and Franklin Street. The principal structure is three (3) stories (35 feet) with a mansard roof. A three (3) foot wide wooden, deck-like egress leads from a side exit of the third story unit across the roof of the two (2) story rear portion of the structure to provide access to a metal fire escape attached to the rear of the building.

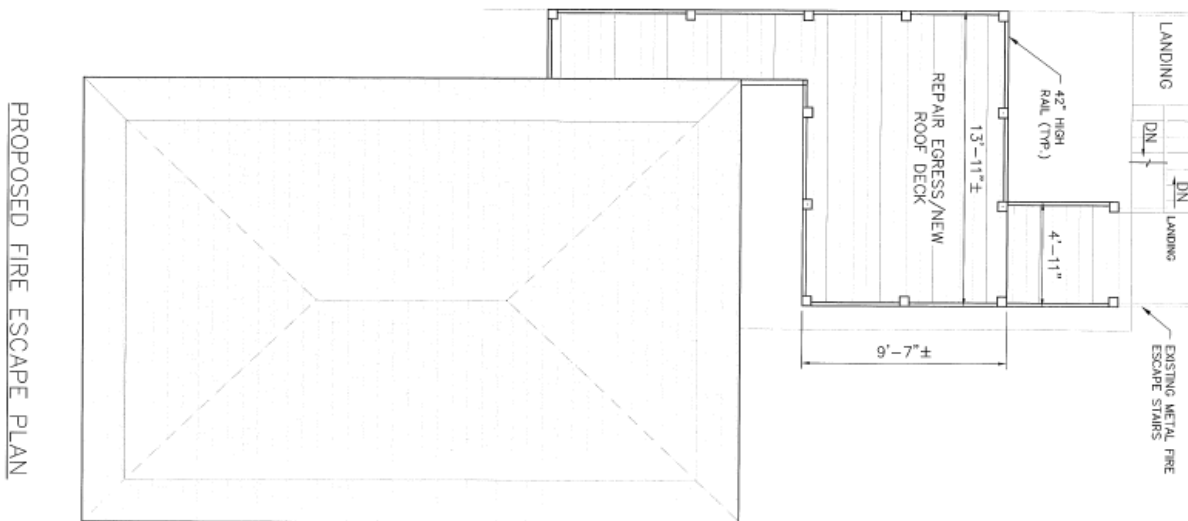
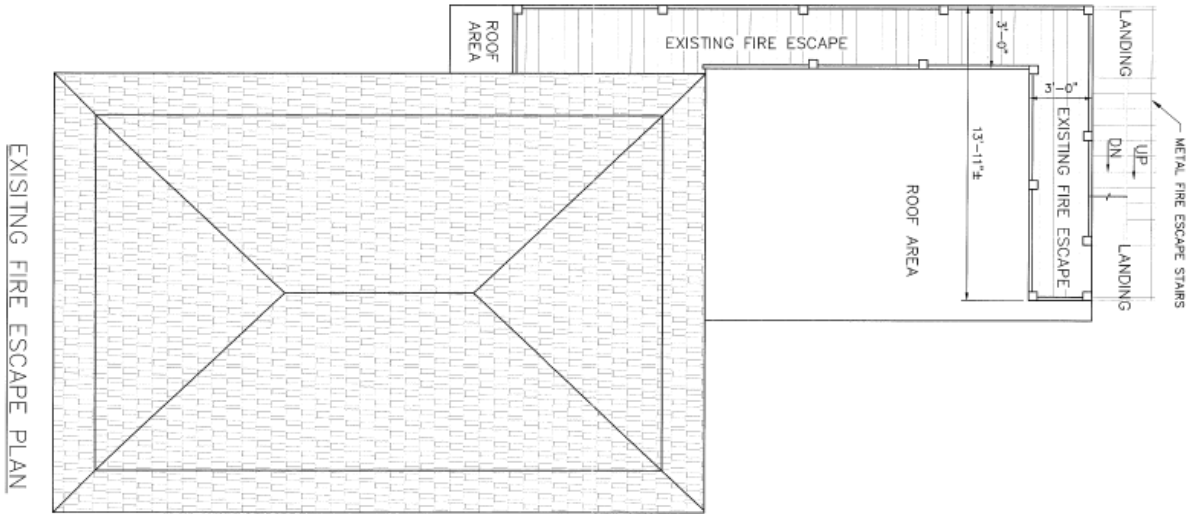


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2. Proposal: The Applicant proposes to modify and expand the emergency egress from the third story unit to include a new roof deck (9'7" – 13'11") that will also maintain the existing accessibility to the rear fire escape. The existing portion of the egress that will lead to the new deck will be maintained and a new 4'11" wide section will connect the new roof deck to the rear fire escape. A portion of the existing egress that runs along the rear elevation of the building will be removed, setting the new roof deck back from the rear elevation of the building approximately six (6) feet.





3. Nature of Application: This is a residential property within the RB district. The structure is currently nonconforming with respect to minimum lot area, lot area per dwelling unit, minimum landscaped area, front yard setback, left side yard setback, total combined side yard setbacks, street frontage and number of off-street parking spaces. Any nonconformance to the dimensional standards by a three unit structure requires the Applicant to obtain a special permit under the Somerville Zoning Ordinance (SZO) §4.4.1 to alter the rear egress and add the proposed new roof deck to the nonconforming structure.

4. Surrounding Neighborhood: This property is located in an RB district. The surrounding area is comprised of a mixture of single-, two-, three-, and multi-family homes between 2½ and 3 stories.

5. Impacts of Proposal: The proposal is not anticipated to negatively impact the immediate abutters or the surrounding area. The new roof deck will not be visible from the street and will provide outdoor space to the smallest unit in the building.

6. Green Building Practices: None indicated

7. Comments:

- Fire Prevention:* Has been notified but has not yet provided comments.
- Ward Alderman:* Alderman Taylor has been contacted but has not yet provided comments.
- Lights and Lines:* The Applicant shall install a new exterior light fixture and a new exterior electrical receptacle for the new outdoor deck space in compliance with the National Electrical Code 2011.

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, Staff finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The deck will be located above the roof of the neighboring property such that the deck will not be at the level of nearby windows. Also, the railings of the deck will not intersect and negatively impact the mansard roof. The Applicants intent to partially furnish the deck with plant material that will buffer and partially screen the heat vents that are projecting well above the roof.

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 secure safety from fire, panic and other dangers; to provide adequate light and air; to conserve the value of land and buildings; to encourage the most appropriate use of land throughout the City; to encourage housing for persons of all income levels; and to preserve and increase the amenities of the municipality.

The proposal is consistent with the purpose of the district (6.1.2. RB - Residence Districts), 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 alter a nonconforming structure to expand an existing fire escape egress to include a new roof deck on top of an existing two story rear portion of the principal three unit structure. The property will remain a three (3) story, three (3)-family structure 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. The Applicant is required to install a new exterior light fixture and a new exterior electrical receptacle, but any increased levels of noise, light, and/or glare generated through use by residents is expected to be minimal. Residents of 88 Pearl Street are required to comply with the City of Somerville Noise Control Ordinance.

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 rear deck, altering but continuing to provide agrees to a rear fire escape for residents of the third floor dwelling unit. 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>(January 30, 2012)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>(February 22, 2012)</td> <td>Existing and Proposed Fire Escape Plan</td> </tr> <tr> <td>(February 22, 2012)</td> <td>Existing and Proposed Elevations</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	(January 30, 2012)	Initial application submitted to the City Clerk's Office	(February 22, 2012)	Existing and Proposed Fire Escape Plan	(February 22, 2012)	Existing and Proposed Elevations	BP/CO	ISD/Plng.	
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2	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP									
3	There shall be one exterior electrical receptacle and one exterior light fixture for the new outdoor deck space.	Final Sign Off	Wiring Inspector/ISD									
4	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.									
5	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.									

