



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*

**Case #:** ZBA 2015-40  
**Date:** July 30, 2015  
**Recommendation:** Conditional Approval

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**PLANNING STAFF REPORT**

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**Site:** 7 Sewall St

**Applicant & Owner Name:** Timothy Norton  
**Applicant & Owner Address:** 7 Sewall St Somerville, MA 02145  
**Alderman:** Tony Lafuente

Legal Notice: Applicant and Owner, Timothy Norton, seek a Special Permit per SZO §4.4.1 to alter a nonconforming structure by adding rear decks. RB Zone. Ward 4.

Dates of Public Hearing: Zoning Board of Appeals – August 5, 2015

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**I. PROJECT DESCRIPTION**

1. Subject Property: The subject property is a 3 family, 2 ½ story structure on a 4,800 square foot lot.
2. Proposal: The proposal is to add rear decks for each floor. The second and third floor decks will be 6' x 9', the first floor deck will be 9' x 14'.
3. Green Building Practices: None listed on the application.
4. Comments:

*Ward Alderman:* Alderman Lafuente 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."*

Section 4.4.1 states that "[l]awfully existing nonconforming structures other than one- and two-family dwellings may be enlarged, extended, renovated or altered only by special permit authorized by the SPGA in accordance with the procedures of Article 5. The SPGA must find that such extension, enlargement, renovation or alteration is not substantially more detrimental to the neighborhood than the existing nonconforming building. In making the finding that the enlargement, extension, renovation or alteration will not be substantially more detrimental, the SPGA may consider, without limitation, impacts upon the following: traffic volumes, traffic congestion, adequacy of municipal water supply and sewer capacity, noise, odor, scale, on-street parking, shading, visual effects and neighborhood character."

Structural changes including the addition of rear decks require a 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. The decks are modestly designed to be set back further from the side lot line than the existing home. The decks will add outdoor amenity space for each unit. The rear and side yard setbacks will continue to be conforming to the requirements of the SZO.

### 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 conserve the value of land and buildings; and to preserve the historical and architectural resources of 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 surrounding neighborhood is mostly 3-family homes. Sewall Street has several vacant lots associated with the Star Market development. There are little to no impacts of the proposal, the decks will improve the property and are conditioned that they shall never be enclosed.

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

There will be no impacts on the stock of existing affordable housing.

7. 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.*

The project will not contribute to the metrics of SomerVision but will allow a homeowner to make minor modifications to the 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 to add rear decks on the home. 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>June 19, 2015</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>(July 23, 2015)</td> <td>Modified plans submitted to OSPCD (Plot Plan, Elevation and Plan)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	June 19, 2015	Initial application submitted to the City Clerk's Office	(July 23, 2015)	Modified plans submitted to OSPCD (Plot Plan, Elevation and Plan)
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Any changes to the approved site plan and elevation that are not <i>de minimis</i> must receive SPGA approval.										
<b>Construction Impacts</b>										
2	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							
3	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							
<b>Design</b>										
4	The rear decks shall never be enclosed.	Perp.	Plng/ ISD							
5	An electrical receptacle is required for the second and third floor decks.	Final Sign Off	Elec Insp							
<b>Miscellaneous</b>										
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							
<b>Final Sign-Off</b>										
7	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.							

