



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
JOSEPH A. CURTATONE
MAYOR

PLANNING DIVISION

STAFF

GEORGE PROAKIS, *PLANNING DIRECTOR*

LORI MASSA, *SENIOR PLANNER*

ADAM DUCHESNEAU, *PLANNER*

DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*

Case #: ZBA 2011-44

Date: June 2, 2011

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 168 Summer Street

Applicant and Property Owner Name: Drew A. and Anne S. Hyland

Applicant and Property Owner Address: 168 Summer Street, Somerville, MA 02143

Alderman: Tom Taylor

Legal Notice: Applicants and Owners, Drew A. and Anne S. Hyland, seek a special permit to alter a nonconforming structure under SZO §4.4.1 to construct a deck in the rear of an existing single-family residence. RB zone. Ward 3.

Zoning District/Ward: RB Zone / Ward 3

Zoning Approval Sought: Special Permit under SZO §4.4.1

Date of Application: May 9, 2011

Dates of Public Meeting • Hearing: Zoning Board of Appeals – **June 8, 2011**

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a 2,900 square foot lot with a single-family residence situated on it near the intersection of Summer Street and Harvard Street. The dwelling currently has 2,112 square feet of habitable space. The residence is 2½ stories high, not including the basement level, with a hipped gable roof.

2. Proposal: The proposal is to remove an existing rear egress stairwell and bulkhead in the rear of a single-family residence to construct an approximately 14 foot by 12.6 foot deck with stairs leading down into the backyard. The stairs would be 3 feet wide by 6.7 feet long, with 4 feet of the stairs extending outside of the envelope of the proposed deck. The area underneath the deck would be enclosed with lattice but would be accessible on the northwest side via two doors that would open. This area would be used as storage for the Applicants bikes and garden tools. The deck would only be accessible from the dwelling via the existing rear egress of the structure.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722

www.somervillema.gov



3. Nature of Application: This is a residential property within an RB district. The structure is currently nonconforming with respect to the minimum right side yard and left side yard setbacks. The existing right side yard setback nonconformity requires the Applicant to obtain a special permit under Somerville Zoning Ordinance (SZO) §4.4.1 to alter the nonconforming structure to construct the deck in the rear of the existing single-family residence.

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 5 stories.

5. Impacts of Proposal: There shall be minimal impacts to the surrounding neighborhood as the proposed deck in the rear of the dwelling would not appear to be detrimental to the immediate abutters or the surrounding area. The deck would be approximately 177 square feet and there would be 3 foot by 6.7 foot stairway leading into the backyard. The stairway would only extend 4 feet outside the existing framework of the proposed deck to maintain the rear yard setback. The proposal will also allow for the storage of the residents' bikes and garden tools underneath the deck, which are currently kept under a tarp in the backyard. The proposal would only extend the existing nonconforming right side yard setback 12.6 feet deeper into the lot, but not any closer to the northwest property line than the existing structure. Furthermore, the deck would not be visible from Summer Street right of way and would not alter the streetscape in any manner. The property will remain a 2½ story, single-family residential use which is consistent with the surrounding neighborhood. Therefore, there are no anticipated negative impacts from the proposal.

6. Green Building Practices: None indicated.

7. Comments:

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

Ward Alderman: Alderman Taylor stated in an email to Planning Staff that he is supportive of the project.

Historic Preservation: Please see the attached memorandum from Preservation Planner Kristi Chase.



Existing Conditions

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, Staff finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The deck will be located in the rear of the existing structure and will not be visible from the Summer Street right of way. Additionally, the proposal will only extend the existing nonconforming right side yard setback 12.6 feet deeper into the lot. Electrical code requires there to be one exterior light fixture and one exterior electrical receptacle for all decks. The Applicant has indicated that there is an existing light fixture but not an electrical receptacle. Staff is proposing to require the electrical receptacle as Condition #3. The property will remain a 2½ story, single-family residential use which is consistent with the surrounding neighborhood.

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; to provide adequate light and air; to conserve the value of land and buildings; and to encourage the most appropriate use of land throughout the City."

The proposal is also 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 construct a deck in the rear of an existing single-family residence. The proposed deck is only 177 square feet and the proposal will only extend the nonconforming side yard setback 12.6 feet deeper into the lot. Additionally, the proposed deck will create a safer means of rear egress from the dwelling as the current rear egress is quite small and narrow. Further, the project will allow for storage of the residents' bikes and garden tools underneath the deck which are currently kept under a tarp in the backyard. The property will remain a 2½ story, single-family residential use 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. No new noise, lighting, glare, smoke, vibration, nor emissions of noxious materials nor pollution of water ways or ground water are anticipated as part of the proposal. The structure will remain a 2½ story, single-family dwelling and will continue to be used for residential purposes.

III. RECOMMENDATION

Special Permit under §4.4.1

Based on 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 alter a nonconforming structure under SZO §4.4.1 to construct a 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: | BP/CO | Png. | | | | | | | | | |
| | <table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>(May 9, 2011)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>May 2, 2011 (June 2, 2011)</td> <td>Plot Plan</td> </tr> <tr> <td>(June 1, 2011)</td> <td>East View, South View, and West View Elevations</td> </tr> </tbody> </table> | | | | Date (Stamp Date) | Submission | (May 9, 2011) | Initial application submitted to the City Clerk's Office | May 2, 2011 (June 2, 2011) | Plot Plan | (June 1, 2011) | East View, South View, and West View Elevations |
| | Date (Stamp Date) | | | | Submission | | | | | | | |
| | (May 9, 2011) | | | | Initial application submitted to the City Clerk's Office | | | | | | | |
| May 2, 2011 (June 2, 2011) | Plot Plan | | | | | | | | | | | |
| (June 1, 2011) | East View, South View, and West View Elevations | | | | | | | | | | | |
| Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval. | | | | | | | | | | | | |
| 2 | The Applicant shall meet the Fire Prevention Bureau's requirements. | Final Sign Off | FP | | | | | | | | | |
| 3 | The Applicant shall install one new exterior electrical receptacle for the new outdoor deck space. | Final Sign Off | Wiring Inspector | | | | | | | | | |
| 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. | | | | | | | | | |



168 Summer Street

To: Historic Preservation Commission
From: Kristi Chase, Preservation Planner, and
Brandon Wilson, Executive Director
RE: Staff Recommendations for 5/23/11

HPC 11.46 – 168 Summer Street

Applicant: Drew A. and Nancy S. Hyland

Historic and Architectural Significance

Constructed in 1895, this house on the National Register of Historic Places was recently turned into condominiums. It is situated in the Spring Hill National Register Historic District and abuts two buildings in the Spring Hill Local Historic District.

Recommendations

The Applicants propose to add a small new deck on the rear of the building. This porch will not be visible from the public right of way and therefore does not alter the perception of the district. If the property were listed as a Local Historic District the proposed porch would be exempt from review of the Historic Preservation Commission per the City Ordinance.

