



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2015-60
Date: September 16, 2015

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 227A Summer Street

Applicant Name: Dante Muzzioli
Applicant Address: 22 Hough Rd., Belmont, MA 02478
Owner Name: Dante Muzzioli
Owner Address: 22 Hough Rd., Belmont, MA 02478
Alderman: Robert J. McWatters

Legal Notice: Applicant, Dante Muzzioli, seeks a Special Permit per SZO §4.4.1 to expand a deck on a non-conforming structure. RB zone. Ward 3.

Dates of Public Hearing: Zoning Board of Appeals – September 16, 2015

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a 3-story traditional “triple-decker” residential structure on a .08 acre (3,485 square foot) lot.
2. Proposal: The applicant proposes to expand the length of the existing decks located on the rear of the structure. The existing covered decks are 13’ 10” in length. The applicant proposes to increase the length of these covered decks by 6’ 1”. After the increase, the total length of each of the covered decks will be 19’ 11”. Existing deck railings and balusters will be replaced as part of this project.
3. Green Building Practices: None

4. Comments:

Fire Prevention: Applicant will ensure that all materials used meet fire code.

Ward Alderman: Robert J. McWatters

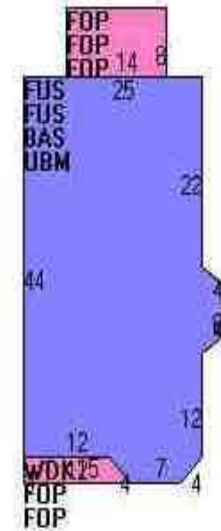


Fig. 1 (left) 227A Summer Street, front elevation. Decks to be enlarged are located at the rear of the building as indicated in the building layout in Fig. 2 (right) from the City of Somerville assessor's website.

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 §4.4.1 of the SZO. This section of the report goes through §4.4.1 in detail.

1. Information Supplied:

- The Staff finds that the information provided by the Applicant conforms to the requirements of §4.4.1 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."*

- The structure is currently non-conforming with respect to lot size and rear yard setback. The RB zoning district requires a minimum lot size of 7,500sq. feet and a rear yard setback of 20 feet. The structure in question rests on a non-conforming lot of 3,489sq. feet with a rear yard setback of 18.3 feet.

- The applicant proposes to expand the length of the existing decks located on the rear of the structure. The existing covered decks are 13' 10" in length. The applicant proposes to increase the length of these covered decks by 6' 1". After the increase, the total length of each of the covered decks will be 19' 11". Existing deck railings and balusters will be replaced as part of this project.
- Intensifying this existing non-conformity requires the Applicant to obtain a special permit under §4.4.1 of the Somerville Zoning Ordinance (SZO). Staff finds that the proposed extension of the existing decks does not further intrude into the rear or, for that matter, side yard setbacks, and does not extend beyond the left or right sides of the building envelope. Staff finds that the application represents a reasonable request to increase the outside space for each of the three floors in the structure.

Section 4.4.1 states that "[l]awfully existing one-and two-family dwellings which are only used as residences, which are nonconforming with respect to dimensional requirements, may be enlarged, extended, renovated or altered by special permit granted by the SPGA in accordance with the procedures of Article 5."

- 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 those currently extant on the structure.

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 secure safety from fire, panic and other dangers; to encourage the most appropriate use of land throughout the City; and to encourage housing for persons of all income levels.
- The proposal is consistent with the purpose of the **RB 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 a mix of residential uses.
- There are few to no impacts from the proposal.

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

- The proposal will not impact the existing stock of 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 proposal will not contribute to the metrics of SomerVision but allows the property owner to make some modifications to their home.

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 finish the basement. 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>August 11, 2015</td> <td>Initial application submitted to City Clerk’s office</td> </tr> <tr> <td>August 23, 2015</td> <td>Modified plans submitted to OSPCD</td> </tr> <tr> <td>August 25, 2015</td> <td>Final plans submitted to OSPCD</td> </tr> </tbody> </table> | | | | Date (Stamp Date) | Submission | August 11, 2015 | Initial application submitted to City Clerk’s office | August 23, 2015 | Modified plans submitted to OSPCD | August 25, 2015 | Final plans submitted to OSPCD |
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| Any changes to the approved plan that are not <i>de minimis</i> must receive SPGA approval. | | | | | | | | | | | | |
| 2 | The Applicant or Owner shall meet the Fire Prevention Bureau’s requirements. | CO | FP | | | | | | | | | |
| Final Sign-Off | | | | | | | | | | | | |

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| 3 | The Applicant shall contact Planning Staff at least five (5) 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. | |
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