



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2011-51

Date: July 7, 2011

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 67 Sycamore Street

Applicant and Property Owner Name: Steven and Sheila MacEachern

Applicant and Property Owner Address: 67 Sycamore Street, Somerville, MA 02145

Alderman: Walter Pero

Legal Notice: Applicants and Owners, Steven and Sheila MacEachern, seek a special permit to alter a nonconforming structure under SZO §4.4.1 to expand a deck and construct a roof over the rear egress in the rear of an existing two-family residence. RA zone. Ward 4.

Zoning District/Ward: RA Zone / Ward 4

Zoning Approval Sought: Special Permit under SZO §4.4.1

Date of Application: June 13, 2011

Dates of Public Meeting • Hearing: Zoning Board of Appeals – **July 13, 2011**

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a 3,150 square foot lot with a two-family residence situated on Sycamore Street between Medford Street and Richdale Avenue. The structure currently has 3,492 square feet of habitable space. The residence is 2½ stories high, not including the basement level, with a gable roof.

2. Proposal: The property is currently undergoing extensive renovations. As part of this project, the Applicant is proposing to remove an existing 16 foot wide by 8 foot deep deck (128 square feet) with a roof and stairs in the rear of the two-family residence to construct an approximately 20 foot wide by 12 foot deep deck (240 square feet) with stairs leading down into the backyard. The stairs would be 3 feet wide by 7 feet long and be situated along the rear wall of the structure. The deck would be enclosed with a 42" high railing and two 8 foot long sections of 6 foot high walling that would provide privacy for the proposed jacuzzi. The new deck would only be accessible from the first floor unit via the existing rear egress and the stairs that lead into the backyard. The deck would be supported by six, 6" by



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6” posts and the existing dwelling. The proposal also includes a small roof that will cover the rear egress and the removal of a small window on the first floor of the rear façade (pictured in the photo in the lower right corner of sheet A-1).

3. Nature of Application: This is a residential property within an RA district. The structure is currently nonconforming with respect to lot area per dwelling unit, landscaped area, floor area ratio, and the minimum right side yard and rear yard setbacks. The existing rear 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 expand the deck and construct a roof over the rear egress in the rear of the existing two-family residence.

4. Surrounding Neighborhood: This property is located in an RA 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: There shall be minimal impacts to the surrounding neighborhood as the proposed deck and roof in the rear of the dwelling would not appear to be detrimental to the immediate abutters or the surrounding area. Currently, there is an existing 128 square foot deck entirely covered by a roof in the backyard which is in poor shape and is unsafe. The proposed deck would be approximately 240 square feet (112 square feet larger than the existing deck) with a 3 foot by 7 foot stairway leading down into the backyard. The small proposed roof over the rear egress will actually reduce the total roof area for the entire structure and the removal of the small window on the rear façade will have a minimal impact as it is not visible from the public way. The deck and small roof would also not be visible from the Sycamore Street right-of-way and would not alter the streetscape in any manner. They are located at the rear of the existing structure and are screened from the property on the northeast property line by the garage. The proposal will extend the existing nonconforming rear yard setback 6 feet deeper into the lot, but not any closer to the properties on either side of the structure. Furthermore, as part of the renovations to the property, the Applicant will be enhancing the landscaping on the lot which will help create a buffer to the neighbors. The property will remain a 2½ story, two-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 Pero has been contacted but has not yet provided comments.



Existing Conditions

II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1, 5.1):

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 new deck, roof, and removed window are all located in the rear of the existing structure and will not be visible from the Sycamore Street right-of-way. Additionally, the proposal will only extend the existing nonconforming rear yard setback 6 feet deeper into the lot. Electrical code requires there to be one exterior light fixture and one exterior electrical receptacle for all decks. Staff is proposing to require these items as part of Condition #3. The property will remain a 2½ story, two-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 (6.1.1. RA - Residence Districts), which is, “To establish and preserve quiet neighborhoods of one- and two-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. Currently, there is an existing 128 square foot deck entirely covered by a roof in the backyard which is in poor shape and is unsafe. The proposed deck would be approximately 240 square feet (112 square feet larger than the existing deck) with a 3 foot by 7 foot stairway leading down into the backyard. The small proposed roof over the rear egress will actually reduce the total roof area for the entire structure and the removal of the small window on the rear façade will have minimal impacts as it is not visible from the public way. The deck and small roof would also not be visible from the Sycamore Street right-of-way and would not alter the streetscape in any manner. They are located at the rear of the existing structure and are screened by the garage for the property on the northeast property line. The proposal will extend the existing nonconforming rear yard setback 6 feet deeper into the lot, but not any closer to the properties on either side of the structure. There are similar decks in the surrounding neighborhood and the new deck would replace an unsafe structure at the rear of the dwelling. The property will remain a 2½ story, two-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, two-family dwelling and will continue to be used for residential purposes.

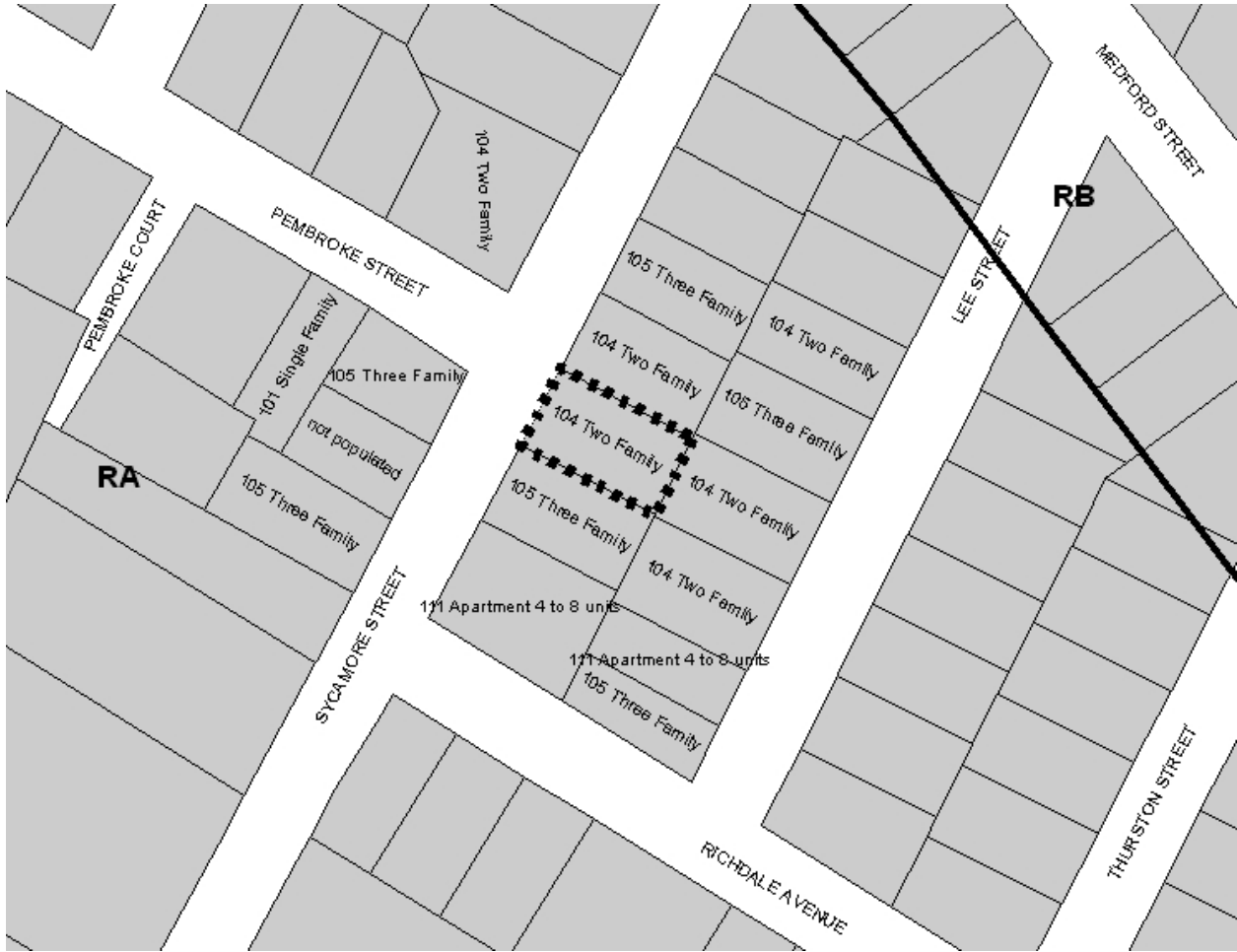
III. RECOMMENDATION

Special Permit under §4.4.1, 5.1

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 expand a deck and construct a roof over the rear egress in the rear of an existing two-family residence. This approval is based upon the following application materials and the plans submitted by the Applicant: | BP/CO | ISD/PIng. | | | | | | | | | |
| | <table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>(June 13, 2011)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>May 5, 2011 (June 21, 2011)</td> <td>Plot Plan</td> </tr> <tr> <td>May 13, 2011 (June 21, 2011)</td> <td>Existing and Proposed Deck Plans, Elevations, and Photos (A-1 to A-4)</td> </tr> </tbody> </table> | | | | Date (Stamp Date) | Submission | (June 13, 2011) | Initial application submitted to the City Clerk's Office | May 5, 2011 (June 21, 2011) | Plot Plan | May 13, 2011 (June 21, 2011) | Existing and Proposed Deck Plans, Elevations, and Photos (A-1 to A-4) |
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| May 13, 2011 (June 21, 2011) | Existing and Proposed Deck Plans, Elevations, and Photos (A-1 to A-4) | | | | | | | | | | | |
| 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 | 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 | 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 | PIng. | | | | | | | | | |



67 Sycamore Street