



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
**JOSEPH A. CURTATONE**  
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EXECUTIVE DIRECTOR

PLANNING DIVISION

**ZONING BOARD OF APPEALS MEMBERS**

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ANNE BROCKELMAN  
ELAINE SEVERINO  
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DREW KANE, *ALTERNATE*

**Case #: ZBA 2019-73**  
**Site: 15 Bartlett Street**  
**Date of Decision: December 11, 2019**  
**Decision: Petition Denied**  
**Date Filed with City Clerk: December 23, 2019**

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**ZBA DECISION**

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**Applicant Name:** Sally & Margaret Klessens  
**Applicant Address:** 15 Bartlett Street, Somerville, MA  
**Owner Name:** Margaret Klessens  
**Owner Address:** 15 Bartlett Street, Somerville, MA

Legal Notice: Applicants, Sally & Margaret Klessens, and Owner, Margaret Klessens, seek a Special Permit under §9.9b of SZO to create a handicapped parking space on a residential lot. RA zone, Ward 5

Zoning District/Ward: RA Ward 5

Zoning Approval Sought: SP §9.9b

Date of Application: July 10, 2019

Date(s) of Public Hearing: September 18, 2019, October 2, 2019, October 16, 2019, November 6, 2019 December 11, 2019

Date of Decision: December 11, 2019

Vote: 5-0

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Appeal #ZBA 2019-73 was opened before the Zoning Board of Appeals at Somerville City Hall on September 18, 2019. Notice of the Public Hearing was given to persons affected and was published and posted, all as required by M.G.L. c. 40A, sec. 11 and the Somerville Zoning Ordinance. On December 11, 2019, the Zoning Board of Appeals took a vote.



**DESCRIPTION:** The locus presents a 2 ½-story, single-family structure on a roughly 3,049 square foot lot in the RA zoning district.

The applicant has stated to ISD that they repeatedly receive parking tickets when parking in the handicapped spot in front of their house despite having a handicapped placard. The Applicant wishes to create a parking space in the front right portion of the property. The applicant seeks a special permit to alter driveway dimensions.

**FINDINGS FOR SPECIAL PERMITS (§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 Board finds that the information provided by the Applicant conforms to the requirements of §4.4.1 of the SZO.

**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 and Article 9 of the SZO**

*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."*

The Board finds that the property is currently non-conforming in multiple respects, particularly front and side yard setbacks and portions of the rear and left side yard setbacks. Some of these non-conforming dimensions are due to the odd shape of the lot. The property is also non-conforming in terms of parking as there is none on the site. There is not sufficient room to create parking or a driveway on the right side of the house but there is enough room on the left side of the house for a compact parking space (8x16). There does not appear to be enough room for a standard-sized parking area (9x18). The Board does not support a parking space on the right side of the structure. Visibility is greatly impacted due to proximity of adjacent structure and it's front steps. The proposals location presents a hazard to pedestrian and vehicular traffic due to incredibly limited sight lines.

The applicant is requesting a driveway. Section 9.9.b of the SZO addresses driveway dimensions. The challenge with 15 Bartlett Street is that the proposal could be seen as a driveway or as a parking space. Each has different dimensions. A standard size parking space is 9 x 18. A one-way driveway may be 8 – 12 feet in width but no minimum or maximum length is given in the zoning code. The length of a driveway or parking space must be sufficient enough to prevent a vehicle from overhanging into the sidewalk or street.



It is unclear from the information presented as to whether the landscaping percentage is currently non-conforming or conforming. The size of the driveway may make conforming landscaping percentages non-conforming or may make non-conforming landscaping percentages even more non-conforming. There is not enough information provided to make this determination.

**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 Board finds that the proposal is not necessarily inconsistent with the purposes of the RA zone which are “[t]o 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 Board finds that the establishment of a driveway/parking pad in the proposed location will create a hazardous condition. Concern is the lack of visibility that 15 Bartlett will have of the pedestrian way due to the abutting structure and its front porch wall being so close to the sidewalk.

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

The Board finds that the proposal will not add to the existing stock of affordable housing.

**6. SomerVision:**

The Board finds that the proposal will have minimal to no impact on SomerVision goals.

**DECISION:**

Present and sitting were Members Orsola Susan Fontano, Danielle Evans, Anne Brockelman, Elaine Severino, and Drew Kane. Josh Safdie was absent. Upon making the above findings, Danielle Evans made a motion to deny the request for a Special Permit. Elaine Severino seconded the motion. Wherefore the Zoning Board of Appeals voted **5-0** to **DENY** the request.

Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chairman*  
Danielle Evans, *Clerk*  
Anne Brockelman  
Elaine Severino  
Josh Safdie  
Drew Kane, *Alternate*

Attest, by the Administrative Assistant:

\_\_\_\_\_  
Karen Reynolds



Copies of this decision are filed in the Somerville City Clerk's office.  
Copies of all plans referred to in this decision and a detailed record of the  
SPGA proceedings are filed in the Somerville Planning Dept.

**CLERK'S CERTIFICATE**

Any appeal of this decision must be filed within twenty days after the date this notice is filed in the Office of the City Clerk, and must be filed in accordance with M.G.L. c. 40A, sec. 17 and SZO sec. 3.2.10.

In accordance with M.G.L. c. 40 A, sec. 11, no variance shall take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title.

Also in accordance with M.G.L. c. 40 A, sec. 11, a special permit shall not take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and either that no appeal has been filed or the appeal has been filed within such time, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The person exercising rights under a duly appealed Special Permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone.

The owner or applicant shall pay the fee for recording or registering. Furthermore, a permit from the Division of Inspectional Services shall be required in order to proceed with any project favorably decided upon by this decision, and upon request, the Applicant shall present evidence to the Building Official that this decision is properly recorded.

This is a true and correct copy of the decision filed on \_\_\_\_\_ in the Office of the City Clerk, and twenty days have elapsed, and

FOR VARIANCE(S) WITHIN

\_\_\_\_\_ there have been no appeals filed in the Office of the City Clerk, or  
\_\_\_\_\_ any appeals that were filed have been finally dismissed or denied.

FOR SPECIAL PERMIT(S) WITHIN

\_\_\_\_\_ there have been no appeals filed in the Office of the City Clerk, or  
\_\_\_\_\_ there has been an appeal filed.

Signed \_\_\_\_\_ City Clerk Date \_\_\_\_\_

