



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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**MAYOR**

GEORGE J. PROAKIS, AICP  
EXECUTIVE DIRECTOR

PLANNING DIVISION

**ZONING BOARD OF APPEALS MEMBERS**

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**Case #: ZBA 2019-98**  
**Site: 15 Carlton Street**  
**Date of Decision: December 11, 2019**  
**Decision: *Petition Approved with Conditions***  
**Date Filed with City Clerk: December 20, 2019**

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**ZBA DECISION**

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**Applicant and Owner Name:** Yu Shu  
**Applicant and Owner Address:** copy this from application

Legal Notice: Applicant, Yu Shu, seeks Special Permits to alter a non-conforming property under §4.4.1 of the SZO. Number of units to increase from three to four. Upward extension of the non-conforming right and front yard setbacks. Parking relief under Article 9. RC zone. Ward 2.

Zoning District/Ward: RC/Ward 2  
Zoning Approval Sought: SP §4.4.1, §7.11, §9  
Date of Application: August 28, 2019  
Date(s) of Public Hearing: November 6, 2019, December 11, 2019  
Date of Decision: December 11, 2019  
Vote: 5-0

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Appeal #ZBA 2019-98 was opened before the Zoning Board of Appeals at Somerville City Hall on November 6, 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 proposal is to convert an existing Detached House building type with a single 1-bedroom dwelling unit and two 2-bedroom dwelling units (a total of 3 existing units) into a Detached Triple Decker building type with four (4) dwelling units, each with 3 bedrooms and identical layouts. The RC district requires eight hundred and seventy-five (875) square feet of lot area per dwelling unit, resulting in 4.33 dwelling units permitted for the 3,680 square foot lot. Article 7 requires a Special Permit for 4-6 dwelling units in the RC District.

The proposal will comply with all dimensional standards except for the existing right side and front setbacks. Modifications to the existing structure will square off the existing approximately 22' x 28' floor plate of the main massing and its offset 16' x 18' rear addition/side wing into a single floor plate of approximately 27.5' x 62' by adding onto the structure within the buildable area of the lot and finishing the basement. The existing pitched roof will also be modified into a flat roof to provide for a full 3rd story. The right-side wall and front façade, both nonconforming to their respective setbacks, will both be extended upward and the left side wall will be extended in its length. The width of the façade, which is nonconforming to the front setback, will not be increased. The proposed height of the building is only 33' 6" to the roof parapet whereas the maximum height permitted in the RC district is forty (40) feet. Due to the nonconforming lot area, the modification of the gross floor area of the nonconforming building by more than 25% requires a special permit under §4.4.1 of the SZO.

Section 9.5 of the SZO requires two (2) parking spaces per dwelling unit with three (3) or more bedrooms, resulting in a requirement of eight (8) parking spaces for the four (4) proposed dwelling units. The property currently provides one (1) parking space in the existing driveway and the proposal is to provide two tandem spaces in the extended driveway. Tandem spaces are only counted as one parking space for zoning purposes. For properties with a nonconforming number of parking spaces, Section 9.4.2 of the SZO only requires a proposal to provide the number of required spaces for what is being added to the site.

	Existing		Proposed	
15 Carlton Street #1	2 BR	1.5 spaces	3 BR	2 spaces
15 Carlton Street #2	2 BR	1.5 spaces	3 BR	2 spaces
15 Carlton Street #3	1 BR	1 space	3 BR	2 spaces
15 Carlton Street #4	--	--	3 BR	2 spaces
	<b>4 spaces</b>		<b>8 spaces</b>	

The site will be nonconforming with respect to the number of required off-street parking spaces as four (4) additional spaces are required but no additional parking spaces are being provided. SZO §9.13 allows for nonconforming structures or lots to seek relief from the parking requirements of Section 9.5 if the total number of spaces is six (6) or fewer. Relief is being requested from providing the four (4) additional required parking spaces.

**II. FINDINGS FOR SPECIAL PERMITS (§4.4.1, §7.11.1.c, & Article 9):**

In order to grant the necessary Special Permits required by §4.4.1, §7.11.1.c, and §9.13 of the SZO, the SPGA must make certain findings and determinations as outlined in §5.1.4.

1. Information Supplied



The information provided by the Applicant conforms to the requirements of §5.1.2 of the SZO and allows for the comprehensive analysis of the project with respect to the required Special Permit.

2. Compliance with Standards: *The application must comply with such criteria or standards as may be set forth in [the SZO] which refer to the granting of the required Special Permits.*

There are no specific criteria or standards for the Special Permit required by §4.4.1 or §7.11.1.c, other than the findings required for all Special Permits of §5.1.2. Section 9.13 allows for the modification of a parking requirement of six (6) or fewer spaces for nonconforming lots or structures consistent with the purpose of Section 9.1 upon the SPGA determining that the relief requested does not cause detriment to the surrounding neighborhood through **increased traffic volumes, increased traffic congestion or queueing of vehicles**, changes in the type of traffic, change in the traffic patterns and access to the site, a reduction in on-street parking, or unsafe conflicts between motor vehicles and pedestrians.

The provision of only one (1) on-site parking space for the proposed four (4) dwelling units may induce future residents to seek on street parking. This demand may be offset through the provision of high-quality long-term bicycle parking on site. The Applicant should provide an outdoor bicycle locker with the capacity for two (2) bicycles for each dwelling unit. The proposed 11' x 65' driveway has ample space to accommodate two tandem parked motor vehicles and the space necessary for the four outdoor bicycle lockers (an estimated 36" x 72" for each locker totaling 12' x 6.5' for all four):

- three (3) feet of circulation space at the beginning of the driveway
- forty (40) feet of space for two (2) tandem parked motor vehicles
- six (6) feet of circulation space between parked vehicles and the proposed bicycle parking, and
- twelve (12) feet of space for the four (4) bicycle lockers.

The Board finds this proposal in compliance with the standards.

3. Consistency with Purposes: *The application must demonstrate that the proposal is consistent with (1) the general purposes of [the SZO] 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 [in the SZO], such as, but not limited to, those purposes at the beginning of various Articles.*

The Board finds that the proposed development is consistent with the general purposes of the SZO set forth in Section 1.2, which includes, but is not limited to: to provide for and maintain the uniquely integrated structure of uses in the City; to prevent the overcrowding of land; to conserve the value of land and buildings; to encourage the most appropriate use of land throughout the City; and, to protect and promote a housing stock that can accommodate the diverse household sizes and life stages of Somerville residents at all income levels, paying particular attention to providing housing affordable to individuals and families with low and moderate incomes.

The proposed development is consistent with the purpose of the RC district, which is, "to establish and preserve a district for multi-family residential [...]"

4. Site and Area Compatibility: *The application must demonstrate that the proposed development is designed in a manner that is compatible with the existing natural features of the site and is compatible with the characteristics of the built and unbuilt surrounding area, including land uses.*



The Board finds the proposal designed in a matter compatible with the site and area.

*Surrounding Neighborhood:* The subject property is located on the western side of Carlton Street, which intersects with the residential in character Lake Street to the south and commercial/mixed-use in character Somerville Avenue to the north. The various lots fronting onto Carlton Street include multiple three-unit buildings, including 9, 10, 15, and 20 Carlton. Two properties at the rear of 15 Carlton, 7 Church Street and 11 Church Street has 3 story rear additions with flat or nearly flat roofs.

*Impacts of the Proposal:* The proposed four-unit Triple Decker is compatible with the surrounding land use intensity of multiple two- and three-unit principal structures. The additional fourth unit is undetectable from outside of the building. Although the introduction of a flat roofed structure will be new for Carlton Street, a similar proposal is before the ZBA to convert a Detached House building type into a Detached Triple Decker at 15 Carlton Street which is directly across the street. Two existing Triple Decker's exist at 28 and 30 Lake Street, near the intersection of Carlton Street and Lake Street. Additionally, the Triple Decker is well recognized as part of the typical residential neighborhood fabric common to Somerville and thousands of examples coexisting beside Detached Houses can be found throughout the city.

5. Vehicular and Pedestrian Circulation:

The Board finds that the circulation patterns for motor vehicles and pedestrians resulting from the proposed development will not result in conditions that create traffic congestion or the potential for traffic accidents on the site or in the surrounding area.

6. Housing Impact:

The proposed development will not create adverse impacts on the stock of existing affordable housing.

7. SomerVision Plan:

The proposed development complies with the applicable goals, policies, and actions of the SomerVision plan including, but not limited to, preserve and enhance the character of Somerville's neighborhoods and 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.

**DECISION:**

Present and sitting were Members Orsola Susan Fontano, Danielle Evans, Anne Brockelman, and Elaine Severino. Drew Kane and Josh Safdie was absent. Upon making the above findings, Danielle Evans made a motion to approve the request for a Special Permit. Elaine Severino seconded the motion. Wherefore the Zoning Board of Appeals voted **4-0** to **APPROVE** the request. In addition the following conditions were attached:



#	Condition	Compliance Timeframe	Verification	Notes						
<b>A. Overall</b>										
1	<p>Development must comply with the approved plans and other application materials submitted by the Applicant:</p> <table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>August 28, 2019</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>November 18, 2019</td> <td>Final Revised Plans</td> </tr> </tbody> </table> <p>Any changes to the submitted plans and other materials, as approved and conditioned, that is not determined to be <i>de minimis</i> by the Planning Director are considered a Major Amendment to the approved plans and must be processed as a revision to previously approved plans.</p>	Date (Stamp Date)	Submission	August 28, 2019	Initial application submitted to the City Clerk's Office	November 18, 2019	Final Revised Plans	Perpetual	ISD/ P&Z	
Date (Stamp Date)	Submission									
August 28, 2019	Initial application submitted to the City Clerk's Office									
November 18, 2019	Final Revised Plans									
<b>B. Pre-Construction</b>										
2	The proposed finished floor elevation of the basement must be one (1) foot or more above the Seasonal High Ground Water elevation as determined by a Massachusetts certified soil evaluator and stated on a signed soil test pit log.	Perpetual	ENG							
<b>C. Construction</b>										
3	The name and phone number of the General Contractor must be posted at the site entrance in a manner that is visible to pedestrians and neighbors.	Construction	ISD							
4	All construction materials and equipment should be stored on site. If occupancy of Carlton Street is necessary, use of the right of way must comply with the requirements of the Manual on Uniform Traffic Control Devices and must receive prior approval of the City Engineer.	Construction	ENG							
5	Out of respect of abutting residential properties, construction activities may not begin prior to 7:30am and must be complete by 5pm Monday through Friday. No construction activity is permitted one weekends or holidays.	Construction	ISD							
6	The electric, telephone, cable TV and other such lines and equipment shall be placed underground from the source or connection. The utilities plan shall be supplied to the Wiring Inspector before installation.	Construction	ISD							
<b>D. Design</b>										



#	Condition	Compliance Timeframe	Verification	Notes
7	Final material samples for siding, trim, windows, and doors must be submitted to Staff for review and approval prior to the issuance of a building permit.	BP	ISD/ P&Z	
8	An exterior light and electrical outlet are required for each front and rear porch or balcony.	CO	ISD	
<b>E. Site Features</b>				
9	Landscaping must be installed and maintained in accordance with the American Nurserymen's Association Standards.	Perpetual	ISD	
10	Outdoor lighting shall comply with the City of Somerville Dark Sky Policy.	CO	ISD	
11	Utility meters may not be located on front facades. Gas and electric meters may be located to the side of the principal building and screened with staff approved evergreen vegetation. Utilities may not block any windows, parking, landscaping, or means of egress. The provisions of this condition may be waived by staff if written verification, signed by a utility representative on utility letterhead, indicates that there is no feasible alternative to placing meters in violation of this condition.	CO	ISD	
12	Electrical conduits on the exterior facades shall be painted to match the wall material to which they are attached. Conduits are not allowed on the front of any structure.	CO	ISD	
<b>H. Use Restrictions</b>				
13	Short term rental uses, such as AirBnB, VRBO, or the like, require separate approval in accordance with the City of Somerville Code of Ordinances.	Perpetual	ISD	
<b>J. Transportation</b>				
14	The Applicant must provide one (1) outdoor bicycle locker with the capacity for two (2) bicycles for each dwelling unit (4 total outdoor bicycle lockers)	CO	ISD	
<b>I. Final Sign Off</b>				
15	The Applicant shall contact Staff at least five working days in advance of a request for a final inspection to ensure the proposal was constructed in accordance with the plans and other information submitted and that the development is compliant with the conditions of this permit approval.	CO	ISD	

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 \_\_\_\_\_

