



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

PLANNING DIVISION

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**Case #: ZBA 2019-83**  
**Site: 14 Carlton Street**  
**Date of Decision:** November 6, 2019  
**Decision:** *Approved with Conditions*  
**Date Filed with City Clerk:** November 20, 2019

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**ZBA DECISION**

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**Site:** 14 Carlton Street  
**Applicant Name:** North America Development  
**Applicant Address:**  
**Owner Name:** Louis M. Carcon and Yvrose Merzeus  
**City Councilor:** Jefferson Thomas (J.T.) Scott

Legal Notice: Applicant, North America Development, and Owners, Louis M. Carcon & Yvrose Merzeus, seek Special Permits under §4.4.1 of the SZO to significantly alter a non-conforming property by creating an upward extension of the non-conforming front and left side yard setbacks, and increasing the GFA by more than 25%. Parking relief under Article 9. RC zone. Ward 2.

Zoning District/Ward: RC zone. Ward 2.  
Zoning Approval Sought: SZO §4.4.1 and Article 9  
Date of Application: July 18, 2019  
Date(s) of Public Hearing: November 6, 2019  
Date of Decision: November 6, 2019  
Vote: 5-0

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Case number # **ZBA 2019-83** was opened before the Zoning Board of Appeals in the Community Room at the Visiting Nurses Association at 259 Lowell Street. 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 November 6, 2019, the Zoning Board of Appeals took a vote.



**I.PROJECT DESCRIPTION**

1. Subject Property:

The subject property consists of a Detached House principal building type with three (3) dwelling units on a 35’ x 75’ lot (2,625 square feet), which is nonconforming to the seven thousand five hundred (7,500) square foot minimum lot area required in the RC district. The lot abuts a private street at the left side lot line. The principal building is set back from the left side lot line by only 1.1 feet and the remaining lot area is paved to blend seamlessly into the abutting private way. Four parking parallel parking spaces are delineated in the private way. The principal structure is setback from the right-side lot line 8.5 feet, the rear lot line by 21.4 feet, and the front lot line by 2.9 feet (measured at the projecting front bay). Both the main massing of the house and a side wing/rear addition are encroaching the left side setback. The main massing also encroaches into the required front setback.

2. Proposal:

The proposal is to convert an existing Detached House building type with a single 1-bed and two 2-bedroom dwelling units (a total of 3 existing units) into a Detached Triple Decker building type with three (3) dwelling units, each with 3 bedrooms. The RC district requires 875 square feet of lot area per dwelling unit, resulting in 3 dwelling units permitted for the 2,625 square foot lot. Article 7 of the SZO permits up to three (3) dwelling units by right in the RC district.

The proposed new triple decker will comply with all dimensional standards except for the existing left side and front setbacks. Modifications to the existing house will square off the approximately 22’ x 26’ floor plate of the main massing and its offset 15’ x 18’ rear addition/side wing into a single floor plate of approximately 24’ x 50’ 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 3<sup>rd</sup> story. The nonconforming left side wall and nonconforming front façade will both be extended upward but will not increase the existing nonconformity in terms of the length of the left side wall and width of the façade. The proposed height of the building is only 35’ 3” 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 of the gross floor area of the 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 six (6) parking spaces for the three (3) proposed dwelling units. The property currently provides three parking spaces in the abutting private way and the proposal is to maintain those same parking spaces. 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.

	<b>Existing</b>		<b>Proposed</b>	
14 Carlton Street #1	1BR	1 space	3BR	2 spaces
14 Carlton Street #2	2BR	1.5 spaces	3BR	2 spaces
14 Carlton Street #3	2BR	1.5 spaces	3BR	2 spaces
<b>Total</b>		<b>4 spaces</b>		<b>6 spaces</b>

The site will be nonconforming with respect to the number of required off-street parking spaces as two (2) 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 two (2) additional required parking spaces.

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 six (6) parking spaces for the three (3) dwelling units. The Applicant has petitioned for a Special Permit under §9.13 of the SZO for parking relief to provide only one (1) off street parking space per dwelling unit, which is a continuation of the currently provided number of parking space for the existing three (3) dwelling units. The number of dwelling units on the property is not being increased, only the number of bedrooms within each unit. The parking spaces are located either in whole or in part in the abutting private way, carrying forward the existing parking arrangement.

## **II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1 & Article 9):**

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

### ***The Zoning Board of Appeals makes the following findings:***

#### **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, 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. None of the aforementioned criteria are found to be true as a result of the modification of the parking requirement. The proposal provides three (3) parking spaces, equivalent to one (1) space per dwelling unit and reflective of typical demand in Somerville. This property is also within walking distance of the future Union Square Station of the Green Line Extension.

#### **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 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.*

*Surrounding Neighborhood*: The subject property is located on the eastern 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 lots fronting onto Carlton Street include multiple three-unit buildings, including 9, 10, 15, and 20 Carlton.

*Impacts of the Proposal*: The proposed three-unit Triple Decker is compatible with the surrounding land use intensity of multiple two- and three-unit principal structures. 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. 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 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.

### **III.DECISION:**

Present and sitting were, Susan Fontano, Danielle Evans, Josh Safdie, Anne Brockelman, Elaine Severino, and Drew Kane. Upon making the above findings, Danielle Evans made a motion to approve



the request for a Special Permit. Elaine Severino seconded the motion. The Zoning Board of Appeals voted **5-0** to **APPROVE** the request **WITH CONDITIONS**. The following conditions were attached:

#	Condition	Compliance Timeframe	Verification	Notes				
<b>A. Overall</b>								
1	<p>Development must comply with the 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>July 18, 2019</td> <td>Initial application submitted to the City Clerk's Office</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	July 18, 2019	Initial application submitted to the City Clerk's Office	Perpetual	ISD/ P&Z	
Date (Stamp Date)	Submission							
July 18, 2019	Initial application submitted to the City Clerk's Office							
<b>B. Pre-Construction</b>								
1	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>								
1	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					
2	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					
3	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					
4	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>								
1	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					
2	An exterior light and electrical outlets are required for each front porch and the rear deck.	BP	ISD					
<b>E. Site Features</b>								



#	Condition	Compliance Timeframe	Verification	Notes
1	Landscaping must be installed and maintained in accordance with the American Nurserymen’s Association Standards.	Perpetual	ISD	
2	Outdoor lighting shall comply with the City of Somerville Dark Sky Policy.	CO	ISD	
3	Gas and electric meters shall not be on the front of the structure. Gas and electric meters may be located on the side of the structure but shall be screened from the street by a hardy, staff approved evergreen planting. Utilities shall not be located adjacent to windows and shall not impact any parking, landscaping, or egress. The provisions of this condition may be waived by staff if the applicant submits a letter from the utility, signed by a utility representative, on utility letterhead, indicating that there is no feasible alternative to placing meters in violation of this condition.	CO	ISD	
4	Electrical conduits on the exterior facades of buildings 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>				
1	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>I. Final Sign Off</b>				
1	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:

Susan Fontano, *Chair*  
Danielle Evans, *Clerk*  
Josh Safdie  
Elaine Severino  
Anne Brockelman  
Drew Kane (Alt.)

Attest, by the Planner:

\_\_\_\_\_   
Daniel Bartman

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 \_\_\_\_\_

