



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

PLANNING DIVISION  
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DANIELLE EVANS, *CLERK*  
DREW KANE, (ALT.)  
ELAINE SEVERINO  
JOSH SAFDIE  
ANNE BROCKELMAN

**Case #: ZBA 2019-89**  
**Site: 10-12 Carver Street**  
**Date of Decision:** September 18, 2019  
**Decision:** *Petition Approved with Conditions*  
**Date Filed with City Clerk:** October 1, 2019

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**ZBA DECISION**

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**Site:** 10-12 Carver Street

**Applicant Name:** Kathleen Jurow  
**Applicant Address:** 10-12 Carver Street, Somerville, MA 02143  
**Owner Name:** same as applicant  
**Owner Address:** same as applicant

**City Councilor:** Mark Niedergang

**Legal Notice:** Applicant & Owner, Kathleen Jurow, seeks special permits under §4.4.1 of the SZO to alter a non-conforming property by the upward extension of the non-conforming left side yard setback, alterations to the non-conforming rear yard setback, change in roofline and the enlargement of a dormer within the non-conforming right side yard setback. Parking relief under Article 9\*. RB zone. Ward 5.

\*It was determined after the publication of this legal ad that parking relief was not needed.

**Zoning District/Ward:** RB zone, Ward 5.  
**Zoning Approval Sought:** SZO §4.4.1  
**Date of Application:** July 26, 2019  
**Date(s) of Public Hearing:** 9/18  
**Date of Decision:** September 18, 2019  
**Vote:** 5-0

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Case # ZBA 2019-89 was opened before the Zoning Board of Appeals during their meeting in Council Chambers, 3<sup>rd</sup> Floor City Hall, 93 Highland Avenue, Somerville, MA. Notice of the Public Hearing was



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given to persons affected and was published and posted, all as required by M.G.L. Chapter 40A, sec. 11 and the Somerville Zoning Ordinance (SZO). On September 18, 2019 the Zoning Board of Appeals took a vote.

## **I. PROJECT DESCRIPTION**

1. **Subject Property:** The locus presents a 2 ½-story, two-family structure sited on a 2,340 square foot lot mid-way down Carver Street. Carver Street is a private way in the RB zone.

2. **Proposal:** The existing house is 34.5’ in height. The main gable will be raised to 35 feet. The main gable will be extended over the existing rear stairs. The rear addition presents a gable roof that is roughly 2.5’ below the height of the proposed main gable. Key components of the project are listed below with the trigger for special permitting identified:

- Change left elevation bay roof to a flat roof shed-style dormer
- Property will be re-landscaped
- Structure will be re-sided with engineered wood lap siding, trim & fascia boards
- Upward extension of rear addition, the right side of which is in the right side yard setback (**special permit**)
- Construct dormer within right side yard setback (**special permit**)

### **4. Green Building Practices:**

The application states the following:

*“Insulate existing walls and add new foam roof insulation to meet code.”*

## **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 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 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.”*

Right side yard setback

The RB zone requires a right side yard setback of 8 feet. The existing right side yard setback is 3.8 feet. The applicant proposes constructing a right elevation dormer on the right roof plane of the house that will terminate 3.8 feet from the property line.

In addition to the right elevation dormer, the right-most portion of the rear addition will be raised up a few feet. The rear addition will terminate roughly 2.5 feet below the proposed main roofline.

Because this project will need to be reviewed by the Engineering Department prior to the granting of a building permit, they will determine if any measures need to be taken by the Applicant to address any impacts on the public sewer or water supply. Lastly, as the property is remaining a two-family, the Board does not anticipate any change in traffic volume, queueing, or congestion as a result of this project.

**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 generally consistent with the purposes of the RB zone which are “[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.”***

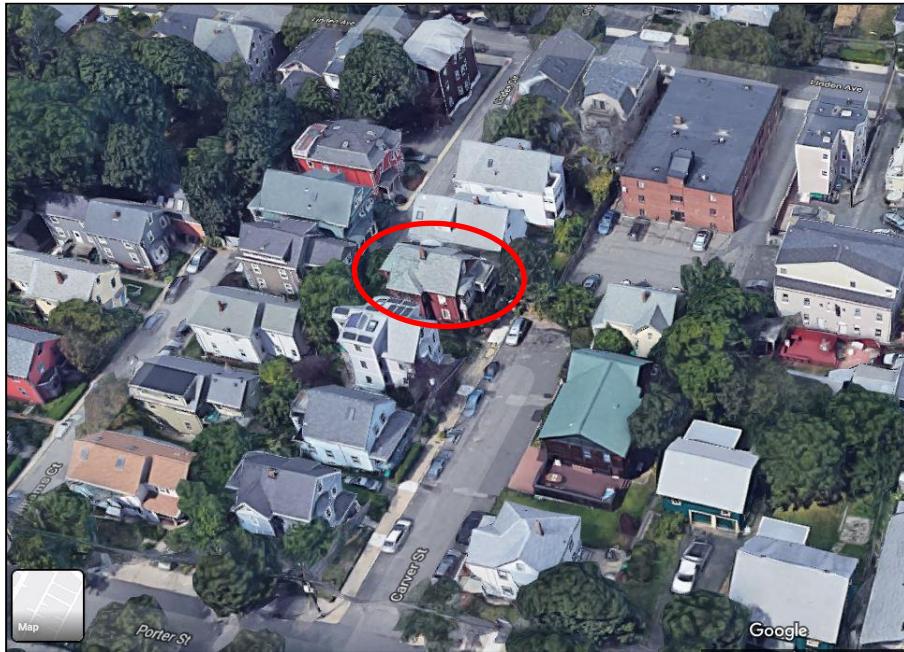
Carver Street is a mixture of mostly one- and two-unit properties. All are gable-fronted with some presenting two-story open front porches.

The right elevation dormer will be visible from right -abutting property and from rear-abutting properties. The new dormer will not be visible from a public way.

The upward extension of the rear addition will be visible from the rear and left-abutting properties and when looking at the house center-on from Carver Street.

The proposal dormer top to the left elevation bay is similar to the left elevation dormer of the left-abutting property. The aerial photo below shows the subject property. The elevation photo below shows a similar dormer-topped bay as that proposed by the applicant.





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





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

**6. SomerVision:**

The proposal will have minimal to no impact on SomerVision goals.

**III. DECISION**

Present and sitting were Members Orsola Susan Fontano, Drew Kane (*Alt*), Danielle Evans, Elaine Severino, and Anne Brockelman. Josh Safdie was absent and Drew Kane was voting in his place. 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	Timeframe for Compliance	Verified (initial)	Notes						
1	Approval is for the construction of a dormer within the right side yard setback and the upward extension of the rear addition within the right side yard setback.	BP/CO	ISD/PIng.							
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>July 17, 2019</td> <td>Application submitted to City Clerk's office.</td> </tr> <tr> <td>September 9, 2019</td> <td>Updated plan set submitted to OSPCD</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	July 17, 2019	Application submitted to City Clerk's office.	September 9, 2019	Updated plan set submitted to OSPCD
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September 9, 2019	Updated plan set submitted to OSPCD									
<p style="color: red;">Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval. Whether or not a change is <i>de minimis</i> in nature must be determined by the Planning Office.</p>										
<b>Engineering</b>										
2	<p>The Applicant must comply with the "Policy for new connections to and modifications to existing connections to the municipal sewer and drainage system stormwater management and infiltration/inflow mitigation."</p> <p>The Applicant shall work with Engineering to meet this condition and provide the required fees/mitigation.</p>	BP	Engineering/ISD							
<b>Design</b>										
3	All materials, including, but not limited to windows, exterior finishes, siding, and similar shall be submitted to, reviewed and approved by Planning Staff prior to the issuance of a building permit. Materials shall be submitted to planning staff <u>through the Zoning Review Planner</u> .	BP	ISD/PIng							



<b>Construction Impacts</b>				
4	The Applicant shall, at his expense, replace any existing equipment (including, but not limited to street sign poles, signs, traffic signal poles, traffic signal equipment, wheel chair ramps, granite curbing, etc.) and the entire sidewalk immediately abutting the subject property if damaged as a result of construction activity. All new sidewalks and driveways must be constructed to DPW standards.	CO	DPW	
5	All construction materials and equipment must be stored onsite. If occupancy of the street layout is required, such occupancy must be in conformance with the requirements of the Manual on Uniform Traffic Control Devices and the prior approval of the Traffic and Parking Department must be obtained.	During Construction	T&P/ISD	
6	The applicant shall post the name and phone number of the general contractor at the site entrance where it is easily visible to people passing by on the public way.	During Construction	ISD	
7	<b><u>Construction shall be limited to M-F 7:30am – 5:00pm. No weekend construction or construction-related work shall occur.</u></b>	During Construction	ISD	
8	The Applicant shall, at their expense, replace any existing equipment (including, but not limited to street sign poles, signs, traffic signal poles, traffic signal equipment, wheel chair ramps, granite curbing, etc.) and the entire sidewalk immediately abutting the subject property if damaged as a result of construction activity. All new sidewalks and driveways must be constructed to DPW standard.	CO	ISD/DPW	
<b>Public Safety</b>				
9	The Applicant or Owner shall meet all of the Fire Prevention Bureau's requirements.	CO	FP	
10	In accordance with City of Somerville ordinances, no grills, barbeques, chimineas or the like shall be allowed on decks or porches.	CO/Perpetual	ISD/FP	
<b>Site</b>				
11	All materials used for hardscaping, fencing, and enclosures on the site shall be submitted to planning staff, <u>through the Zoning Review Planner</u> , for their review and approval prior to the issuance of a building permit. Vinyl and vinyl-based products will not be considered.	BP	Plng/ISD	
12	Landscaping shall be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD	
13	Trash and recycling shall be screened with a cedar enclosure. The enclosure shall present a cedar roof as well. Latched doors shall secure the enclosure.	CO	Plng. / ISD	
14	As indicated in the dimensional submissions for this project, the Carver Street frontage of the property has been designated as the front yard. This shall remain so in perpetuity.	Perpetual	Plng./ISD	
<b>Miscellaneous</b>				



15	Granting of the applied for use or alteration does not include the provision for short term rental uses, such as AirBnB, VRBO, or the like.	Perpetual	ISD / Plng.	
16	All exterior lighting shall be confined to the subject property, case light downward and must not intrude, interfere, or spill onto neighboring properties. This includes lighting on the dwelling house and on the shed.	Perpetual	ISD	
<b>Final Sign-Off</b>				
17	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	ISD/Plng.	

**ATTEST, BY THE ZONING BOARD OF APPEALS:**

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

Attest, by the Planner: \_\_\_\_\_  
 Sarah White

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.



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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 \_\_\_\_\_

