



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

*PLANNING DIVISION*

**STAFF**

GEORGE PROAKIS, *DIRECTOR OF PLANNING*  
LORI MASSA, *SENIOR PLANNER*  
DAN BARTMAN, *SENIOR PLANNER*  
ADAM DUCHESNEAU, *PLANNER*  
DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*

**Case #:** ZBA 2012-18  
**Date:** March 29, 2012  
**Recommendation:** Conditional Approval

---

**PLANNING STAFF REPORT**

---

**Site: 11 Church Street**

**Applicant Name:** Christopher Shachoy  
**Applicant Address:** P.O. Box 382265, Cambridge, MA 02238  
**Property Owner Name:** CMS Church Nominee Trust  
**Property Owner Address:** P.O. Box 382265, Cambridge, MA 02238  
**Agent Name:** Bob Moriarty, Esq.  
**Agent Address:** 18 Tremont Street, Boston, MA 02109  
**Alderman:** Maryann Heuston

Legal Notice: Applicant Christopher Shachoy and Owner Church Nominee Trust seek a Special Permit to alter a nonconforming structure under SZO §4.4.1 to add additional square footage to the right rear of the third floor apartment and a Special Permit under SZO §9.13.a for relief from one parking space at an existing three-family residence. RC Zone. Ward 2.

Zoning District/Ward: RC Zone / Ward 2

Zoning Approval Sought: Special Permits under SZO §4.4.1 and SZO §9.13.a

Date of Application: February 27, 2012

Dates of Public Hearing: Zoning Board of Appeals – **April 4, 2012**

---

**I. PROJECT DESCRIPTION**

1. Subject Property: The subject property is a three-family dwelling on a 3,680 square foot lot located next to the Somerville Avenue Market Basket within the Union Square neighborhood. The property has 3,277 square feet of living space, a minimal amount of landscaping, and no on-site parking spaces. The structure is 2½ stories in height with a complex gable roof configuration due to multiple dormers and rooftop additions. The building resides in a Residence C district and abuts similar residential properties on either side.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143  
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722

[www.somervillema.gov](http://www.somervillema.gov)



Prior zoning relief was given in April of 1942 by the Board of Appeal to Applicant Francisco DeAraujo, which allowed the conversion of 11 Church Street from a two-family dwelling to a three-family dwelling. The Board granted the appeal upon the decision that “refusing to grant the permit involves practical difficulty and unnecessary hardship on the appellant.”

2. Proposal: Applicant, Christopher Shachoy, proposes to alter this three-family home by adding square footage to the rear of the building on the third floor at the southeast corner and to convert two enclosed porches located on the right side below the proposed addition into living space. These modifications would expand the third floor apartment by adding 212 square feet of living area, increasing the gross floor area of the third floor to 1,131 square feet, and create a new net floor area of 3,879 square feet for the entire structure. The third story addition would integrate several of the existing dormers and rooftop additions to make the whole building more visually cohesive. The roofline of the tallest dormer/addition, which is centrally located at the rear of the main building, will remain as the highest peak of the building and will not be fully integrated into the proposed addition. The roofline of the new addition is proposed to create an asymmetrical gable by connecting to the roofline of the existing northeast shed dormer. The addition will extend to be flush with the rest of the rear façade, while the eaves of the primary building will remain slightly extended. Two windows will be added to the southern façade at the rear of the addition.

The two enclosed porches located directly beneath the planned third floor addition will be turned into living space as part of the project. The Applicant proposes to convert these two porches into additional bedrooms and second bathrooms for each unit by removing multiple windows from both the right and rear facades, and to install siding to match what currently exists. The Applicant is also proposing to re-install a pair of windows to both the first and second floor enclosed porches. The windows of the second and third floors will align above the back door and the window to its immediate left, while the first floor will also have a second window that will align above the adjacent basement window. The rear porch of the first floor apartment will remain unaltered. As part of this project, two bedrooms and a second bathroom will be added to each dwelling unit changing each from one-bedroom units to three-bedroom units.

3. Nature of Application: The structure is currently nonconforming with respect to several dimensional requirements including the front and side yard setbacks, and the minimum lot size. Under Somerville Zoning Ordinance (SZO) §4.4.1 nonconforming three-family dwellings may only be altered and enlarged by Special Permit, even if the alteration or enlargement does not impact the nonconforming aspect of the structure. Therefore, the proposed addition to the third floor, the alteration of the window openings, and the enclosure of the two porches on the right side of the structure requires Special Permit approval.

Additionally, the Applicant is also requesting relief from the parking requirements of SZO §9.5 via a Special Permit under SZO §9.13.a. The current situation at the property, three, one-bedroom dwelling units, requires five off-street parking spaces. However, as part of this proposal, the Applicant will be adding two bedrooms to each of the dwelling units which will make each unit a three-bedroom unit. The creation of three, three-bedroom units requires a total of six parking off-street parking spaces at the site. Since there currently are no parking spaces at the property, the Applicant is requesting relief under SZO §9.13.a from the one additional required parking space. A Parking Memorandum that discusses the parking impacts of this requested relief on the parking situation in the surrounding neighborhood has been requested by the Somerville Traffic and Parking Department; however, the Applicant has chosen to move forward with the application without the providing the requested Parking Memorandum.



*Left: 11 Church Street, front (West) and side (South) elevations*



*Right: 11 Church Street, rear (East) elevation, view from Carlton Street*

4. Surrounding Neighborhood: The subject property is located in an RC zone within the larger Union Square neighborhood. The property is in close proximity to Market Basket on Somerville Avenue and abuts residential properties of similar size and shape on either side. A majority of the surrounding residences are also multi-family dwellings with shed dormers of varying size.



*Church Street streetscape; 11 Church noted by arrow.*

5. Impacts of Proposal: The proposed modifications and expansion of the third floor will not be detrimental to the structure.

The design for the expansion of the third floor will make the rear and south side elevations of the building more visually cohesive by integrating several shed dormers/additions at the rear of the building into one massing. There are no character-defining features located at the rear of the building that will be affected by this proposal. While the right rear portion of the structure is somewhat visible from the Church Street right-of-way, most of the alterations to the structure are occurring well back from the street edge and therefore the changes will not greatly impact the view along the Church Street streetscape. The expansion

and enclosure of the first and second floor porches will stay within the current footprint of the building and therefore only minimal impacts to abutters and the surrounding neighborhood are anticipated once construction is complete.

The requested parking relief of one required space for this proposal should only have a minimal impact to abutters and the surrounding neighborhood. The property currently does not have any parking on site and all of the existing residents of the structure already park on-street if they have a vehicle. Church Street is not heavily traversed by car and the subject property is located within an area of the City that offers easy access to public transportation. Additionally, the property is immediately adjacent a grocery store and various other amenities that are located in and around Union Square.

6. Green Building Practices: The Applicant intends to install new heating equipment with a high level of efficiency, updated windows, and insulation, as the building is currently not insulated.

7. Comments:

*Fire Prevention:* Has been contacted but has not yet provided comments.

*Ward Alderman:* Has been contacted but has not yet provided comments.

*Historic Preservation:* Has been contacted but has not yet provided comments.

*Traffic & Parking:* Has been contacted and has requested a Parking Memorandum that discusses the impact the one space of parking relief at this site will have on the on-street parking situation in the surrounding neighborhood.

## **II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1 and §9.13a):**

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. There are no character-defining features located at the rear of the building that will be affected by this proposal. While the right rear portion of the structure is somewhat visible from the Church Street right-of-way, most of the alterations to the structure are occurring well back from the street edge and therefore the changes will not greatly impact the view along the Church Street streetscape. Additionally, the requested parking relief of one required space for this proposal should only have a minimal impact to abutters and the surrounding neighborhood. The property currently does not have any parking on site and all of the existing residents of the structure already park on-street if they have a vehicle. Church Street is not heavily traversed by car and the subject property is located within an area of the City that offers easy access to public transportation

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 promoting "the health, safety, and welfare of the inhabitants of the City of Somerville; to provide adequate light and air; 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 encourage housing for persons of all income levels."

The proposal is consistent with the purpose of the district (6.1.3.RC – Residence Districts), which is, "To establish and preserve a district for multi-family residential and other compatible uses which are of particular use and convenience to the residents of the district.

In considering a Special Permit under §9.13.a of the SZO the SPGA may grant such a special permit only when consistent with the purposes set forth in Section 9.1 which establishes standards ensuring the availability and safe use of parking areas within the City.

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 alterations and expansion of the third floor have been designed to be compatible with the built and unbuilt surrounding area. The expansion of the third floor apartment, to incorporate the remaining portion of the building's footprint, will enhance the building through the integration of several shed dormers/additions at the rear of the building into one massing. The building will appear more visually unified upon completion of these modifications and therefore, more compatible with the surrounding neighborhood. Additionally, since most of the alterations to the structure are occurring at the rear of the property, the changes will not greatly impact the view along the Church Street streetscape. The structure will remain a three-family dwelling used for residential purposes which is consistent with the surrounding area.

5. Vehicular and Pedestrian Circulation: The circulation patterns for motor vehicles and pedestrians which would result from relief of one parking space for the subject property does not suggest a change in conditions that create traffic congestion or the potential for traffic accidents on the site or in the surrounding area.

The subject property currently has no on-site parking on the lot. However, the subject property is located within close proximity to the amenities of Union Square and public transportation, and therefore the requested parking relief for this proposal does not appear to be detrimental to the surrounding area or the abutters. A Parking Memorandum that discusses the parking impacts of providing one parking space of relief for this proposal on the surrounding neighborhood has been requested by the Somerville Traffic and Parking Department. The Applicant has chosen to move forward with the application without providing the requested Parking Memorandum. Traffic and Parking is still requesting this memorandum from the Applicant and has therefore not commented on the project at this time.

**III. RECOMMENDATION**

**Special Permits under §4.4.1 and §9.13.a**

Based on the materials submitted by the Applicant, the above findings and subject to the following conditions, the Planning Staff recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMITS**.

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	<p>Approval is for Special Permits to alter a nonconforming structure to add net square footage to the southeast corner of the third floor, to alter window openings and enclose two porches on the right side, and for relief from one (1) required parking space. This approval is based upon the following application materials and the plans submitted by the Applicant:</p> <table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>(February 27, 2012)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>November 28, 2011 (March 20, 2012)</td> <td>Plot plan submitted to OSPCD</td> </tr> <tr> <td>October 28, 2011 (March 20, 2012)</td> <td>Elevation and floor plans submitted to OSPCD (A-1.0, A-1.1, A-1.2, A-2.1, &amp; A-2.2)</td> </tr> </tbody> </table> <p>Any changes to the approved site plan &amp;/or elevations that are not <i>de minimis</i> must receive SPGA approval.</p>	Date (Stamp Date)	Submission	(February 27, 2012)	Initial application submitted to the City Clerk's Office	November 28, 2011 (March 20, 2012)	Plot plan submitted to OSPCD	October 28, 2011 (March 20, 2012)	Elevation and floor plans submitted to OSPCD (A-1.0, A-1.1, A-1.2, A-2.1, & A-2.2)	BP/CO	ISD/PIng.	
Date (Stamp Date)	Submission											
(February 27, 2012)	Initial application submitted to the City Clerk's Office											
November 28, 2011 (March 20, 2012)	Plot plan submitted to OSPCD											
October 28, 2011 (March 20, 2012)	Elevation and floor plans submitted to OSPCD (A-1.0, A-1.1, A-1.2, A-2.1, & A-2.2)											
2	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP									
3	The Architect shall update sheets A-1.1, A-1.2, & A-2.2 to reflect the fenestration changes requested by Staff.	Prior to Decision Filing with City Clerk	PIng.									

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 standard.	CO	DPW	
5	All construction materials and equipment, including dumpsters, 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	
6	New siding type and color, roofing, trim, and materials of the addition shall match or be complimentary to the rest of the existing structure	CO	Plng.	
7	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	Plng.	