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# CITY OF SOMERVILLE

Office of Strategic Planning & Community Development

**TO:** Somerville Zoning Board of Appeals  
**FROM:** Planning & Zoning Division  
**DATE:** October 21, 2020  
**RE:** 9 Clifton Street

This memo summarizes the development review application submitted for 9 Clifton Street, identifies any discretionary or administrative development review that is required by the Somerville Zoning Ordinance, and provides related analysis or feedback as necessary. The application was deemed complete on October 12, 2020 and is scheduled for a public hearing on November 4, 2020.

## LEGAL NOTICE

Applicant and Owner, Sherri Gildersma, proposes to split the existing lot into two and to construct a permitted building type on the resulting nonconforming vacant lot. The development proposal requires multiple variances.

## SUMMARY OF PROPOSAL

Applicant Sherri Gildersma proposes to split the lot at 9 Clifton Street into two 50'(w) x 60'(d) lots, maintain the existing structure at 9 Clifton, and construct a new compliant Cottage building type on the newly created lot.

## BACKGROUND

On August 7, 2019, the Zoning Board of Appeals approved a Special Permit with Site Plan Review for 9 Clifton Street to construct a second principal structure on one lot and a Special Permit related to parking subject to the former zoning ordinance (ZBA 2019-57). The previously issued Special Permits remain valid until at least August 7, 2022 and the expiration is currently tolled by a state law passed in 2020 to address issues caused by the COVID-19 pandemic.

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## **ANALYSIS**

9 Clifton Street is a rectangular corner lot with an existing Cottage building type in the Neighborhood Residence (NR) zoning district. The Zoning Board of Appeals is the review board for all administrative or discretionary permits required in the NR district.

The proposed lot split requires Site Plan Approval by the Somerville Zoning Ordinance. However, a lot split is approved administratively by the Planning Director in accordance with the current Rule & Regulations of the Zoning Board of Appeals. The proposed Cottage building type is permitted by right in the Neighborhood Residence district and does not require review by the ZBA. However, the new lot will be nonconforming to the required lot depth for any permitted building type, which requires a Hardship Variance. Additionally, construction of a Cottage building type on a lot with less than 80' of depth also requires a Hardship Variance. The Applicant is requesting these Variances so that the proposal may further advance through the permitting process for development that would otherwise be conforming and permitted by right.

The intended development nearly replicates the proposal that was previously permitted by the ZBA in 2019 but is subject to the new zoning ordinance due to the proposed lot split. This lot split cannot be accomplished through a revision to previously approved plans because the prior proposal relied on a Special Permit with Site Plan Review to build two principal structures on one lot and the current plan to create two lots would require different permits under the former zoning ordinance that is no longer in effect.

## **REQUIRED FINDINGS**

In accordance with the Somerville Zoning Ordinance, the Zoning Board of Appeals may grant a hardship variance only upon finding all of the following for each requested variance:

1. Special circumstances exist relating to the soil conditions, shape, or topography of a parcel of land or the unusual character of an existing structure but not affecting generally the MR4 district where the land is located;
2. Literal enforcement of the provisions of the NR district would involve substantial hardship, financial or otherwise, to the petitioner, Sherri Gildersma, due to said circumstances; and
3. Desirable relief could be granted without causing substantial detriment to the public good and without nullifying or substantially derogating from the intent and purpose of the NR district or the Somerville Zoning Ordinance in general.

Staff conducted an analysis of lots and principal buildings in the neighborhood surrounding 9 Clifton Street for informational purposes. The typical shape of lots in the surrounding neighborhood, and most lots in the Neighborhood Residential zoning district, is a rectangle with its narrow end fronting the street. The typical orientation of principal structures on these same lots is for the building to face the street and thus the narrow end of the typical lot, even on corner lots. This pattern can be seen in the graphic below indicated by blue arrows and is also well represented for corner lots by the properties on either side of Liberty Rd (abutting 9 Clifton). This is a well-recognized development pattern that helps to establish the character of the Neighborhood Residence zoning district.

Lots identified with a blue outline in the graphic below identify lots that were further divided into two or more smaller lots from the typical lot pattern. Red arrows on these same blue outlined lots show the orientation of principal buildings. In every case, the additional structure is always oriented toward the long side of the lot instead of fronting the narrow end like the typical development pattern.

9 Clifton St. is identified below with a red outline and a red arrow indicates the orientation of its existing principal building. In unusual contrast to the typical development pattern, the existing building at 9 Clifton St. instead fronts the long side of the lot toward Clifton St. rather than the narrow end oriented toward Morrison Avenue. These existing and perhaps 'special' circumstances make 9 Clifton St unusual from both the typical development pattern and even the less typical infill pattern that divided the typical rectangular lots into smaller square lots and oriented the corresponding additional structures toward the side street. The lot shape and frontage of 9 Clifton reflects the typical lot pattern while the orientation of the principal structure reflects the infill pattern. These combine to create a unique circumstance atypical of the Neighborhood Residence district and may cause conflict with the literal enforcement of the Somerville Zoning Ordinance.



Historic Preservation Staff also reviewed the earliest historic maps available for Clifton Street and learned that by 1874 the 9 Clifton St. lot had already been platted, the existing principal structure had already been built, and the left side yard was already left open. *Beyond the Neck: The Architecture and Development of Somerville, Massachusetts* (a book providing a historic account of Somerville's development) explains that speculative land platting from Willow to Cedar began in 1873. The typical land platting pattern can be easily seen on the map of this area from 1884 below. 9 Clifton Street is identified with a red arrow and the odd circumstances of the building's orientation can already be seen in contrast to other existing structures at the time and even the intended future development pattern of the lots speculatively platted east of Willow Ave.



The Applicant is required to provide an argument addressing the review criteria for each of the necessary hardship variances, and the narrative provided by the Applicant in the application is attached to this memo as an **Appendix**. Generally, Planning & Zoning Staff is unable provide analysis or recommendations concerning the existence of actual hardship, financial or otherwise, in relation to the Applicant for the second review criteria.

Upon analysis of the material submitted by the Applicant, the Planning & Zoning Staff does not believe that the granting of the requested hardship variances would cause a substantial detriment to the public good or nullify or substantially derogate from the intent and purpose of the NR district, which is provided below:

#### Intent

- To implement the objectives of the comprehensive plan of the City of Somerville.
- To conserve already established areas of detached and semi-detached residential buildings.

#### Purpose

- To permit the development of one-, two-, and three-unit detached and semi-detached residential buildings on individual lots.
- To permit contextual modifications to existing detached and semi-detached residential buildings.
- To permit the adaptive reuse of certain existing nonconforming buildings for arts & creative enterprise and retail uses compatible with residential areas.

- To create dwelling unit types, sizes, and bedroom counts ideal for larger households in houses, semi-attached houses, duplexes, and triple deckers.
- To create dwelling unit types, sizes, and bedroom counts ideal for smaller households in cottages and backyard cottages.

Additionally, the Planning & Zoning Staff believes that granting the requested hardship variances would support the broader intent of the Somerville Zoning Ordinance, including, but not limited to, the following:

- To provide a range of housing types, unit sizes, and price points to accommodate the diverse household sizes and life stages of Somerville residents at all income levels,
- To provide and protect housing that is affordable to households with low and moderate incomes.
- To preserve and enhance the existing character of Somerville's traditional housing and respect existing built form and development patterns.

Massachusetts courts have stated that variances will naturally deviate from the intent and purpose of a zoning ordinance to some degree and that the discretionary approval of a variance is defensible if the deviation is not substantial or significant in comparison to the intent and purpose for the district in appraising the effect of the proposal on the entire neighborhood, including future impacts and other development approved or denied in the general vicinity of the development site.