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Somerville Board of Alderman  
Somerville Planning Board  
Office of Planning and Zoning, OSPCD  
93 Highland Ave.  
Somerville, MA 02143

**Re: Comments on the NR District in Somerville's Proposed Zoning Code**

We commend the City of Somerville for taking on a comprehensive overhaul of its Zoning Code. New ideas about transportation, green space, mixed-use development, and form-based zoning codes, the arrival of the Green Line, and transformative development in places like Union and Assembly Square, warrant a rethink of the Code. We support most if not all of the zoning goals laid out in I.A.2 of the proposed Zoning Code, and believe that in some respects the proposed Code will encourage these goals better than the existing one.

1. We are Concerned with the NR District as Drafted

We are concerned, however, that the Neighborhood Residence (NR) Zone, which is proposed to replace the existing "RA" and "RB" zones, will exacerbate existing pressures towards harmful infill development in Somerville's established residential districts. We believe that our neighborhood, Spring Hill, will be particularly vulnerable to such pressures, on account of an unusually large number of large lots developed with one and two family structures. The resulting loss of neighborhood character and green space would be contrary to the proposed Code's stated purposes of (1) "preserv[ing] and enhanc[ing] the existing character of Somerville's traditional residential housing" and (2) "respect[ing] existing built form and development patterns." Proposed Code, Article I, Sec. A.2.i. We urge the City to modify the proposed NR district to avoid such harmful effects, and we make several concrete suggestions to achieve this.

2. We Believe the Proposed NR District will Encourage Too Much Harmful In-fill Development, Especially in the Spring Hill Neighborhood

We understand full well, and support, the proposed Zoning Code's intent to make routine, small-scale alterations and additions less burdensome, removing them from the

special permit process and subjecting them to consistent, across-the-board standards. We have no objections with porches, stoops, gable windows and reasonable additions to existing dwelling units to accommodate changing family needs. Our concern rather is **lot subdivision, the construction of new buildings in back- and side-yards, substantial additions designed to accommodate new units, adding new dwellings units to existing buildings, and further encroachment on established setbacks**, in all cases in established residential neighborhoods, including Spring Hill. In this letter we emphasize the danger of such harmful forms of infill development in the Spring Hill neighborhood in particular, because it is the neighborhood we live in and know well, and because its existing open-textured character, which we describe below, leaves it particularly ill-suited to the NR District as currently proposed.

3. Existing Character of the Spring Hill Neighborhood is Relatively Open.

The essential observation we make about Spring Hill is that it contains an unusual diversity of lot sizes and building types, including many large lots developed with relatively small buildings. The result is an open-textured, layered neighborhood, with great local variation. There are a small number very large apartment buildings, built just before the first zoning code was promulgated. There are also several streets that are dominated, on one or both sides, by large, predominantly green lots developed with relatively small structures.

We are incorrigible local history buffs, but a very short dip into that history will do much we believe, to explain why Spring Hill looks the way it does. Our neighborhood was the site of one of the earliest, if not the earliest, subdivisions in Somerville, undertaken by the future first mayor of Somerville, George Brastow. As the rest of Somerville was largely rural at the time, and streetcars had not yet been laid out, or even imagined, lot sizes were naturally large by today's standards.

Much development has of course occurred here as elsewhere since Brastow's time, but if you walk up and down Harvard Street, Spring Street, Atherton Street, nearby portions of Summer Street, and adjoining terraces and side streets, there remains a heterogeneity of lot size and building type that is the legacy of these early subdivisions. Subsequent developers, such as Charles Bradshaw on Benton and Westwood Roads, perpetuated development patterns that respected the open-textured nature of Brastow's earlier development. Readers of the well-known local histories Somerville Beyond the Neck and Somerville Past and Present will be familiar with the history of Brastow's and Bradshaw's developments.

Some hard statistics on lot sizes may help begin fill out the picture in the present day. We have attached copies of Assessors Maps 43 and 44, in which we have outlined the area that we think best capture the lot and building-type heterogeneity that we are attempting to describe. This precise area, for the rest of the letter, will be what we mean by the "Spring Hill

Neighborhood.” We have counted hundred and thirty one (131) developed lots this area.<sup>1</sup> in the Spring Hill Neighborhood that are destined to be part of the proposed NR district, **we count 66 lots, or more than one half of the total, are over 5000 square feet.** These lots are all well over the 2000-5000 lot sizes common in neighborhoods developed during the streetcar era. But this is not the half of the story: **we count 21 lots that are between 7000 and 10000 square feet, and another 12 that are over 10,000 square feet.** Barring grandfathered multi-family structures, almost all of these lots are by law developed with one or two family buildings (in RA) or at most three family buildings (in RB). Many of these structures date to the original Brastow development, or shortly thereafter, and some are placed charmingly, and now seemingly unconventionally, well back on their lots. These 33 lots contribute enormously to the character of our neighborhood. They are not exceptional. They are common, and an essential part of the existing fabric of Spring Hill. The resulting development pattern deserves “respect,” and should be “preserved,” in the language of the proposed Code.

4. There is a Mismatch Between Proposed NR District and the Spring Hill Neighborhood.

Attempting, in a reasonable time, to assess precisely the potential full build-out of a lot with existing structures is a complex task, and one we certainly have not, and likely will never be able to, master. Applying this analysis to an entire neighborhood, and comparing the likely effects of the existing to the proposed Zone Code, is even more difficult.

However, the basic issue we want to highlight is we hope simple and obvious. We do not recognize our neighborhood, with a substantial number of large lots with small residential structures, in the “prototypical” NR neighborhood that the proposed Zoning Code illustrates (literally) in its pages, assumes exists, and attempts to preserve. The form-based NR district, therefore, while apparently intended to be relatively conservative in the later streetcar neighborhoods, will lead, we believe, to radical change here.

We attempt, in the rest of the letter, to highlight specific provisions that will encourage excessive, inappropriate infill development. Some of these issues, we believe, may pertain to established residential Somerville as a whole, but we believe that these dangers are particularly pronounced on Spring Hill, given its larger lots and open texture. Of particular concern to us in the Spring Hill Neighborhood are the subdivision issues described in (a) through (c) below, and the legalization of 3 families in existing RA zones, and 4 and 6 families in existing RB zones described in (d) through (e) below.

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<sup>1</sup> The area on the maps *excludes*, as a special case beyond the scope of this letter, some extremely large nearby lots developed for religious and institutional purposes. The area on the map *includes* a very small number of lots destined for the proposed Urban Residence (UR) district, and five undeveloped lots (or lots developed only with parking). These lots are marked with “UR” and “V,” respectively. Although these lots are within the “Spring Hill Neighborhood” as we have drawn it, we leave them out of our count of 131 “developed” lots destined for the proposed NR zone.

a. *Drastic Reductions in Lot Minimums will Lead to Particular Harm in Spring Hill*

Perhaps one of the most serious examples of the mismatch that would arise between the proposed NR district and the Spring Hill Neighborhood is the radical reduction in lot size minimums. These will be reduced, as we read the relevant language, from a **10,000 square foot minimum** in the existing RA and RB zones to **2240 - 3500 square foot minimums** for as-of-right structures in the NR zone. We understand that the existing 10,000 square foot lot minimum may have been overkill in many neighborhoods, leading to ubiquitous, extreme nonconformity. However, for decades the existing lot minimums have led to far less pronounced nonconformity, and have been, we believe, reasonable and appropriate, for much of the Spring Hill Neighborhood. These minimums have done important work to preserve Spring Hill's greenspace, openness, heterogeneity, and historic character. While analysing what is permitted under a zoning code is never a simple matter of looking at a single dimensional requirement, it is clear to us that the drastic reductions in lot minimums will present significant opportunities for harmful subdivision, and subsequent construction of new buildings, in Spring Hill's back and side yards. The Spring Hill Neighborhood should retain the 10,000 square foot lot size minimum.

b. *Zoning Code Expressly Encourages Subdivision of Large Lots.*

Both the Planning Board and the Zoning Board, about four years ago, **unanimously** voted **against** the division of the approximately 20,000 square foot lot at One Benton Road on Spring Hill into two 10,000 square foot lots. The proposed Zoning Code, in direct opposition to these clear statements of policy, states that **"If a lot is larger than the maximum for a certain building type, the lot should be split to accommodate another building."** Article X, Section B.1.c.i. Experience has taught us that the market provides ample pressure to subdivide and develop backyards in established neighborhoods, and it has also taught us that such division is often, if not usually, greeted with great dismay by the community. We don't need the zoning code egging this kind of activity on anywhere in any established residential neighborhood. The quoted statement should be stricken.<sup>2</sup>

c. *New "Lot Split" Procedure Removes City's Ability to Impose Reasonable, Particularized Conditions on Most Common Form of Subdivision in Established Residential Neighborhoods.*

Under the existing ordinance, as we read it, subdivision is subject to site plan review, even where the new lots conform to lot size minimums. The Land Court's ruling in the One

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<sup>2</sup> Although the Land Court overruled the city, the Court's decision was based on the fact that the resulting lots would be conforming. MLK Realty Trust v. Som. Zoning Bd., 10 Misc 440141, 11 Misc 446982 (April 18, 2012). The decision would not apply to any lot less than 20,000 square feet, which almost all of the "large lots" that we have counted are. More importantly, the proposed reduction in maximum lot sizes will, as discussed above, will in any case lead to this kind of unpreventable Benton Road style as of right subdivision becoming far more common.

Benton Road case would appear to demonstrate that such subdivision cannot be prevented if the new lots conform to the required minimums, but nothing in that case prohibited the imposition of reasonable, particularized conditions, after a robust public hearing. The new lot split procedure eliminates the hearing, and the ability to impose conditions. The new "lot split" process should be eliminated, and folded back into the subdivision process.

- d. *The "Paired House" is a Four-Family Structure Posing as Two-Family Structure, Introducing For the First Time By-Right Four Family Structures in Former RA and RB Residential Zones.*

The Paired House is a puzzling anomaly in the proposed Zoning Code. The proposed Code appears carefully and intentionally to limit all by-right building types in the NR zone to two family structures: the one-family "Cottage," the up-to two-family "House," and the two-family "Duplex." The six-family Paired Triple Decker, and even the **three** family unpaired Triple Decker, require special permits. The four-family Paired-House, on the other hand, is inexplicably permitted **by right** in the new NR zone. The authors of the code, perhaps aware of the paradox, use tortuous language to describe the Paired House, carefully avoiding the use of the number "four," referring to the structure instead as a building type with "up to *two* vertically stacked units" where one "paired house is attached on side to *another* paired house. Proposed Code, Article X, Table 3.1 (emphasis added). The Paired House is structure with four dwelling units, period. The semantic wizardry should be cast aside. If the intent is to permit two family structures by right in the NR district, and larger structures only with a special permit, the four-family Paired House should need to get a special permit.

- e. *Blending the RA and RB Zones Subjects Residents to Risk of Upzoning to Three-Family (in existing RA) and Six-Family (in existing RA and RB zones), as well as to the Uncertainties of Special Permit Process.*

In this case, the new Zoning Code's goal of replacing case-by-case permit decisions with clear standards has, paradoxically, been upended. Districts that have for years been two-family will now see applications for three-family Triple Deckers and six-family Paired Triple Deckers. This will cause particular harm on my street, Westwood Road, which was built up with single families, and is now zoned RA, or two-family. The result, historically, has been houses with the look and feel of single-families, with, in some cases, mother-in-law apartments. If Triple-Deckers and Paired Triple-Deckers are allowed with a Special Permit in the proposed NR zone, will a zoning authority believe that some of the houses on my street may appropriately be converted to three- and six- families? To permit such a conversion would not, in our view, "respect existing built form and development patterns," as per Article I, Section A.2.i, but now we have the added stress of having to argue this point, with uncertain outcome, in a whole new category of special permit process. We very intentionally moved into a two-family district, because we enjoy its existing character. We will be devastated to lose this, and saddened by the need to engage in an entirely new form of contentious special permit proceeding.

f. *Setbacks are Significantly Reduced.*

As we read the existing Code, the RB front setback is 15 feet and the side setback is 10 feet. The RA setbacks are 15 and 8 feet respectively, with a 17 foot cumulative side setback. These have *both* been reduced to a minimum front setback of 10 feet and a minimum side setback of 5 feet. We do not believe the attempt to reduce nonconformity justifies these alterations: much nonconformity will exist in any case, and the existing legal setbacks are, where they do exist, appropriate, and worthy of maintaining. Of particular concern to us are the side setbacks, which we believe will encourage narrow, dark spaces between buildings, and noise issues between neighbors. Side wings and rear additions, discussed below, are apparently permitted to extend into even these reduced setbacks, and will only exacerbate the problem.

g. *Side Wings and Rear Additions Appear to Render Even Reduced Setbacks Irrelevant.*



Side wings and rear additions, as illustrated in Article X, Section D.10 of the Proposed Code, are far larger and more intrusive than the decks, dormer windows etc. that the Code wishes to facilitate. A minimal five foot setback is really irrelevant, if out our bedroom window we are staring at a side wing that extends within it. And yet we find no limits in the Code on how much side wings and rear additions may project into the setback. See, for example, Article X, Section B.2.c.i and Article X, Section D.10 of the proposed Code. If this is an oversight, it should be corrected. Side wings and rear additions, in any case, have no place in the very modest, and reduced, setbacks that the new Zoning Code proposed, and should be eliminated as of right additions within setbacks. An "addition" or "wing" simply cannot be compared to a deck, porch or appropriately scaled dormer window, when projecting into a setback.

Time does not permit us discuss the maximum front garden sizes, the minimum facade build-outs, and the apparent effective maximum dwelling unit size resulting from maximum building type size, that the proposed Code also appear to introduce to our established residential zones, and which we believe will also contribute to ever-increasing, and excessive and harmful density.

We believe the actual Code has been open to the public for approximately 60 days. This is not a lot of time for non-experts with jobs and responsibilities to fully assess the impact of a 300 page code on a complex neighborhood. We acknowledge, and even hope, that there are aspects of the proposed Code that we have misunderstood, or overlooked, that render some or all of our analysis incorrect. If that is the case, we welcome any clarification the City may wish to provide.

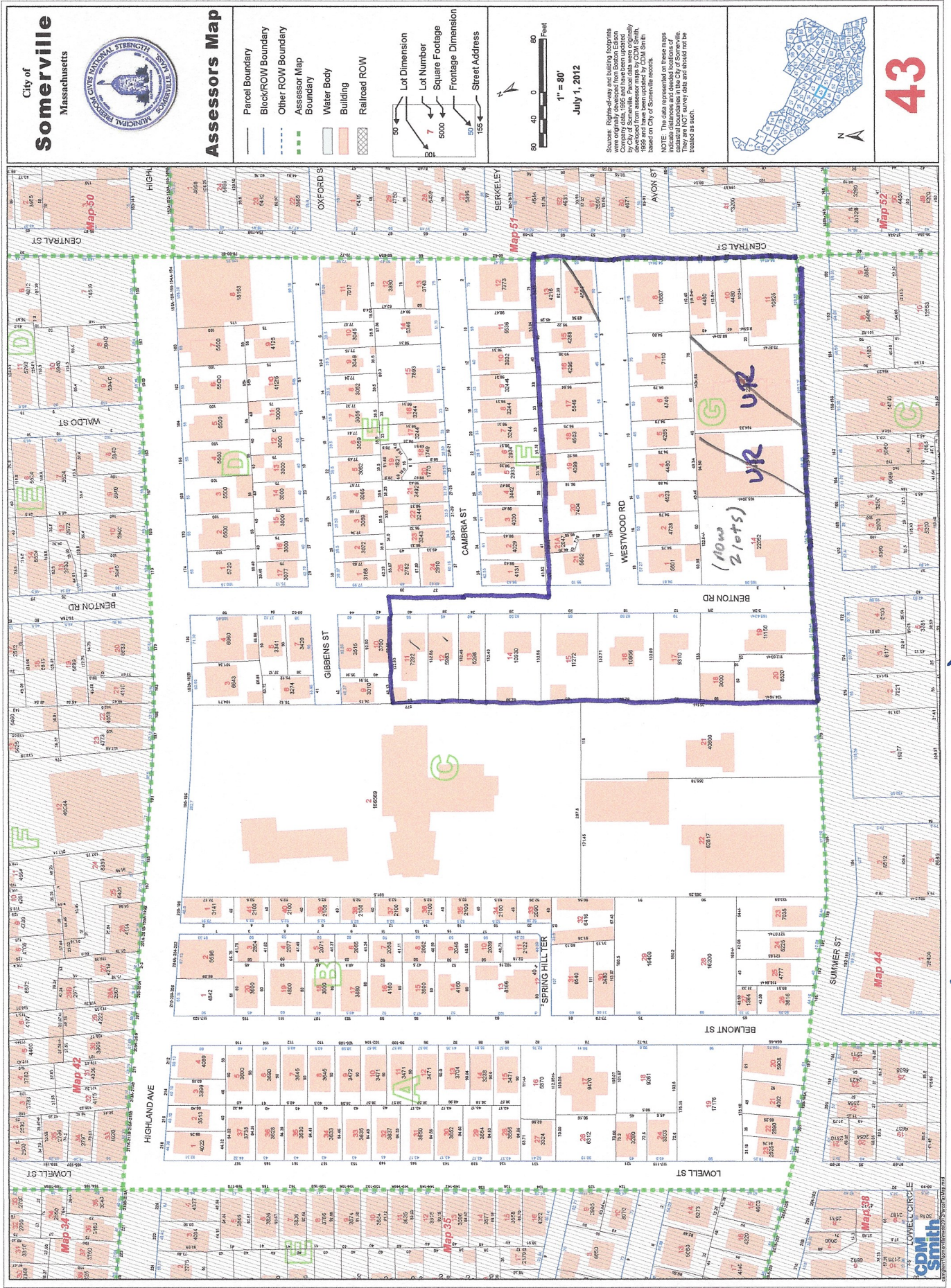
We hope though that our efforts will be welcomed by the City as an opportunity to continue to refine the Code, and effectuate its goals of preserving and respecting the character of our established residential neighborhoods, and to correct the mismatch that we have identified between the proposed "form-based" NR district and the actual form of our Spring Hill Neighborhood.

Sincerely,

Lucas Rogers  
Mathieu Gagne

"SPRING HILL NEIGHBORHOOD" (Part 1 of 2)

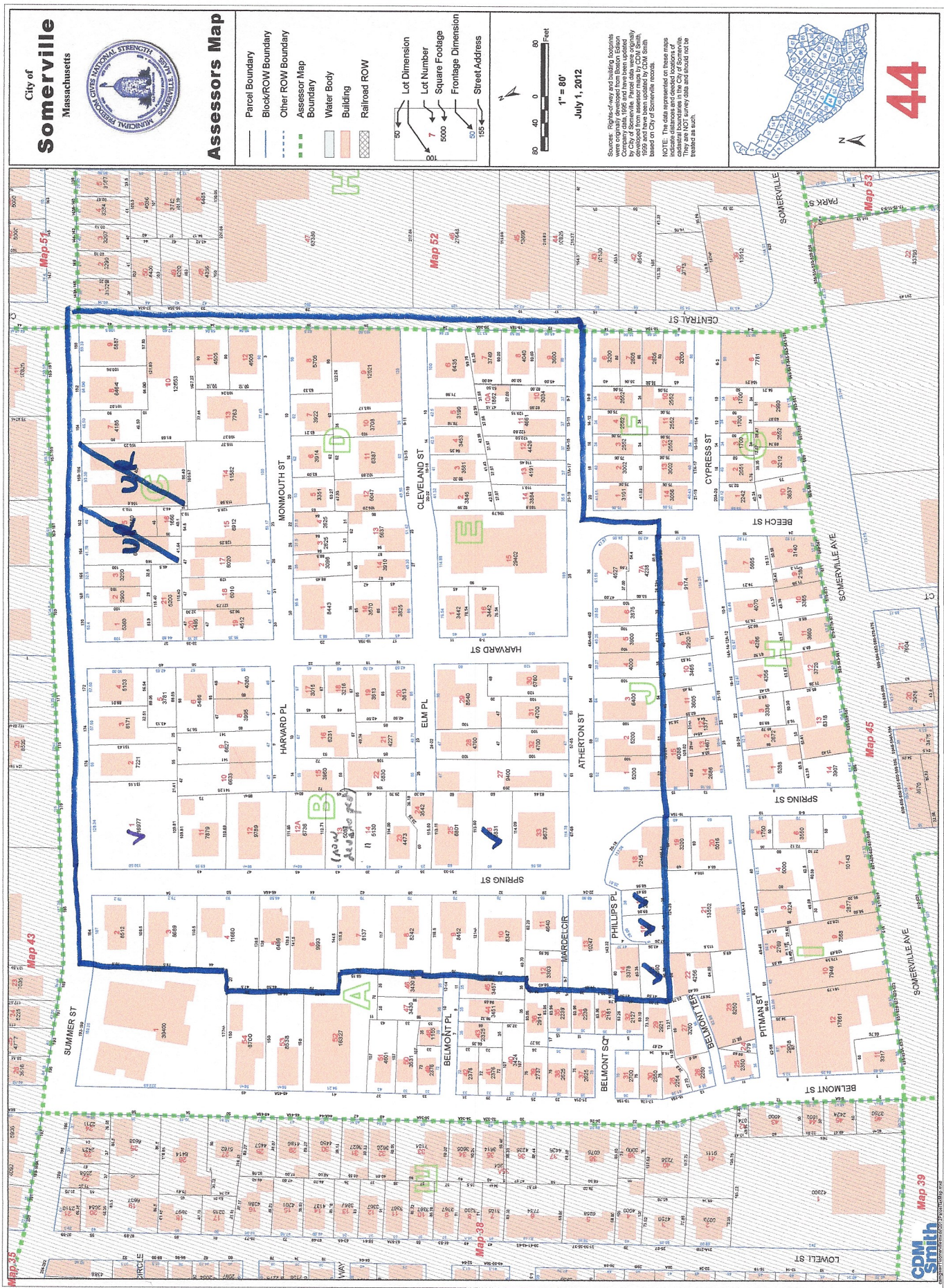


UR = Urban Residence (proposed)

Attachment (1 of 2)



"SPRING HILL NEIGHBORHOOD" (Part 2 of 2)



UR = Urban Residence (proposed)  
 V = Vacant (existing)

Attachment (2 of 2)