



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2014-63-E1(8/2015)
Date: September 10, 2015
Recommendation: Approval

PLANNING STAFF REPORT

Site: 260 Beacon Street

Applicant Name: Ben Rogan
Applicant Address: 98 Winchester Street, Medford, MA 02155
Property Owner Name: Highland CBD 260 Beacon, LLC
Property Owner Address: 98 Winchester Street, Medford, MA 02155
Agent Name: Richard G. Di Girolamo
Agent Address: 424 Broadway, Somerville, MA 02145
Alderman: Maryann Heuston

Legal Notice: Applicant, Ben Rogan, and Owner, Highland CBD 260 Beacon, LLC, seeks a time extension per SZO §5.3.10 & MGL Ch 40a for a Variance (§5.5) from the 12 parking spaces requirement (§9.5). This is part of a previous Special Permit with Site Plan Review to establish 17 residential units (§7.11.1.c), in a new mixed-use building with 3 approx 1,000 sf commercial units and a Special Permit to establish a shared driveway (§9.13.b & §9.13.c). RC zone. Ward 2.

Dates of Public Hearing: Zoning Board of Appeal – September 16, 2015

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a one-story office building used as a methadone treatment center with a large parking lot to the right of the building. It is comprised of two lots totaling 17,784 square feet. Cambridge is located just over the parcel line to the southwest. The City will be undergoing a streetscape improvement program with a cycle-track in front of the property along Beacon Street and the preliminary work is underway. The cycle-track will be located on the opposite side of the street from this proposal.





260 Beacon Street (l) existing building, (r) existing parking lot

2. Proposal: The site has an approved project under Case # ZBA 2014-63 and the proposal is to extend the timeframe of approval. The approval was to demolish the building and construct a 3-story mixed use building with 3 commercial spaces on the ground floor totaling 2,905 square feet and 17 residential units. There will be a shared driveway with the proposed development at 266 Beacon Street. The shared driveway will lead to 24 parking spaces located under the building. Four of these spaces will be accessed directly from the driveway and will be used for the retail portion of the building or for those who need to park in an accessible space. One of the spaces is a guest parking spot located at the end of the driveway. The remaining number of spaces is 19 for the 17 residential units.

The building will have a contemporary design. There will be storefront systems with a large amount of glazing. The residential above will be clad with fiber cement panels, wood clapboards and there will be large casement windows. The units will be approximately 1,500 square feet – 2 will be 3-bedrooms, 14 will be 2-bedrooms and 2 will be 1-bedrooms. Twelve units are two-story units with the bedrooms on the second floor. On the third floor of the building will be a roof garden along the middle of the building, which will be visible from a bedroom and study in each unit. The roof garden will include skylights to bring light to the second floor corridor.

A Special Permit was granted for a shared driveway that allows for a driveway to straddle the lot line and serve a parking space on two or more lots. A Special Permit with Site Plan Review was granted to establish 17 residential units. Finally, a variance was granted to reduce the number of parking spaces required by 11 spaces.

II. EVALUATION & FINDINGS FOR EXTENSION

Massachusetts General Law Chapter 40A states:

“If the rights authorized by a variance are not exercised within one year of the date of grant of such variance such rights shall lapse; provided, however, that the permit granting authority in its discretion and upon written application by the grantee of such rights may extend the time for exercise of such rights for a period not to exceed six months; and provided, further, that the application for such extension is filed with such permit granting authority prior to the expiration of such one year period.”

The original variance was approved on September 17, 2014 and filed with the City Clerk on September 24, 2014. If approved, the extension will last until March 24, 2016.

In SZO §5.3.10 good cause for an extension of a special permit shall be determined by the SPGA, and only upon a finding of demonstrated hardship (e.g. financing problems, labor strike, bad weather conditions, or act of God) and that there has been good faith effort to overcome the hardship and expedite progress. In the case of a variance extension, the same findings should be evaluated.

Demonstration of Hardship

SZO §5.3.10 cites four examples of “hardship”: financing problems, labor strike, bad weather conditions, and act of God.

The Applicant experienced a hardship on account of tenants not vacating properties. There is a shared driveway for 260 and 266 Beacon Street as part of a combined site plan for the development of both properties. The tenants at 260 Beacon Street, which was a methadone clinic, did not vacate in a timely fashion and a long civil eviction was necessary. The tenant at 260 Beacon Street did not vacate until late in June of 2015. The tenant also held up the owner from demolishing the building in order to perform environmental testing. The testing will begin immediately.

Planning Staff finds that the Applicant encountered issues that constitute hardship which prevented the commencement of construction under the permit.

Good Faith Effort to Overcome Hardship and Expedite Progress

The Applicants have followed the legal steps to evict the tenant and have applied for building permits. They received an interior demolition permit on August 24, 2015 and foundation permit on August 27, 2015. They are working towards receiving a building permit for the structure. The approval would only allow for a short timeline to start construction on the site.

Based on the above, Planning Staff finds that the Applicant is making good faith efforts to overcome the demonstrated hardships and the permitting for the construction will need to happen in an expeditious manner in order for the approval to remain valid.

III. RECOMMENDATION

Planning Staff recommends that the Board grant the extension of the variance until March 24, 2016.

