



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

MICHAEL F. GLAVIN  
EXECUTIVE DIRECTOR

*PLANNING DIVISION*

**TO:** Zoning Board of Appeals  
**FROM:** Planning Staff  
**DATE:** January 29, 2015  
**RE:** 23 Ames St – proposed zoning analysis

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The Mayor's Office of Strategic Planning and Community Development has submitted an ordinance to the Board of Alderman to overhaul the current zoning ordinance. The first date of the legal notice was January 26, 2015. Massachusetts General Law 40a, Section 6 states that a zoning ordinance shall apply to a special permit issued after the first notice of the public hearing for such an ordinance. Therefore, staff and boards should evaluate all applications based on the current and proposed ordinances so that there are no issued posed under either ordinance.

Under the existing zoning ordinance, Staff is "Unable to Recommend" due to construction of a pool within a setback more than ten years ago. This created a new nonconformity which requires a Variance.

Under the proposed zoning (p 186), §6.B.2.q.i, "Pools and hot tubs must be setback at least five (5) feet from a side or rear lot line, ten (10) feet from a front lot line, and ten (10) feet from any principal structure in residential use.

Due to the shape of the lot and location of the existing dwelling, the subject parcel would still require a Variance under the proposed new zoning ordinance; Staff will remain with an "Unable to Recommend" position.

