



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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PLANNING DIVISION

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Case #: ZBA 2018-103
Site: 76 School Street
Date of Decision: September 5, 2018
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: September 11, 2018

ZBA DECISION

Applicant / Owner Name: Summer Living, LLC
Applicant / Owner Address: 162 Sidney Street, Cambridge, MA 02139
Agent Name: Adam Dash, Esq.
Agent Address: 48 Grove Street, Suite 304, Somerville, MA 02144
Alderman: Ben Ewen-Campen

Legal Notice: Applicant/Owner, Summer Living, LLC, seeks a Special Permit under SZO §4.5.1 to convert a portion (approximately 987 sf) of the previously approved (ZBA 2018-34) residential space back into commercial office space. As a result, the property will have three commercial office units totaling about 4,518 sf and one residential unit of 1,012 sf with two-bedrooms. RA Zone. Ward 3.

<u>Zoning District/Ward:</u>	RA Zone. Ward 3.
<u>Zoning Approval Sought:</u>	§4.5.1
<u>Date of Application:</u>	July 26, 2018
<u>Date(s) of Public Hearing:</u>	September 5, 2018
<u>Date of Decision:</u>	September 5, 2018
<u>Vote:</u>	5-0

Appeal #ZBA 2018-103 was opened before the Zoning Board of Appeals in the Aldermanic Chambers, Somerville City Hall, 93 Highland Ave, Somerville, MA. Notice of the Public Hearing was given to persons affected and was published and posted, all as required by M.G.L. c. 40A, sec. 11 and the Somerville Zoning Ordinance. On September 5, 2018, the Zoning Board of Appeals took a vote.



I. DESCRIPTION:

The proposal is to convert a portion (approximately 987 sf) of the previously approved (ZBA 2018-34) residential space back into commercial office space. As a result, the property will have three commercial office units totaling about 4,518 sf and one residential unit of 1,012 sf with two-bedrooms.

II. FINDINGS FOR SPECIAL PERMIT (SZO §4.5.1):

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 Board 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."*

Article 4: Nonconforming Uses and Structures

Section 4.5.1 states "A nonconforming use may be changed to another nonconforming use only by special permit authorized by the SPGA in accordance with the procedures of Article 5, provided that the SPGA finds that such change is not substantially more detrimental to the neighborhood than the existing nonconforming use". The prior approvals were approved under the section of the SZO and the current proposal will change is back to one dwelling unit with the rest of the building containing commercial office space.

In considering a special permit under § 4.5 of the SZO, the Board finds that the proposed would not be substantially more detrimental to the neighborhood than the previously approved structure.

Article 9: Off-Street Parking and Loading

The proposed uses for the building will revert back to the original permit from 2016; therefore, no additional parking is required.

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 promote the health, safety, and welfare of the inhabitants of the City of Somerville; to provide for and maintain the uniquely integrated structure of uses in the City; to lessen congestion in the streets; to protect health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to conserve the value of land and buildings; to preserve the historical and architectural resources of the City to encourage the most appropriate use of land throughout the City; and to preserve and increase the amenities of the municipality.



The proposal is consistent with the purpose of the RA district, which is, “To establish and preserve quiet neighborhoods of one- and two-family homes, free from other uses except those which are both compatible with and convenient to the residents of such districts.”

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."*

Surrounding Neighborhood: The surrounding neighborhood contains a mix of 1-3 story structures of residential, commercial and institutional uses of various architectural styles. The adjacent lot is a vacant gas station.

Impacts of Proposal (Design and Compatibility): The proposal will not have any impact on the design and compatibility of the structure.

5. Housing Impact: Will not create adverse impacts on the stock of existing affordable housing.

6. SomerVision Plan: Complies with the applicable goals, policies and actions of the SomerVision plan, including the following, as appropriate: Preserve and enhance the character of Somerville’s neighborhoods, preserve and expand an integrated, balanced mix of safe, affordable and environmentally sound rental and homeownership units for households of all sizes and types from diverse social and economic groups; and, make Somerville a regional employment center with a mix of diverse and high-quality jobs.

III. DECISION:

Special Permit under §4.5.1

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Elaine Severino, Danielle Evans, Anne Brockelman, and Josh Safdie. Upon making the above findings, Richard Rossetti made a motion to approve the request for a Special Permit. Elaine Severino seconded the motion. The Zoning Board of Appeals voted **5-0** to **APPROVE** the request. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes
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1	Approval is for the conversion of previously approved office space into a third one-bedroom residential unit. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/Plng.			
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>July 26, 2018</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>July 26, 2018</td> <td>Plans submitted to OSPCD (A1.00, A1.10 existing, A1.10 proposed, A1.20 existing, and A1.20 proposed)</td> </tr> </tbody> </table> <p>Any changes to the approved plans that are not <i>de minimis</i> must receive SPGA approval.</p>				Date (Stamp Date)	Submission
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July 26, 2018	Initial application submitted to the City Clerk's Office					
July 26, 2018	Plans submitted to OSPCD (A1.00, A1.10 existing, A1.10 proposed, A1.20 existing, and A1.20 proposed)					
2	The conditions of approval under Case No. ZBA 2016-55 shall continue to remain in effect.	CO	ISD/Plng.			



Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chairman*
Richard Rossetti, *Clerk*
Elaine Severino
Josh Safdie
Danielle Evans

Attest, by City Planner: _____

Alexander C. Mello

Copies of this decision are filed in the Somerville City Clerk's office.
Copies of all plans referred to in this decision and a detailed record of the
SPGA proceedings are filed in the Somerville Planning Dept.

CLERK'S CERTIFICATE

Any appeal of this decision must be filed within twenty days after the date this notice is filed in the Office of the City Clerk, and must be filed in accordance with M.G.L. c. 40A, sec. 17 and SZO sec. 3.2.10.

In accordance with M.G.L. c. 40 A, sec. 11, no variance shall take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title.

Also in accordance with M.G.L. c. 40 A, sec. 11, a special permit shall not take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and either that no appeal has been filed or the appeal has been filed within such time, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The person exercising rights under a duly appealed Special Permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone.

The owner or applicant shall pay the fee for recording or registering. Furthermore, a permit from the Division of Inspectional Services shall be required in order to proceed with any project favorably decided upon by this decision, and upon request, the Applicant shall present evidence to the Building Official that this decision is properly recorded.

This is a true and correct copy of the decision filed on _____ in the Office of the City Clerk, and twenty days have elapsed, and

FOR VARIANCE(S) WITHIN

_____ there have been no appeals filed in the Office of the City Clerk, or

_____ any appeals that were filed have been finally dismissed or denied.

FOR SPECIAL PERMIT(S) WITHIN

_____ there have been no appeals filed in the Office of the City Clerk, or

_____ there has been an appeal filed.

Signed _____ City Clerk Date _____

