



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

GEORGE J. PROAKIS, AICP
EXECUTIVE DIRECTOR

PLANNING DIVISION STAFF

SARAH LEWIS, *DIRECTOR OF PLANNING*
DANIEL BARTMAN, *SENIOR PLANNER*
SARAH WHITE, *PLANNER/PRESERVATION PLANNER*
ALEX MELLO, *PLANNER*
MONIQUE BALDWIN, *ADMINISTRATIVE ASSISTANT*

Case #: ZBA 2019-65
Date: September 4, 2019
Recommendation: Conditional approval

PLANNING STAFF REPORT

Site: 117 Summer Street

Applicant / Owner Name: Riverside Community Care
Applicant / Owner Address: 33 Ward Street, Somerville, MA
Agent Name: Adam Dash, Ex1.
Agent Address: 48 Grove Street, Suite 304, Somerville MA 02144
City Councilor: Ben Ewen-Campen

Legal Notice: (re-advertised): Applicant and Owner, Riverside Community Care, seeks a Special Permit under Article 9 of the SZO for parking relief. RA and RB zones. Ward 3.

Dates of Public Hearing: Zoning Board of Appeals – June 5, 2019



I. PROJECT DESCRIPTION

1. **Subject Property:** The subject property is a pre-existing, non-conforming institutional building sited in both the RA and RB zoning districts. The locus is the site of the former Somerville Home. The property has since been taken over by Riverside Community Care, a non-profit corporation. The property resides on a 41,669 square foot lot.

2. **Proposal:** The property is undergoing extensive internal renovation to accommodate the needs of Riverside Community Care. The only relief needed for this project is parking relief for three (3) spaces.

3. **Comments:**

Staff: The use of this property by Riverside Community Care is a protected use under the Dover Amendment. The Dover Amendment is the common name used for M.G.L. Chapter 40A, Section 3, a section of the Massachusetts zoning law that exempts agricultural, religious, and educational corporations from certain zoning regulations. Because of this exemption, the only zoning regulation that applies to this proposal is parking.

City Councilor: Councilor Ewen-Campen has been informed of this project and is aware of its Dover Amendment protected status.

II. FINDINGS FOR SPECIAL PERMIT (SZO §9.13):

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 Staff 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: Non-conforming Uses and Structures

The structure is non-conforming in terms of use, however, there is no relief needed for change-of-use because Riverside Community Care is a non-profit entity with a protected use under the Dover Amendment (M.G.L. Chapter 40A, Section 3). **Therefore a special permit under SZO 4.4.1 is not required.**

Article 9 of the SZO

In considering a special permit under §9.13 of the SZO "the SPGA may grant such a special permit only when consistent with the purposes set forth in Section 9.1, and upon reaching the findings and determinations set forth in Section 5.1.4".

The site currently provides 27 on-site parking spaces. These spaces are located at the front of the site. Because of the conversion of interior spaces from bedrooms and offices to all office and meeting rooms, the Applicant needs to provide five (5) additional parking spaces.

The Applicant is able to accommodate two (2) additional parking spaces on-site. These new spaces will be located at the rear of the property off of Avon Street.

Therefore, the Applicant needs relief **for three (3) parking spaces.**

Staff finds that granting the requested Special Permit for three (3) parking spaces of relief is consistent with the purposes of SZO §9.1 and will not cause detriment to increased traffic volumes, traffic congestion of queuing of vehicles, changes in the type of traffic, change in traffic patterns and access to the site, reduction in on-street parking, or unsafe conflicts of motor vehicles and pedestrian traffic.

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 conserve the value of land and buildings; to encourage the most appropriate use of land throughout the City; and to preserve and increase the amenities of the municipality.

The proposal for parking relief has no impact on the overall purposes of the RA and RB zoning districts as the purposes of these districts focus predominantly on residential housing density.

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."*

Relief is for three (3) parking spaces. The Applicant is creating two additional parking spaces at the rear of the property. The Applicant could have created additional parking spaces in the right rear area of the property along Avon Street that the Applicant voluntarily allows members of the neighborhood to use as a community garden. However, the Applicant, at this time, does not wish to disrupt the community's use of the gardening area.

5. Housing Impact:

Will not create adverse impacts on the stock of existing affordable housing.

6. SomerVision Plan:

The project will allow for a non-profit entity to provide services to members of the Somerville community.

III. RECOMMENDATION

Special Permit under §9.13

Based on the materials submitted by the Applicant, the above findings and subject to the following conditions, the Planning Staff recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT**.

The recommendation is based upon a technical analysis by Planning Staff of the application material based upon the required findings of the Somerville Zoning Ordinance, and is based only upon information submitted prior to the public hearing. This report may be revised or updated with new recommendations, findings and/or conditions based upon additional information provided to the Planning Staff during the public hearing process.

#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	Approval is for parking relief for three (3) spaces.	BP/CO	ISD/Plng.							
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>June 24, 2019</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>August 19, 2019</td> <td>Clarified plans submitted to OSPCD</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	June 24, 2019	Initial application submitted to the City Clerk's Office	August 19, 2019	Clarified plans submitted to OSPCD
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Any changes to the approved project that are not <i>de minimis</i> must receive SPGA approval.										
Construction Impacts										
2	The applicant shall post the name and phone number of the general contractor at the site entrance where it is visible to people passing by.	During Construction	Plng.							
3	All construction materials and equipment must be stored onsite. If occupancy of the street layout is required, such occupancy must be in conformance with the requirements of the Manual on Uniform Traffic Control Devices and the prior approval of the Traffic and Parking Department must be obtained.	During Construction	T&P							
4	For the convenience of and respect for the neighborhood, during the construction phase, construction work shall not begin prior to 7:30am and shall finish no later than 5pm Monday through Friday. There shall be no construction or construction-related work performed on weekends or holidays.	During Construction	ISD							
Site										
5	The proposed parking space must be of a permeable material.	Perpetual	Plng.							
6	The two new parking spaces at the rear of the lot shall be striped for standard-sized spaces (9x18)	CO	Plng/ISD							
Miscellaneous										

8	Granting of the applied for use or alteration does not include the provision for short term rental uses, such as AirBnB, VRBO, or the like. Separate approvals are needed for the aforementioned uses.	Ongoing	ISD / Plng.	
9	The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the building and all on-site amenities, including landscaping, fencing, lighting, parking areas and storm water systems, ensuring they are clean, well kept and in good and safe working order.	Cont.	ISD	
Public Safety				
10	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
Final Sign-Off				
12	The Applicant shall contact the Zoning Review Planner at least five working days in advance of a request for a final inspection by Inspectional Services to ensure the proposal was constructed in accordance with the plans and information submitted and the conditions attached to this approval.	Final sign off	Plng.	