



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

MICHAEL F. GLAVIN
EXECUTIVE DIRECTOR

PLANNING DIVISION

ZONING BOARD OF APPEALS MEMBERS

HERBERT F. FOSTER, JR., *CHAIRMAN*
ORSOLA SUSAN FONTANO, *CLERK*
RICHARD ROSSETTI
DANIELLE EVANS
ELAINE SEVERINO (ALT.)
JOSH SAFDIE (ALT.)

Case #: ZBA # 2012-94
Site: 0 Crown Street
Date of Decision: January 9, 2013
Decision: Petition Approved with Conditions
Date Filed with City Clerk: January 23, 2013

ZBA DECISION

Applicant Name:	Zipcar, Inc.
Applicant Address:	25 First Street, 4 th Floor, Cambridge, MA 02141
Property Owner Name:	Somerville Hospital, c/o C.H.A. Accting Dept D
Property Owner Address:	10 President's Landing, Medford, MA 02155
Agent Name:	Richard G. DiGirolamo, Esq.
Agent Address:	424 Broadway, Somerville, MA 02145

Legal Notice: Applicant Zipcar, Inc. and Owner Somerville Hospital, seek a Special Permit under SZO §4.5.3 in order to expand an existing nonconforming use, a hospital (SZO §7.11.5.B.3.b), to a hospital use with one (1) parking space for car-sharing or flex-car spaces (SZO §7.11.11.14.a).

<u>Zoning District/Ward:</u>	RA zone/Ward 3
<u>Zoning Approval Sought:</u>	§4.5.3, §7.11.5.B.3.b & §7.11.11.14.a
<u>Date of Application:</u>	October 22, 2012
<u>Date(s) of Public Hearing:</u>	12/12/12 & 1/9/13
<u>Date of Decision:</u>	January 9, 2013
<u>Vote:</u>	4-0

Appeal #ZBA 2012-94 was opened before the Zoning Board of Appeals at Somerville City Hall on December 12, 2012. 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. After one continuance and one hearing of deliberation, the Zoning Board of Appeals took a vote.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722
www.somervillema.gov

DESCRIPTION:

The Applicant is proposing to legalize the one (1) existing car-share or flex-car space that is being operated by Zipcar in the 58 space parking lot at 0 Crown Street. This parking lot is one of two lots (the other being located off of Highland Avenue) that services the Somerville Hospital. To do this the Applicant is seeking a Special Permit to expand the existing nonconforming use of the property as a hospital (Somerville Zoning Ordinance (SZO) §7.11.5.B.3.b). The car-share parking space in the lot is occupying a space very close to the parking attendant booth and Crown Street in the double loaded parking row as indicated on the site plan. The space is identified as a Zipcar space by a small sign on a post that is situated at the front end of the parking space.

FINDINGS FOR SPECIAL PERMIT (SZO §4.5.3 & §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 Permit.
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."

While the number of existing parking spaces at the property are most likely short of the parking spaces required by the Somerville Zoning Ordinance (the property would then also be nonconforming with regard to parking as well as nonconforming with regard to the use), the legalization of the one (1) existing car-share space would not be detrimental to the property or the surrounding neighborhood. The Zipcar space has been operating in this location for some time now and it is active proof that the one (1) car-share space is not detrimental to the surrounding neighborhood. Zipcar estimates that for every active Zipcar there are 15-20 fewer individually owned cars on the road. By having this Zipcar space on site, it will encourage those who travel to the hospital or those who live in the surrounding residential neighborhood to not have a vehicle since they will have easy access to the Zipcar space. This is especially true when thinking about this location in combination with the easy access to public transportation along Highland Avenue.

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 promoting "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 facilitate the adequate provision of transportation; 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 is also fairly consistent with the purpose of the district (6.1.1. RA - Residence Districts), 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." While the combined hospital and car-sharing use is a nonconforming use for this particular zoning district, the use is very compatible with the surrounding predominantly residential neighborhood. Many different users will have access to the Zipcar vehicle, which will provide more transportation options to residents in the area.

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."



The one (1) Zipcar space is located in the double loaded parking row of the 58 space parking lot that that services the Somerville Hospital. This particular lot is located up the hill (south) from Highland Avenue and is set well behind the Somerville Hospital building. This parking area is not visible from a major public way. The car-share space is a compatible use in this residential neighborhood as it will be easily accessible for a number of residents in the surrounding area. Staff find that the car-share space would have a minimal affect on the physical character of the area as the Zipcar space is already located, and would continue to be located, in the existing 58 space parking lot and the space holds the potential to reduce car ownership and the need for parking in the neighborhood.

5. Adverse Environmental Impacts: The proposed use, structure or activity will not constitute an adverse impact on the surrounding area resulting from: 1) excessive noise, level of illumination, glare, dust, smoke, or vibration which are higher than levels now experienced from uses permitted in the surrounding area; 2) emission of noxious or hazardous materials or substances; 3) pollution of water ways or ground water; or 4) transmission of signals that interfere with radio or television reception.

The one (1) car-share space in this location should have a positive impact on the environment. Zipcar data shows that car-sharing services reduce the need for single-owner vehicles and therefore should reduce traffic congestion in the streets and increase the amenities of the municipality. Providing easier access to Zipcars will encourage residents in the surrounding neighborhood to reduce or eliminate their need to have their own personal vehicle.

6. Vehicular and Pedestrian Circulation: The circulation patterns for motor vehicles and pedestrians which would result from the use or structure will not result in conditions that create traffic congestion or the potential for traffic accidents on the site or in the surrounding area.

The car-share space will not change the circulation pattern at the site because it is already an existing parking space on the property.



DECISION:

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Elaine Severino and Josh Safdie with Herbert Foster and Danielle Evans absent. Upon making the above findings, Richard Rossetti made a motion to approve the request for a Special Permit. Josh Safdie seconded the motion. Wherefore the Zoning Board of Appeals voted **4-0** to **APPROVE** the request. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes								
1	<p>Approval is to expand an existing nonconforming use, a hospital (SZO §7.11.5.B.3.b), to a hospital use with one (1) parking space for car-sharing or flex-car spaces (SZO §7.11.11.14.a) in the location indicated on the site plan. This approval is based upon the following application materials and the plans submitted by the Applicant:</p> <table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>(October 22, 2012)</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>(November 27, 2012)</td> <td>Site Plan</td> </tr> <tr> <td>(November 27, 2012)</td> <td>Signage</td> </tr> </tbody> </table> <p>Any changes to the approved use or site plan that are not <i>de minimis</i> must receive SPGA approval.</p>	Date (Stamp Date)	Submission	(October 22, 2012)	Initial application submitted to the City Clerk’s Office	(November 27, 2012)	Site Plan	(November 27, 2012)	Signage	BP/CO	ISD/Plng.	
Date (Stamp Date)	Submission											
(October 22, 2012)	Initial application submitted to the City Clerk’s Office											
(November 27, 2012)	Site Plan											
(November 27, 2012)	Signage											
2	The Applicant shall contact Planning Staff 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.									
3	The property owner or tenant shall obtain an outdoor parking license from the City of Somerville.	CO	City Clerk/Plng.									



Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Acting Chairman*
Richard Rossetti, *Acting Clerk*
Elaine Severino (Alt.)
Josh Safdie (Alt.)

Attest, by the Administrative Assistant:

Dawn M. Pereira

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 _____

