



City of Somerville

ZONING BOARD OF APPEALS

City Hall 3rd Floor, 93 Highland Avenue, Somerville MA 02143

TO: Zoning Board of Appeals
FROM: OSPCD Staff
SUBJECT: 103 Washington St, ZP25-000023
POSTED: March 21, 2025

RECOMMENDATION: Approve with Conditions (Major Amendment to a Special Permit)

Staff memos are used to communicate background information, analysis, responses to public comments, review of statutory requirements and other information from Planning, Preservation, & Zoning Staff to the Review Board members.

This memo summarizes the Major Amendment to a Special Permit application submitted for 103 Washington St, identifies any additional discretionary or administrative development review that is required by the Somerville Zoning Ordinance, and provides related analysis or feedback as necessary. The application was deemed complete on March 7, 2025, and is scheduled for a public hearing on April 2, 2025. Any Staff recommended findings, conditions, and decisions in this memo are based on the information available to date prior to any public comment at the scheduled public hearing.

LEGAL NOTICE

Clover Leaf Capital Holdings, LLC seeks a Major Amendment to a previously issued Special Permit (ZBA 2017-54) under prior SZO §4.4.1 and §5.3.8.

SUMMARY OF PROPOSAL

The Applicant is proposing an amendment to a previously issued Special Permit (ZBA 2017-54) approved under the zoning valid on July 12, 2017. Changes include modifications to the footprint of the building in relation to the property lines, and changes to the building setbacks. The building has been constructed but has not yet received a Certificate of Occupancy.

Staff Note: Because the previously approved Special Permit was issued under prior zoning, any references to the Somerville Zoning Ordinance refer to that prior zoning in effect on July 12, 2017.

BACKGROUND

103 Washington St is located in the 0.25mi Transit Area in the Mid-Rise 4 (MR4) zoning district in the East Somerville neighborhood represented by Ward 1 Councilor Matt McLaughlin. At the time of the issuance of the Special Permit, 103 Washington St was

located in the RC (Residential-C) zoning district. As the original decision-making authority, the Zoning Board of Appeals is the decision-making authority on proposed amendments to this Special Permit.

As noted above, the previously issued Special Permit (ZBA 2017-54) was approved on July 12, 2017, under the zoning valid at that time. The Special Permit granted permission under SZO §7.11 to alter a nonconforming use and SZO §4.4.1 to alter a nonconforming structure, to construct a 3-story mixed-use building containing a commercial space and six (6) dwelling units, and granted relief from parking requirements under SZO §9.13.

The Zoning Board of Appeals extended the Special Permit (ZBA 2017-53-E1-08-19) on November 6, 2019, making the Special Permit valid until July 12, 2020. A Building Permit for a foundation was issued on February 3, 2020, and a full Building Permit was issued on November 5, 2020.

Construction on the building continued through 2023, and the Applicant submitted an application for a Certificate of Occupancy in September 2023. Following a complete review of the development that was completed in October 2023, ISD notified Applicant that there were deviations from the approved plan set and that a Plan Revision was required or that the deviations needed to be resolved. Those deviations include the building being constructed in a slightly different location than proposed, resulting in different rear and left-side setbacks, minor changes to the window configuration, and a concrete knee wall at the rear elevation.

The Applicant submitted a Plan Revision application (ZP24-000064) for these changes in July 2024. The Planning Director determined that because the left-side setback encroachment had been intensified, the change required further relief from the Zoning Board of Appeals and could not be determined a *de minimis* change. The Planning Director issued the determination on August 2, 2024.

The Applicant subsequently submitted an application for the change to be reviewed by the Zoning Board of Appeals, with the application being completed on March 7, 2025.

ANALYSIS

As the Agent for the Applicant describes in the submitted Narrative, the approved plans showed a left-side setback of 1.8 feet and a rear (right-side) setback of 1.7 feet. As built, the building has a left-side setback of 1.0 foot and a rear (right-side) setback of 2.1 feet. The Applicant is seeking approval from the Zoning Board of Appeals for these changes, which require additional review and relief under the existing Special Permit because the nonconforming left-side setback has increased.

Under the SZO §4.4.1, “lawfully existing nonconforming structures other than one- and two-family dwellings may be enlarged, extended, renovated or altered only by special permit authorized by the SPGA in accordance with the procedures of Article 5.”

CONSIDERATIONS & FINDINGS (2017 SZO §5.1.4)

When considering a Major Amendment to a previously approved development review application that required a Special Permit, the Zoning Board of Appeals shall limit their review to the proposed changes to the previously approved application. The considerations before the Board remain the same as the previously approved application for a Special Permit.

Information Supplied

In order to grant this Major Amendment, the ZBA must find that the information provided by the Applicant conforms to the requirements of 2017 SZO §5.1.2 and allows for an analysis of the project with respect to the required Major Amendment to Special Permit.

Staff believe the information provided conforms to the requirements and allows for analysis of the project with respect to the required Major Amendment to Special Permit.

Compliance with Standards

The changes proposed in this Major Amendment worsen the nonconformity of the left-side setback by 0.7 feet.

In order to grant this Major Amendment, the ZBA must find that the project, as amended, is not substantially more detrimental to the neighborhood than the existing nonconforming structure (or the previously approved nonconforming structure).

Staff believe that the project, as amended, is not substantially more detrimental to the neighborhood than the previously approved nonconforming structure.

Consistency with Purposes

In order to grant this Major Amendment, the ZBA must find that this project, as amended, 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.

- (1) The purposes of the Ordinance are 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 facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; to conserve the value of land and buildings; to preserve the historical and architectural resources*

of the City; to adequately protect the natural environment; to encourage the most appropriate use of land throughout the City; to protect and promote a housing stock that can accommodate the diverse household sizes and life stages of Somerville residents at all income levels, paying particular attention to providing housing affordable to individuals and families with low and moderate incomes; and to preserve and increase the amenities of the municipality.

(2) The purpose of the Residence-C (RC) zoning district is to establish and preserve a district for multi-family residential and other compatible uses which are of particular use and convenience to the residents of the district.

Staff believe that the amended project continues to be consistent with these purposes, as determined in the previously issued Special Permit.

Site & Area Compatibility

In order to grant this Major Amendment, the ZBA must find that the project, as amended, is designed in a manner that is compatible with the existing natural features of the site and is compatible with the characteristics of the built and unbuilt surrounding area, including land uses.

Staff believe that the changes maintain the project's compatibility with the site and surrounding area.

PERMIT CONDITIONS

Should the Board approve the required Special Permit to establish a Restaurant use in the Small Business Overlay District, OSPCD Staff propose the following conditions:

Permit Validity

- This Decision must be recorded with the Middlesex South Registry of Deeds.
- A written narrative or descriptive checklist identifying the completion or compliance with permit conditions must be provided to the Inspectional Services Department at least ten (10) working days in advance of a request for a final inspection.

Public Record

- One (1) digital copy of all required application materials reflecting any physical changes required by the Board, if applicable, must be submitted to the Planning, Preservation & Zoning Division for the public record. Materials must be submitted in accordance with the document format standards of relevant Submittal Requirements.
- A digital copy of the recorded Decision stamped by the Middlesex South Registry of Deeds must be submitted to the Planning, Preservation & Zoning Division for the public record.