



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

ORSOLA SUSAN FONTANO, CHAIRMAN
RICHARD ROSSETTI, CLERK
DANIELLE EVANS
ELAINE SEVERINO
JOSH SAFDIE
ANNE BROCKELMAN, (ALT.)
POOJA PHALTANKAR, (ALT.)

Case #: ZBA 2018-34
Site: 76 School St
Date of Decision: April 18, 2018
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: April 27, 2018

ZBA DECISION

Applicant / Owner Name: Summer Living, LLC
Applicant / Owner Address: 202 River 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 §7.3 and §7.11.2.b to perform a special residential conversion to convert a portion (approximately 1,593 square feet) of the previously approved (ZBA 2016-55) office space into a third dwelling unit. RA Zone. Ward 3.

<u>Zoning District/Ward:</u>	RA Zone. Ward 3.
<u>Zoning Approval Sought:</u>	§7.3, §7.11.2.b
<u>Date of Application:</u>	March 14, 2018
<u>Date(s) of Public Hearing:</u>	April 18, 2018
<u>Date of Decision:</u>	April 18, 2018
<u>Vote:</u>	5-0

Appeal #ZBA 2018-34 was opened before the Zoning Board of Appeals in the Aldermanic Chambers of Somerville City Hall, 93 Highland Avenue. 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 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

I. DESCRIPTION:

The proposal is to convert a portion (1,593 s.f) of the previously approved office space into a third one-bedroom residential unit. As a result, the project will include 1,938 s.f of the previously approved office space and three residential units.

II. FINDINGS FOR SPECIAL PERMIT (SZO §7.3 and §7.11.2.b):

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 7: Permitted Uses.

Section 7.3 states "In Residence A districts, the maximum number of dwelling units per lot shall be two (2) units, except where conversion for up to three (3) dwelling units is authorized by special permit under Section 7.11." Section 7.11, the table of permitted uses, indicates that an existing dwelling converted for up to three dwelling units shall require a special permit in the RA zoning district. Section 2.2.138, the definition for a residential conversion, states that a, "Conversion within an existing dwelling which increases the number of dwelling units but does not increase the gross floor area of the dwelling. Residential conversions shall not change the footprint of the existing dwelling and shall not extend the dwelling upward or outward." The proposal will not increase the gross floor area of the dwelling, and will not change the footprint nor will it extend the dwelling upward or outward beyond its current footprint.

Article 9: Off-Street Parking and Loading

The proposed one-bedroom dwelling unit requires 1.5 parking spaces whereas the previously approved 1,593 square feet of office space required 3 spaces. Since the proposed use requires less parking spaces, a Special Permit for parking relief is not 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.

DECISION:

Special Permit under §7.3 and §7.11.2.b

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Elaine Severino, Danielle Evans, and Anne Brockelman, with Josh Safdie and Pooja Phaltankar absent. Upon making the above findings, Richard Rossetti made a motion to approve the request for a Special Permit and Variance. Elaine Severino seconded the motion. Wherefore 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
---	-----------	--------------------------	--------------------	-------



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>March 14, 2018</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>(April 10, 2018)</td> <td>Plans submitted to OSPCD (T1.00, A0.00, A1.00, A1.10, A1.20, A1.30, A2.10, and A2.20)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	March 14, 2018	Initial application submitted to the City Clerk's Office	(April 10, 2018)	Plans submitted to OSPCD (T1.00, A0.00, A1.00, A1.10, A1.20, A1.30, A2.10, and A2.20)
	Date (Stamp Date)				Submission					
March 14, 2018	Initial application submitted to the City Clerk's Office									
(April 10, 2018)	Plans submitted to OSPCD (T1.00, A0.00, A1.00, A1.10, A1.20, A1.30, A2.10, and A2.20)									
Any changes to the approved plans that are not <i>de minimis</i> must receive SPGA approval.										
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
Daniel Evans
Josh Safdie

Attest, by City Planner: _____

Alexander 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 _____

