



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

PLANNING DIVISION

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Case #: ZBA # 2012-28
Site: 30 Bow Street
Date of Decision: May 16, 2012
Decision: *Petition Denied*
Date Filed with City Clerk: May 22, 2012

ZBA DECISION

Applicant Name:	Mark Boyes-Watson
Applicant Address:	30 Bow Street, Somerville, MA 02143
Property Owner Name:	Mark & Carolyn Boyes-Watson
Property Owner Address:	30 Bow Street, Somerville, MA 02143
Agent Name:	N/A

Legal Notice: Owner and Applicant, Mark Boyes-Watson, seeks a Special Permit under SZO §7.11.1.c to create five residential units within the existing structure.

<u>Zoning District/Ward:</u>	NB zone & Arts Overlay District/Ward 3
<u>Zoning Approval Sought:</u>	§7.11.1.c
<u>Date of Application:</u>	April 3, 2012
<u>Date(s) of Public Hearing:</u>	5/2 & 5/16/12
<u>Date of Decision:</u>	May 16, 2012
<u>Vote:</u>	2-3

Appeal #ZBA 2012-28 was opened before the Zoning Board of Appeals at Somerville City Hall on May 2, 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 two hearings of deliberation, the Zoning Board of Appeals took a vote.



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DESCRIPTION:

The Applicant proposes to change the use of the building back to residential to create five studio apartments. Converting the building into five studio units will minimally affect the exterior of the structure and will not create any additional square footage. Exterior changes include the installation of a new plumbing stack, five new A/C compressor units, and a red fire beacon. The new plumbing stack for Units 2, 3, and 5 will be located on the eastern slope of the rear gable and out of public view. The five new A/C compressor units will be located behind the rear elevation and behind the enclosed porch, both of which are out of public view. The location of the fire beacon, which will need to be visible from Bow Street, will be placed under the gable of the front entrance and behind the decorative trim.

The Applicant's plan to reconfigure the interior of the building will create five studio units that are each approximately 385 square feet. Three units will be located on the first floor while two more units will be located on the second floor. The front entry will provide access for two of the first floor units as well as both of the second floor units. The rear unit of the first floor will access the building from the rear deck.

FINDINGS FOR SPECIAL PERMIT (SZO §7.11.1.c):

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."

In considering a Special Permit under §7.11.1.c of the SZO, the Board finds that the use proposed would be substantially more detrimental to the neighborhood than the existing use. Currently, the structure is entirely office space. The Board had concerns regarding the change in use to only residential, as opposed to being a mixed-use building, and with regard to the size of the units, which are all less than 400 square feet. The Board was also concerned that Union Square might not, at this time, be able to support units this small without turning the building into a rooming house and that there will be multiple occupants in each unit.

As the property provides all required on-site parking, the availability of on-street parking will remain the same. The use of on-site parking will likely change from being utilized during the day to being utilized overnight; however, Union Square is well connected to public transportation and provides numerous amenities so there is incentive for residents of the units to not own a vehicle.

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 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; to encourage housing for persons of all income levels; and to preserve and increase the amenities of the municipality."



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The proposal is also consistent with the purpose of the district §6.1.4.NB (Neighborhood Business), which is, “To establish and preserve areas for small-scale retail stores, services and offices which are located in close proximity to residential areas and which do not have undesirable impacts on the surrounding neighborhoods.” By not maintaining an office use at this site, the proposal provides a residential use in close proximity to Union Square that will benefit from this mixed-use environment, however, multiple tenants in each unit could have undesirable impacts on the surrounding neighbors.

The subject property is also located within an Arts Overlay District, but since the requested change in use is not related to the creation or maintenance of artist live/work space, there is no impact of this overlay district on the subject parcel.

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 change in use of the property is compatible with the built and unbuilt surrounding area. The creation of five efficiency units will increase the density of this portion of Bow Street and retain the character of the streetscape. However, the Board had concerns that there would be no common space within the structure for the five units and that the only storage space available for tenants would be located in the basement. Although the units do not vary in size and are less than 400 square feet, rental units of this size are not common in Somerville and would allow residents an affordable option to live alone. The Board was also not comfortable with the small size of the units, even as efficiency units. The Board preferred a proposal with fewer units on the property with more square feet per unit, a common area within the building for all tenants, and for there to be additional green space at the site. Three units are allowed on the subject parcel as of right in the NB district.

5. Vehicular and Pedestrian Circulation: The circulation patterns for motor vehicles and pedestrians which would result from the use will not result in conditions that create traffic congestion or the potential for traffic accidents on the site or in the surrounding area. On-site parking is accessible through the driveway located on the left side of the subject parcel. Five parking spots are located at the rear of the building, perpendicular to the driveway. Since the Board had concerns about the amount of green space at the property, if the Applicant created three units, as of right, there would be more space at the rear of the property to implement additional landscaping.



DECISION:

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Danielle Evans, Scott Darling and Elaine Severino, with Herbert Foster absent. Upon making the above findings, Richard Rossetti made a motion to approve the request for a Special Permit. Scott Darling seconded the motion. Wherefore the Zoning Board of Appeals voted **2-3** to **DENY** the request with Elaine Severino and Scott Darling voting in favor and Danielle Evans, Richard Rossetti, and Susan Fontano voting in opposition.



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Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Acting Chairman*
Richard Rossetti, *Acting Clerk*
T.F. Scott Darling, III, Esq.
Danielle Evans
Elaine Severino (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 _____



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