



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2014-86
Site: 355 Medford Street
Date of Decision: October 1, 2014
Decision: Petition Approved with Conditions
Date Filed with City Clerk: October 7, 2014

ZBA DECISION

Applicant Name:	Gerald Amazu
Applicant Address:	355 Medford Street, Somerville, MA 02143
Property Owner Name:	Gerald Amazu
Property Owner Address:	355 Medford Street, Somerville, MA 02143
Agent Name:	Cynthia F. Snow, Esq.
Agent Address:	403 Highland, Somerville, MA 02144

Legal Notice: Applicant and Owner, Gerald Amazu, seeks a Special Permit under SZO §9.13.a for two spaces of parking relief due to a by-right third dwelling unit.

<u>Zoning District/Ward:</u>	BA zone/Ward 4
<u>Zoning Approval Sought:</u>	§9.13.a
<u>Date of Application:</u>	August 28, 2014
<u>Date(s) of Public Hearing:</u>	October 1, 2014
<u>Date of Decision:</u>	October 1, 2014
<u>Vote:</u>	5-0

Appeal #ZBA 2014-86 was opened before the Zoning Board of Appeals at Somerville City Hall on October 1, 2014. 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.



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DESCRIPTION:

The Applicant seeks parking relief for two spaces due to the addition of a by-right third dwelling unit to be located in the basement of the existing building. The resulting floor area ratio would remain the same as the basement area is currently finished space.

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 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."*

Under SZO §9.13, the SPGA may grant a special permit to modify certain parking standards. Due to the existing non-conforming parking status, parking relief for a third unit requires Special Permit approval under §9.13.a.

In considering a special permit under §9.13 of the SZO the Applicant must be able to demonstrate that granting the requested special permit would not cause detriment to the surrounding neighborhood through any of the criteria as set forth under SZO §9.13, which are as follows:

- 1) increase in traffic volumes;
- 2) increased traffic congestion or queuing of vehicles;
- 3) change in the type(s) of traffic;
- 4) change in traffic patterns and access to the site;
- 5) reduction in on-street parking;
- 6) unsafe conflict of motor vehicle and pedestrian traffic.

The current two-family dwelling operates without any on-site parking. The addition of one dwelling unit without parking will most likely lead to an occupant without a vehicle. This location is directly across from the future Gilman Square Green Line Station and has easy access to public transit and nearby amenities.

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; and to preserve and increase the amenities of the municipality."

The proposal is consistent with the purpose of the Business A district, §6.1.6, which is, "To establish and preserve business areas bordering main thoroughfares that are attractive to a wide range of uses, including retail business and services, housing, government, professional and medical offices, and places of amusement. While it is anticipated that most users will arrive by motor vehicle, it is intended that the area should be safe for and conducive to pedestrian traffic."



The requested parking relief for one dwelling unit in an area that is soon to be served by rapid transit is consistent with the district as the residential will support nearby services. The location of this parcel is directly adjacent to the future transit station which has been identified in SomerVision as an area to enhance.

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.

The current two-family dwelling operates without any on-site parking. The addition of one dwelling unit without parking will most likely lead to an occupant without a vehicle. This location is directly across from the future Gilman Square Green Line Station and has easy access to public transit and nearby amenities.

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."*

This location is within a close proximity to the new Gilman Square Green Line Station and has been identified as an area to enhance. Surrounding current mix of uses include auto-service and residential while a vacant industrial building is located directly across Medford Street. The future of this square is to become a pedestrian-centered with a mix of amenities and services.

The proposal is consistent with the Gilman Square Station Area Plan as this reduces parking, enhances the pedestrian quality of the square and maintains the existing building, including footprint.

5. 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 circulation patterns for vehicles and pedestrians would not result in traffic congestion, a decrease in pedestrian safety, or have the potential to cause traffic accidents.

7. Housing Impact: *Will not create adverse impacts on the stock of existing affordable housing.*

This proposal will not directly affect the number of affordable housing units; however, increasing the number of residential units within an area that is directly served by rapid transit will serve the overall increase in housing demand.

8. 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, transform key opportunity areas, 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. The areas in the SomerVision map that are designated as enhance and transform should most significantly contribute towards the SomerVision goals that are outlined in the table below. The areas marked as conserve are not expected to greatly increase the figures in the table since these areas are not intended for large scale change.*

<i>SomerVision Summary</i>	<i>Existing</i>	<i>Proposed</i>
<i>Dwelling Units:</i>	2	3
<i>Parking Spaces:</i>	0	0



The proposal complies with SomerVision, in that this is an area to enhance, which is accomplished by preserving the character of the area. This proposal does not increase the area devoted to parking within a location served by rapid transit and balances the mix of uses as this additional unit without parking will support the services and amenities of Gilman Square.

DECISION:

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Danielle Evans and Elaine Severino with Josh Safdie and Brandy Brooks absent. Upon making the above findings, Susan Fontano made a motion to approve the request for a Special Permit. Richard Rossetti 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 a Special Permit under SZO §9.13.a for two spaces of parking relief due to a by-right third dwelling unit. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/ Plng.	
	Date (Stamp Date) Submission			
	(August 28, 2014) Initial application submitted to the City Clerk’s Office			
	December 29, 2002 Plot plan submitted to OSPCD (September 24, 2014)			
	November 21, 2007 Floor plan submitted to OSPCD (September 24, 2014)			
	Any changes to the approved that are not <i>de minimis</i> must receive SPGA approval.			
Public Safety				
2	The Applicant or Owner shall meet the Fire Prevention Bureau’s requirements.	CO	FP	
Final Sign-Off				
3	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.	



Attest, by the Zoning Board of Appeals:

Herbert Foster, *Chairman*
Orsola Susan Fontano, *Clerk*
Richard Rossetti
Danielle Evans
Elaine Severino

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 _____

