



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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EXECUTIVE DIRECTOR

PLANNING DIVISION

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Case #: ZBA 2015-103
Site: 230 Holland Street
Date of Decision: January 6, 2016
Decision: *Petition Approved*
Date Filed with City Clerk: January 19, 2016

ZBA DECISION

Applicant Name:	Angelina's Pizzeria
Applicant Address:	230 Holland Street, Somerville, MA 02144
Property Owner Name:	Stefanos Stamides
Property Owner Address:	32 Chandler Road, Burlington, MA 01803
Agent Name:	N/A

Legal Notice: The Applicant seeks a special permit under SZO 9.13.a for modification of parking requirements in order to increase the number of seats in the restaurant.

<u>Zoning District/Ward:</u>	NB zone/Ward 7
<u>Zoning Approval Sought:</u>	\$9.13.a
<u>Date of Application:</u>	November 23, 2015
<u>Date(s) of Public Hearing:</u>	January 6, 2016
<u>Date of Decision:</u>	January 6, 2016
<u>Vote:</u>	5-0

Appeal #ZBA 2015-103 was opened before the Zoning Board of Appeals at Somerville City Hall on January 6, 2016. 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.



DESCRIPTION:

The Applicant has received approval to increase the number of seats from 11 to 30. This increase in number triggers the need for additional parking. The parking calculations result in the need for relief for one (1) parking space.

FINDINGS FOR SPECIAL PERMIT (SZO §9.13.a):

In order to grant a special permit the SPGA must make certain findings and determinations as outlined in §9.13.a of the SZO. This section of the report goes through §9.13.a in detail.

1. Information Supplied:

The Board finds that the information provided by the Applicant conforms to the requirements of §9.13.a of the SZO and allows for a comprehensive analysis of the project.

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 with site plan review.”*

The Applicant requires a Special Permit because the increase in seating (from 11 to 30) for his existing business requires that additional parking be provided. The Board’s calculations show that the Applicant needs to provide one additional parking space for this uptick in seating capacity. The site, however, provides no possibility for creating parking for more than the one car space it currently has. Because the lot is non-conforming, and the total number of parking spaces required is six (6) or fewer, SZO §9.13.a allows for the ZBA to consider modifying the parking requirement in order to provide relief to the owner.

3. Purpose of District: *The Applicant has to ensure that the project “is consistent with the intent of the specific zoning district as specified in Article 6”.*

The purpose of the proposal is consistent with the NB district 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.

It should be noted that the increase in seating has been approved through the Inspectional Services Division (ISD) and that it did not need ZBA approval. Further, this is a business that has been established here for some time (Angelina’s Pizzeria) and will continue to operate in this same location, just with additional seating for patrons.

4. Site and Area Compatibility: *The Applicant has to ensure that the project “(i)s designed in a manner that is compatible with the existing natural features of the site and is compatible with the characteristics of the surrounding area, and that the scale, massing and detailing of the buildings are compatible with those prevalent in the surrounding area”.*

The area is a mix of residential and neighborhood businesses located along Holland St. The business draws a mix of foot, public transportation, car, and bike patrons. The Board finds (per §9.13) that providing relief for one parking space will not be any more detrimental to the neighborhood on any of the following accounts:

- Increase in traffic volumes;
- Increased traffic congestion or queuing of vehicles;
- Change in the type(s) of traffic;
- Change in traffic patterns and access to the site;



- Reduction in on-street parking;
- Unsafe conflict of motor vehicle and pedestrian traffic.

6. Impact on Public Systems: *The project will “not create adverse impacts on the public services and facilities serving the development, such as the sanitary sewer system, the storm drainage system, the public water supply, the recreational system, the street system for vehicular traffic, and the sidewalks and footpaths for pedestrian traffic.”*

The proposal will not create adverse impacts on the public systems.

7. 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 proposed parking relief will not constitute an adverse impact on the surrounding area.

8. Consistency with Purposes: *“Is consistent with: 1) the purposes of this Ordinance, §9.1 which states that its purpose is, in part,: “...establish standards ensuring the availability and safe use of parking areas within the City of Somerville...”*

The proposal is consistent with the general purposes of the Ordinance as set forth under §9.1, in that it will not significantly impact the orderly access and egress to and from the public street, will not significantly increase the amount of traffic on the street, will not contribute to surface water run-off, nor create an increase in expanses of paving.

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

Not applicable.

10. 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.*

Not applicable.



DECISION:

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Danielle Evans , Elaine Severino and Josh Safdie. Upon making the above findings, Richard Rossetti made a motion to approve the request for a Special Permit. Elaine Severino seconded the motion. Wherefore the Zoning Board of Appeals voted **5-0** to **APPROVE** the request.

The recommendation is based upon a technical analysis by Planning Staff of the application material based upon the required findings of the Somerville Zoning Ordinance, and is based only upon information submitted prior to the public hearing. This report may be revised or updated with new recommendations, findings and/or conditions based upon additional information provided to the Planning Staff during the public hearing process.



Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chairman*
Richard Rossetti, *Clerk*
Danielle Evans
Elaine Severino
Josh Safdie

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 _____

