



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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PLANNING DIVISION

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**Case #: ZBA 2013-79-E1-11/16**  
**Site: 231 Lowell Street**  
**Date of Decision: January 4, 2017**  
**Decision: Petition Approved with Conditions**  
**Date Filed with City Clerk: January 6, 2017**

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**ZBA DECISION**

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<b>Applicant Name:</b>	231 Lowell Street, LLC
<b>Applicant Address:</b>	1 Industrial Way, Georgetown, MA 01833
<b>Property Owner Name:</b>	231 Lowell Street, LLC
<b>Property Owner Address:</b>	1 Industrial Way, Georgetown, MA 01833
<b>Agent Name:</b>	Sean T. O'Donovan, Esq.
<b>Agent Address:</b>	741 Broadway, Somerville, MA 02144

<u>Legal Notice:</u>	Applicant & Owner, 231 Lowell Street, LLC, seeks a time extension of a Variance under SZO §5.5 and M.G.L. Ch. 40A pursuant to Case # ZBA 2013-79, approved on February 3, 2016 that was for the number of parking spaces and for dimensional requirements related to the split zoned lot such as FAR, ground coverage, and lot area per dwelling unit.
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<u>Zoning District/Ward:</u>	RC and RA zones/Ward 5
<u>Zoning Approval Sought:</u>	§5.5
<u>Date of Application:</u>	November 23, 2016
<u>Date(s) of Public Hearing:</u>	January 4, 2017
<u>Date of Decision:</u>	January 4, 2017
<u>Vote:</u>	5-0

Appeal #ZBA 2013-79-E1-11/16 was opened before the Zoning Board of Appeals at Somerville City Hall on January 4, 2017. 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  
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**DESCRIPTION:**

The proposal is to substantially demolish the existing structure and construct 3 buildings on the site with a total of 22 dwelling units, 2 commercial spaces, 31 parking spaces and 29 bicycle spaces.

*Buildings*

The building at the corner of Lowell Street and Woodbine Street will be a three-story, 5,986 square foot, mixed use building. The ground floor has two commercial studio spaces that are 800 and 872 square feet. Two residential units will be located above. The units will be approximately 1,770 square feet with two bedrooms each.

The second building will be a 23,132 square foot residential building. There will be 18 units ranging in size from 688 to 1,324 square feet. There will be 3 one-bedroom units, 13 two-bedroom units, and 2 three-bedroom units.

The third building is a 5,094 square foot townhouse style building with two units. The units will be approximately 2,200 and 2,300 square feet with three bedrooms.

*Site*

An eight foot sidewalk made out of pervious pavers will be created along Woodbine Street. Four trees will be planted along this sidewalk. There will be two patio areas on site. One will be located at the corner of Lowell and Woodbine Streets, which could be used for outdoor seating in connection with the corner tenant. The other patio area is at the main entrance to the larger building and will be used by residents.

*Parking*

A total of 31 vehicular parking spaces will be on-site. Twenty-eight parking spaces will be located under the multi-unit residential building. Two will be at the end of the ramp to the underground parking outside of the building and below a metal roof. There will be a driveway for one vehicle on the right side of the two-family house and an emergency access court on the left side of this building. Twenty-two will be standard spaces and 9 will be compact. Seven of the spaces will be in tandem. If the pair of spaces that are parked in tandem go to one unit, there will one parking spaces for fifteen units, two parking spaces for seven units, an extra space and a handicapped space.

There will be 29 locations designated for bicycle storage. A rack will be located in front of the building on Lowell Street to provide short term parking for two bikes. Six bicycle racks will be located in the plaza at the front of the multi-unit residential building to supply space for 12 more bicycles. A bicycle room will be located in the basement that is large enough to store 15 bikes.

**FINDINGS FOR TIME EXTENSION:**

Massachusetts General Law Chapter 40A states:

*"If the rights authorized by a variance are not exercised within one year of the date of grant of such variance such rights shall lapse; provided, however, that the permit granting authority in its discretion and upon written application by the grantee of such rights may extend the time for exercise of such rights for a period not to exceed six months; and provided, further, that the application for such extension is filed with such permit granting authority prior to the expiration of such one year period."*

The original variance was approved on February 3, 2016 and filed with the City Clerk on February 17, 2016. If approved, the extension will last until August 3, 2017.



In SZO §5.3.10 good cause for an extension of a special permit shall be determined by the SPGA, and only upon a finding of demonstrated hardship (e.g. financing problems, labor strike, bad weather conditions, or act of God) and that there has been good faith effort to overcome the hardship and expedite progress. In the case of a variance extension, the same findings should be evaluated.

#### Demonstration of Hardship

The Applicant has been diligently working on preparing the site for development involving engineering and soil testing in the locations of the subterranean parking and the footprints of the three buildings. Additionally, the architect has been working on preparing building permit documents. The Applicant intends to have all documentation ready to submit for a building permit within the next thirty days. Given the scope and size of the proposed development it may take additional time for the Inspectional Services Department (ISD) to review such plans. The Applicant believes that once a building permit is issued, demolition can occur and substantial construction will commence within approximately a month.

Based on the above, the Board finds that the Applicant is making good faith efforts to overcome the demonstrated hardships. The permitting for the construction will need to happen in an expeditious manner in order for the approval to remain valid.

#### 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 time extension to a Variance. Elaine Severino seconded the motion. Wherefore the Zoning Board of Appeals voted **5-0** to **APPROVE** the request.



Attest, by the Zoning Board of Appeals:

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

\*\*\* Need all board signatures if registered land (check deed) \*\*\*

Attest, by the Administrative Assistant:

\_\_\_\_\_  
Dawn M. PereiraCopies 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 \_\_\_\_\_

