



CITY OF SOMERVILLE, MASSACHUSETTS  
ZONING BOARD OF APPEALS  
JOSEPH A. CURTATONE, MAYOR

**MEMBERS**

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ELAINE SEVERINO (ALT.)  
JOSH SAFDIE (ALT.)

**Case #: ZBA 2008-56**  
**Site: 15-17 Beacon Street**  
**Date of Decision: December 17, 2008**  
**Decision: *Petition Approved with Conditions***  
**Date Filed with City Clerk: December 31, 2008**

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**ZBA DECISION**

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<b>Applicant Name:</b>	Ralph Schloming
<b>Applicant Address:</b>	102-R Inman Street, Cambridge, MA 02139
<b>Property Owner Name:</b>	Ralph Schloming
<b>Property Owner Address:</b>	102-R Inman Street, Cambridge, MA 02139
<b>Agent Name:</b>	John Crooks (Zipcar Boston)
<b>Agent Address:</b>	18 Tremont Street, Boston, MA 02108

<u><b>Legal Notice:</b></u>	Applicant & owner Ralph Schloming seeks a Special Permit (SZO §7.11.11.14.b) for the conversion of four (4) existing parking spaces into car-share spaces. RC/Ward 2.
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<u><b>Zoning District/Ward:</b></u>	RC zone/Ward 2
<u><b>Zoning Approval Sought:</b></u>	§7.11.11.14.b
<u><b>Date of Application:</b></u>	October 22, 2008
<u><b>Date(s) of Public Hearing:</b></u>	12/3 & 12/17/08
<u><b>Date of Decision:</b></u>	December 17, 2008
<u><b>Vote:</b></u>	4-0

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Appeal #ZBA 2008-56 was opened before the Zoning Board of Appeals at Somerville City Hall on December 3, 2008. 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 (2) hearing(s) of deliberation, the Zoning Board of Appeals took a vote.

**DESCRIPTION:**

The Applicant is proposing to legalize the use of four existing parking spaces as car share space.that are currently being leased by Zipcar, a car share organization.

**FINDINGS FOR SPECIAL PERMIT (SZO §7.11.11.14.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."

The total number of spaces required for this structure is nine (9). Twelve (12) spaces are provided on the lot and that the approval of the proposed four (4) car-share spaces would convert only one (1) required space to car-share space. The Board finds that since these cars will be available to residents of the building that the proposal will comply with SZO requirements.

The Board finds that the car-share vehicles would provide an attractive transportation alternative to the inhabitants of the property and may serve as a substitute for private vehicle ownership. John Crooks, location coordinator at Zipcar, has stated that, "many members choose to either sell their own car or stop a purchasing decision once they join Zipcar, and estimates are that for every active Zipcar there are 15-20 fewer individually owned cars on the road". Several of the inhabitants of 15-17 Beacon Street either are members currently, or are thinking about becoming members. The Board finds that the location of four (4) car-share vehicles on this property will counteract any negative effect that the loss of a single required space has on the inhabitants of the property or the neighborhood. In addition, there is MBTA bus service along Beacon Street with stops near this property, which also provides a transportation alternative to vehicle ownership.

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 Board finds that the proposal **is consistent** with the purposes set forth in Article 1 of the Zoning Ordinance, and with those purposes established for the Residence C (RC) zoning district in which the property is located, namely "(t)o establish and preserve a district for multi-family residential and other compatible uses which are of particular use and convenience to the residents of such districts." Car-share services in general reduce traffic congestion in the streets, increase the amenities of the municipality and work to protect the natural environment.

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 Board finds that the proposal **is compatible** with the site and area. The use of four parking spaces in the rear yard would change from dweller parking to car-share vehicle parking. This action would have minimal effects on the character of the area and holds the potential to reduce car ownership and the need for parking in the neighborhood.

**DECISION:**

Present and sitting were members, Orsola Susan Fontano, Richard Rossetti, Danielle Fillis and Elaine Severino. Upon making the above findings, Richard Rossetti made a motion to approve the request for a special permit. Danielle Fillis seconded the motion. Wherefore the Zoning Board of Appeals voted **4-0** to **APPROVE** the request. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes
1	Approval is to convert four (4) existing parking spaces into car-share parking spaces. This approval is based upon the following application materials and the plans submitted by the Applicant and/or the Agent:	Building Permit	Plng.	
2	The Applicant shall contact Planning Staff at least five working days in advance of a request for a final sign-off on the Special Permit to ensure the proposal was completed in accordance with the plans and information submitted and the conditions attached to this approval.	CO	Plng. / ISD	
3	This car-share permit is for "ZipCar" use only. Transfer to another car-share organization requires Special Permit revision.	Cont.	ISD	

Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Acting Chairperson*  
Richard Rossetti, *Acting Clerk*  
Danielle Fillis  
Elaine Severino (Alt.)

Attest, by the Zoning Board of Appeals 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 \_\_\_\_\_