



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2015-01

Date: April 6, 2016

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 290 Highland Avenue

Applicant & Owner Name: 290 Highland Avenue LLC

Applicant & Owner Address: 784 Tremont Street Suite A Boston, MA 02118

Agent Name: Sean O'Donovan

Agent Address: 741 Broadway Somerville, MA 02144

Alderman: Mark Niedergang

Legal Notice: Applicant & Owner, 290 Highland Ave LLC, seek a time extension (SZO §5.3.10) for Special Permit ZBA 2015-01 to alter a nonconforming structure, a Special Permit with Site Review to establish 7 units and Variances for dimensional requirements such as lot area per dwelling unit, building story height, and setbacks. A Variance is required for parking relief. RC Zone. Ward 5.

Dates of Public Hearing: Zoning Board of Appeals May 6, 2015; April 6th, 2016.

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a 5,544 square foot lot with a one story concrete block building. The building sits on the back of the lot with parking in the front along Highland Avenue and Zipcar spaces fronting Cedar Street. There are existing curbcuts on Highland Avenue and Cedar Street. There was a convenience store operating at the site until fall of 2014.

2. Proposal: The proposal is to demolish the majority of the existing structure to construct a 4 story building with a retail first floor and seven dwelling units on floors 2-4. The building will front along Highland Avenue with a 1,550 square foot commercial space and a residential entrance. The existing curbcut on Highland Avenue will be closed which will make room for 3 new street spaces and street trees.



The vehicular entrance will be off of Cedar Street. There will be six parking spaces behind the retail space and underneath the upper floors of the building.

3. Hearing: The case was heard on May 6th, 2015. Board's response: Many of the variances presented will not be needed in the proposed zoning ordinance and will be in harmony with the SZO. The variance that remains is the building height and story variance. In absence of a neighborhood plan that suggests a change of scale to the neighborhood it is recommended that the building height for this intersection be addressed at the public hearings for the Zoning Overhaul.

4. Decision: Date of decision, May 6th, 2015. Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Danielle Evans, Elaine Severino with Josh Safdie absent. 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 4-0 to APPROVE the request. Upon making the above findings, Richard Rossetti made a motion to approve the request for a Variance. Elaine Severino seconded the motion. Wherefore the Zoning Board of Appeals voted 4-0 to APPROVE the request.

5. Applicants Request for Extension: *This is a request for an extension of the decision dated May 6, 2015 and filed with the City Clerk on May 12, 2015. Case #ZBA-2015-01. A demolition permit was obtained under this decision and the pre-existing building was demolished under that permit, however, extreme delays in getting a transformer design from Eversource has resulted in us not being able to get a building permit and our one year anniversary from the date of the decision is fast approaching. We expect to have a design within the next month or two, but we do not anticipate that being soon enough to take the necessary steps with the building department to have our permit issued and have work commence by MAY 6, 2016, when the zoning variance approvals expire.*

II. EVALUATION & FINDINGS FOR EXTENSION

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.

The original application was approved on May 6th, 2015, and would expire on May 6th, 2016. If approved, the extension will last until May 6th, 2017.

Demonstration of Hardship

SZO §5.3.10 cites four examples of "hardship": financing problems, labor strike, bad weather conditions, and act of God.

The Applicant experienced hardship on account of the time that the utility company has taken to design the required transformer for the site. The Applicant's attorney submitted a letter stating that the transformer design from Eversource was extremely delayed, and not within control of the applicant.

Good Faith Effort to Overcome Hardship and Expedite Progress

The Applicant's attorney stated that the Applicant is moving forward with the project. The Applicant has already completed the first phase of work (demolition), and is hoping start construction as soon as possible.

III. RECOMMENDATION