



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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**Case #:** ZBA 2013-79-E1-11/16

**Date:** December 22, 2016

**Recommendation:** Conditional Approval

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**PLANNING STAFF REPORT**

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**Site:** 231 Lowell Street

**Applicant & Owner Name:** 231 Lowell Street, LLC

**Applicant & Owner Address:** 1 Industrial Way, Georgetown, MA 01833

**Agent Name:** Sean T. O'Donovan

**Agent Address:** 741 Broadway Somerville, MA 02144

**Alderman:** Mark Niedergang

Legal Notice: 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. RC and RA zones. Ward 5.

Dates of Public Hearing: Zoning Board of Appeals – January 4, 2017

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**I. PROJECT DESCRIPTION**

1. Subject Property: The subject property is comprised of two parcels that total 22,985 square feet on which is an 11,712 square foot structure. The building is occupied by a glass company and warehousing operations. The site is split zoned. The 6,347 square foot lot is in the Residence A district and the 16,651 square foot lot is in the Residence C district.

Forty feet of the property is located on Lowell Street and the rest of the site fronts on Woodbine Street, which is a private way. The property owner on the opposite side of Woodbine Street has marked parking spaces in the right of way for the use of tenants in his building.

2. Proposal: 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.

## **II. EVALUATION & FINDINGS FOR 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, Planning Staff 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.

### **III. RECOMMENDATION**

Planning Staff recommends that the Board grant the extension of the variance until August 3, 2017.

