

CITY OF FRAMINGHAM

ZONING BOARD OF APPEALS

150 Concord Street B2  
Framingham, MA 01702



BOARD OF APPEALS CASE NO. 18-18 JUN 26 A 9:33

PETITION OF SOUTH MIDDLESEX NONPROFIT HOUSING CORPORATION (SMOC)

DATE OF DECISION: JUNE 12, 2018

1. Application

This document is the DECISION of the Framingham Zoning Board of Appeals (hereinafter the Board) on the Application of SOUTH MIDDLESEX NONPROFIT HOUSING CORPORATION (SMOC) (hereinafter the Applicant), for property located at 6 CLAFLIN STREET. This Decision is in response to a Petition for a Finding for the conversion from a rooming house to a multifamily apartment building as required by the Zoning By-Law (hereinafter the Application).

2. Applicant/Property Owner

South Middlesex Nonprofit Housing Corporation  
7 Bishop Street  
Framingham, MA 01702

3. Location

Property is located at 6 Claflin Street and identified by Assessors' Parcel ID 135-84-2941-000 (hereinafter the Site).

4. Board Action

After due consideration of the Application, the record of proceedings, and based upon the findings set forth below, on June 12, 2018 the Board voted to GRANT the requested FINDING by a unanimous vote in favor of the petition of three (3) members sitting on the Application. The record of the vote is stated as follows:

PHILIP R. OTTAVIANI, JR.	YES
SUSAN S. CRAIGHEAD	YES
STEPHEN MELTZER	YES

5. Proceedings

The Application was received by the Board on May 17, 2018 pursuant to MGL, Ch. 40A, §6, and the Framingham Zoning By-Law. The Application was considered by the Board at a duly noticed public hearing on June 12, 2018 at 7:30 P.M. in the Ablondi Room of the Memorial Building. Board Members Philip R. Ottaviani, Jr., Susan S. Craighead, Stephen Meltzer, and Alternates Rick McKenna, Edward "Ted" Cosgrove, and Joseph Norton were present throughout the proceedings. Due to potential imminent changes to the makeup of the Board, Mr. Ottaviani appointed Mr. McKenna, Mr. Cosgrove, and Mr. Norton as alternates. The minutes of the public hearing and submissions on which this Decision is based, which together with this Decision constitute the record of the proceedings, may be referred to in the Office of the Zoning Board of Appeals at the Memorial Building.

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Mr. Mathew Lane of SMOC, Jason Blackburn of Parsons Commercial Group, and potential buyer Mr. Michael Bernier were present at the hearing. Mr. Lane explained that the property was located at the corner of Claflin and Hollis Street and most recently used as nonprofit supervised residences and staff offices through a lease with Advocates Inc. He explained, the lease with Advocates Inc. ended roughly a year ago and SMOC decided to sell the building. The proposed use would be changed from a rooming house to multifamily. Prior to the rooming house, the structure was used as multifamily with four units under a Variance granted by the ZBA in 1987.

The current building includes sixteen rooms with four bathrooms and the buyer proposes to return the use to four apartments with two two-bedroom and two three-bedroom units. Mr. Lane explained, the buyer proposes no change to the footprint and the work would be entirely interior or cosmetic. The structure is compliant with respect to zoning, with the exception of available parking within the front setback. The proposal would require site plan review for parking. Mr. Ottaviani asked where the parking would be located. Mr. Lane responded, six spaces are currently designated along the Claflin Street frontage. Mr. Ottaviani responded that he had no issue with front setback parking, but would prefer all parking on site. He spoke in favor of adding the structure back to the City's tax rolls. Ms. Craighead asked how many bedrooms exist. Mr. Lane responded, eight currently, and ten are proposed.

## **6. Exhibits**

Submitted for the Board's deliberation were the following exhibits:

- 6.1. Application filed with the Building Official for the conversion of a four unit rooming house to a multi-family structure, dated June 5, 2018.
- 6.2. Application for Hearing before the Zoning Board of Appeals filed with the City Clerk on May 22, 2018.
- 6.3. Filing fee in the amount of \$300.00.
- 6.4. Zoning Board of Appeals decision filed with the Town Clerk February 27, 1987.
- 6.5. Conversation Commission comments, dated June 12, 2018.
- 6.6. Site plan entitled "Mortgage Inspection Plot Plan", prepared by Drake Associates, Inc., 770 Grove Street, Framingham, MA, and dated April 5, 1989.
- 6.7. Plan set entitled "6-8 Claflin Street, Framingham, MA 01702" depicting Basement Floor Plan – Proposed (Drawing No. 5), First Floor Plan – Proposed (Drawing No. 6), Second Floor Plan – Proposed (Drawing No. 7), Attic Floor Plan – Proposed (Drawing No. 8), dated January 29, 2018, prepared by CM Kirby Engineering, PLLC, P.O. Box 291, Norwood, MA 02062.

Exhibits 6.6 and 6.7 shall be hereinafter referred to as the "Plans".

## **7. Findings and Conclusions**

Based upon its review of the Application, exhibits, and the public hearing thereon, the Board makes the following findings and conclusions:

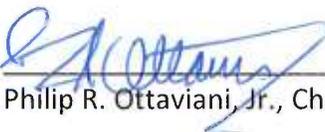
- 7.1. The property is located within the Central Business (CB) zoning district.

- 7.2. On June 5, 2018 the Building Commissioner denied the application for the conversion of a rooming house to a multi-family structure and determined that a Finding was required for the proposed alteration under §I.D.8.b of the Zoning By-Law.
- 7.3. On May 22, 2018, the Applicant filed with the City Clerk an Application for Hearing before the Zoning Board of Appeals for the purpose of obtaining a Finding pursuant to the By-law and M.G.L. c. 40A, §6.
- 7.4. Notice of the public hearing was duly published in "THE METROWEST DAILY NEWS" on May 28 and June 4, 2018 and mailed to all parties-in-interest, as defined by G.L. c. 40A, §11.
- 7.5. A Finding is necessary because the property is lawfully pre-existing non-conforming with respect to parking within the front setback. Section I.D.8.b. of the Zoning Bylaw allows for the alteration of a lawfully pre-existing nonconforming structure other than a single- or two-family structure where the Board finds that the alteration will not increase the nonconforming nature of the structure. The structure is completely compliant with the dimensional requirements of the Zoning Bylaw and no changes to the envelope are proposed. The Planning Board will review the parking plan under Site Plan Review.
- 7.6. G.L. c. 40A, §6 applies to pre-existing, nonconforming uses or structures and requires a Finding when the nonconforming structure is extended or altered in such a way that the extension does not at all affect the nonconformity. *The Board finds that the proposed alteration will not increase the nonconforming nature of the structure, and that it will not be substantially more detrimental to the area than the existing structure.*
- 7.7. The Board grants this Application with the following condition:
  - 7.7.1. The proposed interior alterations shall be constructed as shown on the Plans.
- 7.8. This Decision applies only to the requested Finding. Other approvals or permits required by the By-Law, other governmental boards, agencies or bodies having jurisdiction, shall not be assumed or implied by this Decision.
- 7.9. If the rights authorized by this Finding are not exercised within three years of the date of the filing of this Decision with the City Clerk, said Finding shall lapse. If construction or substantial use has not commenced within this three-year period, the Applicant may request an extension by submitting a written Application to the Board which contains an explanation of good cause for the failure to exercise the rights of this Finding. A written request for an extension must be submitted to the Board at least 30 days prior to the expiration of the two-year period.
- 7.10. This Decision shall be recorded at (as appropriate) the Middlesex South District Registry of Deeds or District of the Land Court prior to the issuance of a Building Permit. A copy of the recorded or filed Decision certified by the Registry, and notification by the owner of the recording, including recording information, shall be furnished to the Board and the Building Official.
- 7.11. The terms, conditions and provisions of this Decision shall run with the land and shall be binding upon the Applicant, its successors in interest and assigns, and shall be enforceable by the City of Framingham.

**8. Appeals**

Appeals, if any, shall be made pursuant to MGL, Ch. 40A, §17 and shall be filed within twenty (20) days after the date of filing this Decision with the City Clerk.

ZONING BOARD OF APPEALS

By:  \_\_\_\_\_  
Philip R. Ottaviani, Jr., Chairman

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