



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2019-56
Date: July 17, 2019
Recommendation: Conditional approval

PLANNING STAFF REPORT

Site: 36-38 Summer Street

Applicant Name: MF Dulock, Inc.
Applicant Address: 201A Highland Avenue, Somerville, MA 02143
Owner Name: Michael F. Dulock and Maureen E. Gaffney
Owner Address: 12 Woodbine Street, Somerville, MA 02143
Agent Name: Adam Dash, Esq.
Agent Address: 48 Grove Street, Suite 304, Somerville, MA 02144
City Councilor: Ben Ewen-Campen

Legal Notice: Applicant, MF Dulock, Inc., and Owners, Michael F. Dulock and Maureen E. Gaffney, seek a special permit under SZO §4.5.1 to change from one nonconforming use (a laundromat) into another nonconforming use (butcher shop). Parking relief under Article 9 is also required. RB Zone. Ward 3.

* *Planning Staff has determined that a parking relief under Article 9 is not required.*

Dates of Public Hearing: Zoning Board of Appeals – July 17, 2019

I. PROJECT DESCRIPTION

1. Subject Property: The subject property consists of one parcel totaling 980 square feet. It contains a 788 square foot single story commercial building with a basement. The site was last used as a laundromat.

2. Proposal: The proposal is to change the use from a laundromat into a retail butcher's shop. The proposal will include replacing the existing signage, repairing parts of the exterior, and make interior



alterations.

3. Green Building Practices: The application does not list any green building practice.

4. Comments:

City Councilor: Councilor Ewen-Campen informed Planning Staff “Mr. Dulock held a neighborhood meeting regarding the proposed change of use at 36 Summer Street (laundromat to butcher shop.) Meeting was at Bow Market, probably 10-15 neighbors were present, and after 30-45 minutes of questions, there were no objections or remaining concerns. Mr. Dulock had good answers for all of the issues raised (noise, odor, pests, traffic), and I believe all attendees were convinced this business will be a good, responsible neighbor. One issue that the City will like have to address in the future will be a possible bike lock-up spot that doesn't block the sidewalk or remove parking, but I'm sure there are various solutions.”

II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1 and §4.5)

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 Staff 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."*

Article 4: Nonconforming Uses and Structures

The structure is currently nonconforming with respect to the use as a laundromat and the following dimensional requirements: lot area, ground coverage, landscaped area, pervious area, front yard, rear yard, both side yard setbacks, and street frontage.

The proposal will not impact any of the nonconforming dimensions but the landscaped and pervious percentage will be increased from 0% to 16% by landscaping the rear asphalt yard.

Section 4.4.1 states that “[l]awfully existing nonconforming structures other than one- and two-family dwellings may be enlarged, extended, renovated or altered only by special permit authorized by the SPGA in accordance with the procedures of Article 5. The SPGA must find that such extension, enlargement, renovation or alteration is not substantially more detrimental to the neighborhood than the existing nonconforming building. In making the finding that the enlargement, extension, renovation or alteration will not be substantially more detrimental, the SPGA may consider, without limitation, impacts upon the following: traffic volumes, traffic congestion, adequacy of municipal water supply and sewer capacity, noise, odor, scale, on-street parking, shading, visual effects and neighborhood character.”

Section 4.5 of the SZO states that “a nonconforming use may be changed to another nonconforming use only by special permit authorized by the SPGA in accordance with the procedures of Article 5, provided that the SPGA finds that such change is not substantially more detrimental to the neighborhood than the existing nonconforming use. In judging detriment, the SPGA may consider, without limitation, impacts

upon the following: traffic volumes, traffic congestion, type of traffic, change in traffic patterns and access to the site, adequacy of municipal water supply and sewer capacity, noise, odor, glare, scale, on-street parking, shading, visual effects and neighborhood character.”

In considering a special permit under §4.4 and 4.5 of the SZO, Staff finds that the alterations and use proposed would not be substantially more detrimental to the neighborhood than the existing structure/use. The proposal will allow for the rehabilitation of the structure and bring a more active use and aesthetic improvements.

Article 9: Off-street Parking and Loading

Existing laundromat	Proposed butcher’s shop
1 space per 450 n.s.f 788/450=1.75	1 space per 425 n.s.f 788/425=1.85
2 spaces (rounded up from 1.85)	2 spaces (rounded up from 6.7)

The proposed butcher’s shop use has the same parking requirement as the existing laundromat and is not required to provide any additional parking relief; therefore, **a special permit for parking relief is not required.**

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 proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to promote the health, safety, and welfare of the inhabitants of the City of Somerville; to provide for and maintain the uniquely integrated structure of uses in the City; to lessen congestion in the streets; to protect health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to conserve the value of land and buildings; to adequately protect the natural environment; to encourage the most appropriate use of land throughout the City; and to preserve and increase the amenities of the municipality.

The proposal is consistent with the purpose of the RB district, which is, “to establish and preserve medium density neighborhoods of one-, two- and three-family homes, free from other uses except those which are both compatible with and convenient to the residents of such districts.”

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."*

Surrounding Neighborhood: The subject property is located on the southern side of Summer Street on the block between Church Street and Bow Street. It is located across from Nunziato Field. Nearby land uses are primarily residential.

Impacts of Proposal (Design and Compatibility): The building footprint will not be altered by the proposal. The Applicant will repair and paint the masonry veneer, wood paneling, and fascia/trim. The sign will also be replaced with smaller sign containing back lit lettering. Overall, the proposal is an aesthetic improvement compared to the laundromat.

5. Housing Impact: Will not create adverse impacts on the stock of existing affordable housing.
6. SomerVision Plan: Complies with the applicable goals, policies and actions of the SomerVision plan, including the following, as appropriate: Preserve and enhance the character of Somerville’s neighborhoods.

III. RECOMMENDATION

Special Permit under §4.4.1 and §4.5

Based on the materials submitted by the Applicant, the above findings and subject to the following conditions, the Planning Staff recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT**.

The recommendation is based upon a technical analysis by Planning Staff of the application material based upon the required findings of the Somerville Zoning Ordinance, and is based only upon information submitted prior to the public hearing. This report may be revised or updated with new recommendations, findings and/or conditions based upon additional information provided to the Planning Staff during the public hearing process.

#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	Approval is for the change in use to a butcher’s shop. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/Plng.							
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>May 29, 2019</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>May 30, 2019</td> <td>Plans submitted to OSPCD (0.1, Z1.1, D1.1, D2.1, A1.1, and A2.1)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	May 29, 2019	Initial application submitted to the City Clerk’s Office	May 30, 2019	Plans submitted to OSPCD (0.1, Z1.1, D1.1, D2.1, A1.1, and A2.1)
	Date (Stamp Date)				Submission					
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Any changes to the approved site plan or elevations/use that are not <i>de minimis</i> must receive SPGA approval.										
Construction Impacts										
2	The applicant shall post the name and phone number of the general contractor at the site entrance where it is visible to people passing by.	During Construction	Plng.							
3	The Applicant shall at their expense replace any existing equipment (including, but not limited to street sign poles, signs, traffic signal poles, traffic signal equipment, wheel chair ramps, granite curbing, etc) and the entire sidewalk immediately abutting the subject property if damaged as a result of construction activity. All new sidewalks and driveways must be constructed to DPW standard.	CO	DPW							

4	All construction materials and equipment must be stored onsite. If occupancy of the street layout is required, such occupancy must be in conformance with the requirements of the Manual on Uniform Traffic Control Devices and the prior approval of the Traffic and Parking Department must be obtained.	During Construction	T&P	
5	For the convenience of and respect for the neighborhood, during the construction phase, construction work shall not begin prior to 7:30am and shall finish no later than 5pm Monday through Friday. There shall be no construction or construction-related work performed on weekends or holidays.	During Construction	ISD	
Design				
6	Applicant shall provide final material samples for siding, trim, windows, and doors to Planning Staff for review and approval prior to the issuance of a building permit.	BP	Plng.	
Site				
7	Landscaping shall be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD	
Traffic & Parking				
8	The Applicant must coordinate with the Public Space and Urban Forestry as well as the Mobility Divisions of OSPCD to provide two bicycle racks within the vicinity of the subject property.	CO	PSUF and Mobility	
Miscellaneous				
9	Electrical conduits on the exterior facades of buildings shall be painted to match the wall material to which they are attached. Conduits are not allowed on the front of any structure.	CO	Plng.	
10	Garbage and recycling locations shall be clearly indicated on site plans. Storage areas shall be inside of the structure or shall be fully screened from view from both the public way and abutters by an appropriate material reviewed and approved by staff. The location shall not impact any parking, landscaping, or egress.	BP	Plng.	
11	The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the building and all on-site amenities, including landscaping, fencing, lighting, parking areas and storm water systems, ensuring they are clean, well kept and in good and safe working order.	Cont.	ISD	
Public Safety				
12	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
13	To the extent possible, all exterior lighting must be confined to the subject property, cast light downward and must not intrude, interfere or spill onto neighboring properties.	CO	Plng.	
Signage				
14	Signage will be limited in size and location to that shown in the elevation diagrams and lighting after 10p.m. facing residential property will be turned down or off.	CO/Cont.	Plng.	
Final Sign-Off				

15	The Applicant shall contact Planning Staff at least five working days in advance of a request for a final inspection by Inspectional Services to ensure the proposal was constructed in accordance with the plans and information submitted and the conditions attached to this approval.	Final sign off	Plng.	
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