



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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PLANNING DIVISION

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Case #: ZBA 2019-75
Site: 260 Beacon Street
Date of Decision: August 7, 2019
Decision: *Approved with Conditions*
Date Filed with City Clerk: August 12, 2019

ZBA DECISION

Site: 260 Beacon Street

Applicant Name: Pfaff Wellness LLC dba Barre3 c/o Simone Bernstein

Applicant Address: 28 Stedman Street, Jamaica Plain, MA 02130

Owner Name: Highland CBD 260 Beacon LLC

Owner Address: 100 Winchester Street, Medford, MA 02115

City Councilor: J.T. Scott

Legal Notice: Applicant, Pfaff Wellness LLC dba Barre3 c/o Simone Bernstein, and Owner, Highland CBD 260 Beacon LLC, seek a special permit under SZO §7.11.6.3.a to establish a commercial exercise facility in one of the storefronts of the newly constructed building. A special permit for parking relief under SZO §9.13 is also being sought. RC Zone. Ward 2.

****Planning Staff determined that a special permit for parking relief under SZO §9.13 is not required.***

<u>Zoning District/Ward:</u>	RC Zone. Ward 2
<u>Zoning Approval Sought:</u>	SZO §7.11.6.3.a
<u>Date of Application:</u>	July 12, 2019
<u>Date(s) of Public Hearing:</u>	August 7, 2019
<u>Date of Decision:</u>	August 7, 2019
<u>Vote:</u>	4-0

Case number ZBA 2019-75 was opened before the Zoning Board of Appeals in the Council Chambers at Somerville City Hall. 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. On August 7, 2019, the Zoning Board of Appeals took a vote.



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I.PROJECT DESCRIPTION

The proposal is to locate a fitness studio that will occupy two of previously approved retail spaces that are located to the left of the lobby (when standing on Beacon Street looking at the building). The estimated operating hours are 6am-12pm and 4pm-7pm.

II. FINDINGS FOR SPECIAL PERMIT (SZO §7.11.6.3.a):

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."*

Article 7: Permitted Uses

SZO §7.11.6.3.a requires commercial exercise facilities under 5,000 square feet in the RC district to obtain a special permit.

Article 9: Off-street Parking and Loading

Existing retail	Proposed fitness studio
1 space per 425 n.s.f	1 space per 4 persons based on occupancy capacity of the largest assembly area
1,924/425=4.53	17 occupants allowed in exercise area/4=4.25
5 spaces (rounded up from 4.53)	4 spaces (rounded down from 4.25)

The proposed fitness studio use has a lower parking requirement than the previously approved retail space and is not required to provide any additional parking spaces; 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 protect health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to conserve the value of land and buildings; 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 RC district, which is, “to establish and preserve a district for multi-family residential and other compatible uses which are of particular use and convenience to the residents of the district.”

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 on the southern side of Beacon Street on the block between Sacramento Street and Museum Street. It is across from a Sullivan Tire repair garage. Except for Sullivan Tire and Star Market this is a mostly residential stretch of Beacon Street. There are some mixed used buildings nearby that contain a restaurant (R.F O’Sullivan’s) and a convenience store.

Impacts of Proposal (Design and Compatibility): The proposed fitness studio will not alter the design of the previously approved building. It will include 16 square feet of illuminated channel letter signage within the signage band of the building. There will also be a small sign applied to the main door.

5. **Housing Impact:** Will not create adverse impacts on the stock of existing affordable housing. The development will directly increase affordable housing because two units will be deed restricted affordable units and there will be a fractional payout to the Affordable Housing Trust Fund.

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. DECISION:

Present and sitting were, Susan Fontano, Danielle Evans, Anne Brockelman, and Drew Kane (alt.). Upon making the above findings, Danielle Evans made a motion to approve the request for a Special Permit. Anne Brockelman seconded the motion. The Zoning Board of Appeals voted **4-0** to **APPROVE** the request **WITH CONDITIONS**. The following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes								
1	Approval is to establish a fitness studio. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/Pln g.									
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>July 12, 2019</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>June 14, 2019</td> <td>Floor plans (A1-A5)</td> </tr> <tr> <td>May 22, 2019</td> <td>Signage</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	July 12, 2019	Initial application submitted to the City Clerk’s Office	June 14, 2019	Floor plans (A1-A5)	May 22, 2019	Signage
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	July 12, 2019				Initial application submitted to the City Clerk’s Office							
	June 14, 2019				Floor plans (A1-A5)							
May 22, 2019	Signage											
Any changes to the approved 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	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	
Public Safety				
4	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
Signage				
5	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				
6	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.	



Attest, by the Zoning Board of Appeals:

Susan Fontano, *Chair*
Danielle Evans, *Clerk*
Anne Brockelman
Drew Kane (Alt.)

Attest, by Planner:

Alexander Mello

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 _____

