

City of Somerville

PLANNING BOARD

City Hall 3rd Floor, 93 Highland Avenue, Somerville MA 02143



Michael Capuano,
Chair
Amelia Aboff,
Vice Chair
Sam Dinning, Clerk
Jahan Habib
Rob Buchanon, Alt.

CASE: DRA #2020-125, 365-369 Somerville Avenue

OWNER: Nikhilesh Rao Gorukanti, Senick, LLC
23 Bow St. Suite 1 Somerville, MA 02143

DECISION: Approved with conditions

DECISION DATE: June 25, 2020

This decision summarizes the findings made by the Planning Board regarding the development review application submitted for 365-369 Somerville Avenue. The application was deemed complete on May 19, 2020 and the first public hearing was held on June 25, 2020. On June 25, 2020, the Planning Board voted to approve with conditions the development review application. This decision was filed with the City Clerk on July 1, 2020.

SUMMARY OF PROPOSAL

Nikhilesh Rao Goukanti proposes to establish a Health Care Service (a dental office) in the MR5 zoning district on a pedestrian street. The proposed use in this district requires a special permit.

RECORD OF PROCEEDINGS

On June 25, 2020 the PB held a public hearing.

Present and sitting at the public hearing were Members Michael Capuano, Amelia Aboff, Sam Dinning, Jahan Habib, and Rob Buchanon. Following public testimony and consideration of the statutory requirements to approve or deny a special permit authorizing a Health Care Service use as conditioned below, Michael Capuano moved to approve the special permit. Sam Dinning seconded. The Board voted 5 to 0.

Findings:

- The Board finds that the proposal meets the comprehensive plan and existing policy plans and standards established by the City. SomerVision states the following goals in the Neighborhood and Commercial Corridors District Sections: strengthen and support neighborhood commercial centers that integrate residential uses, offer lively destinations and contribute to Somerville's unique identity; protect and promote a diverse, interesting mix of small-scale businesses in Somerville's neighborhoods; facilitate thoughtfully-designed, pedestrian-oriented mixed-use development and reuse opportunities in commercial corridors, squares and around transit stations that are sensitive

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to neighborhood context, and serve existing and future residents and businesses.

The USNP addresses economic development in a Vision for the Future chapter. The plan focuses on establishing a new Urban Employment Center place type while strengthening the existing local center. Union Square's small locally owned businesses are a large part of the Union Square identity (USNP page 74).

- The Board finds that the proposal meets the intent of the MR5 zoning district which is to implement the objectives of the comprehensive plan of the City of Somerville and to create, maintain, and enhance areas appropriate for moderate scale, multi-use and mixed-use buildings and neighborhood- and community-serving uses. The use to a dental office is of neighborhood servicing uses but visits are must less frequent than the previous uses.
- The Board finds that the location, visibility, and design of the principal entrance, patient drop-off areas, and outdoor amenity space for employees or patients is acceptable. The proposal is to take up two storefronts at 365-369 Somerville Avenue. The design of the space has a waiting room flanking the front entrance. The other storefront will have space for community art. The 2 storefront requirements for Mid Rise districts require that any blocked windows need a 4' merchandise display which will be used for arts display in this case.
- The Board finds that the proposal maintains the availability of the same services within the neighborhood. The dental office is relocating from Bow Street. It will maintain the two dental offices within the immediate neighborhood.
- The Board finds that the dental office has hours beyond typical times including evenings and Saturdays.

CONDITIONS

Perpetual

1. All storefront windows should maintain visual transparency with the exception of conforming merchandise display areas for arts display.
2. Any artistic display shall be rotated on a quarterly basis.
3. This use runs with the Applicant, Nikhilesh Rao Gorukanti, and is granted only to this applicant and is non-transferrable. The Special Permit shall terminate immediately if the Applicant ceases to occupy the space.

Prior to Building Permit

4. All nonconforming window signage should be removed.
5. The Applicant should submit a lighting plan to staff for review and approval. The intent is to keep the artwork and waiting room visible after dark. Any new outdoor light should meet the requirements of Section 10.7 Outdoor Lighting

Prior to Certificate of Occupancy

- 6. Any new awnings shall match the color and style already established on the building.
- 7. The Applicant must contact the Zoning Review Planner 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.

Attest, by the Zoning Board of Appeals:

Michael Capuano, *Chair*
 Amelia Aboff, *Vice Chair*
 Sam Dinning, *Clerk*
 Jahan Habib
 Rob Buchanon, *Alt.*

Attest, by the Senior Planner: _____

Melissa Woods

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. 15.5.3.

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 _____