



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

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GERARD AMARAL, (ALT.)

Case #: PB 2019-14
Site: 181 Washington Street
Date of Decision: August 8, 2019
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: August 21, 2019

PLANNING BOARD DECISION

Site: 181 Washington Street

Applicant Name: Lux Dental, Inc.
Applicant Address: 505 Washington Street, Quincy, MA 02169
Owner Name: 181 Washington Street, LLC
Owner Address: 402A Highland Avenue, Somerville, MA 02144

City Councilor: Ben Ewen-Campen

Legal Notice: Applicant, 181 Washington St, LLC, and Owner, 181 Washington Street, aka 185 Washington Street, Unit 1, seek Special Permits for a dental office. Parking relief under Article 9 of the SZO*. CCD-55 zone. Ward 3.

*Since the publication of this legal ad, it has been confirmed that no parking relief is needed for this project. The only relief required is to establish the dental office use.

<u>Zoning District/Ward:</u>	CCD-55 zone. Ward 3.
<u>Zoning Approval Sought:</u>	SZO §7.13.A.3.A
<u>Date of Application:</u>	May 29, 2019
<u>Date(s) of Public Hearing:</u>	8/8
<u>Date of Decision:</u>	August 8, 2019
<u>Vote:</u>	5-0



Case number # **PB 2019-14** was opened before the Planning Board in the City Council Chambers, second floor of City Hall, 93 Highland Avenue, Somerville, MA. Notice of the Public Hearing was given to persons affected and was published and August 8, 2019, the Planning Board took a vote.

I. PROJECT DESCRIPTION

1. **Subject Property:** The locus is a vacant, first floor commercial condominium unit in a recently-built mixed-use building on Washington Street. The unit is 2,690 square feet. The dental office would be the unit’s first occupant.
2. **Proposal:** The applicant proposes establishing a dental office in this unit. Three on-site parking spaces (numbered 55, 56, and 63) are dedicated to this unit. These are indicated on the Condominium Site Plan. Interior changes will be made to accommodate the dental office. Hours of operation are proposed to be seven (7) days per week from 10:00am – 6:00pm. Four (4) employees are expected. As the applicant is able to provide all but .25 of the parking spaces required for the dental office use in the CCD-55 zone¹, the only relief required is a Special Permit to establish the dental office.
3. **Green Building Practices:** The application states the following: *“Water saver equipment, amalgam separation, and filtration system.”*

II. FINDINGS FOR SPECIAL PERMIT (7.13.A.3.A):

In order to grant a special permit, the SPGA must make certain findings and determinations as outlined in §7.13.A.3.A of the SZO. This section of the report goes through these sections of the SZO in detail.

1. Information Supplied:

- The Staff finds that the information provided by the Applicant conforms to the requirements of §7.13.A.3.A of the SZO and allows for a comprehensive analysis of the project with respect to the required Special Permit.

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."*

Pursuant to §7.13.A.3.A, when establishing a use cluster in a new development, certain uses in the table of use clusters require special permits. Medical office use, under which dental office falls, is one such use that requires a Special Permit from the Planning Board. This is the only relief that this applicant requires.

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,*

¹ When the amount of parking required is less than 1.0 or a negative number, no zoning relief is required.



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 promoting the health, safety, and welfare of the inhabitants of the City of Somerville; to secure safety from fire, panic and other dangers; to encourage the most appropriate use of land throughout the City; and to encourage housing for persons of all income levels.

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.”*

- The surrounding neighborhood is a mix of residential buildings and small-scale retail stores, services, and offices. The site is located directly adjacent to the McGrath Highway exit to Washington Street.
- There are few visual impacts from the proposal as, except for signage, all of the changes will be internal to the unit.

5. **Housing Impact:** *Will not create adverse impacts on the stock of existing affordable housing. The proposal will not impact the existing stock of affordable housing.*

7. **SomerVision Plan:**
 The proposal provides a useful medical-related service to the neighborhoods surrounding the project site.

III. DECISION

Special Permit under §7.13.A.3.A of the SZO.

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
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1	Approval is to establish a dental office use.	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> </tbody> </table> <p>Any changes to the approved plan that are not <i>de minimis</i> must receive SPGA approval.</p>			
Date (Stamp Date)	Submission			
May 29, 2019	Initial application submitted to the City Clerk's Office			
2	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
3	Signage for the establishment must first be reviewed and approved by Planning Staff prior to ordering an installation. Planning Staff, through the Zoning Review Planner, shall be provided with dimensions, color, layout, materials for the sign as well as any lighting plan. No internally-lit signs shall be approved. No signage shall be posted on the storefront windows. Approved signage shall be installed before CO is issued.	CO	ISD/Plng.	
Final Sign-Off				
4	<u>The Applicant shall contact Planning Staff via the Zoning Review Planner at least five (5) working days in advance of a request for a final inspection</u> 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 Planning Board:



Joseph Favaloro



Michael Capuano




Dorothy A. Kelly Gay



Gerard Amaral



Amelia Aboff

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 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 _____

