



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2019-85
Site: 31 Woodbine Street
Date of Decision: September 4, 2019
Decision: Approved with Conditions
Date Filed with City Clerk: September 10, 2019

ZBA DECISION

Site: 31 Woodbine Street

Applicant Name: Fly Together Fitness
Applicant Address: 50 Hardy Avenue, Watertown, MA 02472
Owner Name: Rail and Glass, LLC
Owner Address: 55 Maple Street, Wenham, MA 01984
Agent Name: Angela Guo
Agent Address: 193 Harvard Street, Brookline, MA 02446

Legal Notice: Applicant, Fly Together Fitness, and Owner, Rail and Glass, 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 5. * *After publication of this legal advertisement, it has been determined that a special permit for parking relief is not required.*

<u>Zoning District/Ward:</u>	RC Zone. Ward 5.
<u>Zoning Approval Sought:</u>	SZO §7.11.6.3.a
<u>Date of Application:</u>	August 1, 2019
<u>Date(s) of Public Hearing:</u>	September 4, 2019
<u>Date of Decision:</u>	September 4, 2019
<u>Vote:</u>	5-0

Case number ZBA 2019-85 was opened before the Zoning Board of Appeals in the 3rd floor Community Room of the Visiting Nurse Association at 259 Lowell Street. 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 September 4, 2019, the Zoning Board of Appeals took a vote.



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I.PROJECT DESCRIPTION

The proposal is to occupy the rear commercial space that faces Woodbine Street with a fitness studio. The proposed hours of operation are 6am to 10pm with classes anticipated to have between 2 to 12 persons per class.

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
796/425=1.87	12 occupants expected in exercise area/4=3
2 spaces (rounded up from 1.87)	3 spaces

The proposed fitness studio use has a higher parking requirement than the previously approved retail space. Per SZO 9.4.1, when there is a change in use with no change in floor area and if the new use is calculated to require one more parking space, than no additional parking shall be required. **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 building on Lowell Street is compatible in scale with the newly constructed building at 235 Lowell Street and triple deckers on Lowell Street. The multi-family building has a large floorplate like many of the industrial buildings in the area. The third floor is setback so that it is not perceived on Woodbine Street. The VNA behind the site is at a higher elevation so the third floor will be visible but the overall building will appear lower in height from that building. The two-family house is 2 ½ stories to be compatible with the residential neighborhood that begins at the edge of this property.

Impacts of Proposal (Design and Compatibility): The proposed fitness studio will not alter the design of the previously approved building. It will include 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, Josh Safdie, Anne Brockelman, and Elaine Severino. Upon making the above findings, Danielle Evans made a motion to approve the request to make revisions to the previously approved special permit. Elaine Severino seconded the motion. The Zoning Board of Appeals voted **5-0** to **APPROVE** the request **WITH CONDITIONS**. The following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes
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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/Plng.									
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>August 1, 2019</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>January 5, 2017</td> <td>Plans (1-A1.1, 1-A2.1, AS1.0)</td> </tr> <tr> <td>July 31, 2019</td> <td>Proposed signage rendering</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	August 1, 2019	Initial application submitted to the City Clerk's Office	January 5, 2017	Plans (1-A1.1, 1-A2.1, AS1.0)	July 31, 2019	Proposed signage rendering
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July 31, 2019	Proposed signage rendering											
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
Elaine Severino
Josh Safdie

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 _____

