



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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*PLANNING DIVISION*

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DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*

**Case #:** PB 2012-01

**Date:** March 8, 2012

**Recommendation:** Conditional Approval

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**UPDATED PLANNING STAFF REPORT<sup>1</sup>**

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**Site:** 230 Somerville Avenue

**Applicant Name:** George Moussallem

**Applicant Address:** 18 Stults Road, Belmont, MA 02478

**Property Owner Name:** TYR TWO Realty Trust

**Property Owner Address:** 18 Stults Road, Belmont, MA 02478

**Architect Name:** Hresko Associates, Inc.

**Architect Address:** 110 Broad Street, Boston, MA 02110

**Alderman:** Maryann Heuston

Legal Notice: Applicant George Moussallem and Owner TYR TWO Realty Trust, seek a Special Permit under SZO §7.13.Use Cluster A to establish a research and development use of approximately 11,000 square feet. CCD 55 zone. Ward 2.

Zoning District/Ward: CCD 55 / Ward 2

Zoning Approval Sought: Special Permit under SZO §7.13.Use Cluster A

Date of Application: December 29, 2011

Dates of Public Hearing: Planning Board – **February 2, 2012**

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**I. PROJECT DESCRIPTION**

1. Subject Property: The subject property is an approximately 18,844 square foot lot with a two-story, 18,600 net square foot commercial building on it located at corner of Somerville Avenue and Merriam Street near Union Square. The building is divided into two spaces, with a shared loading dock

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<sup>1</sup> Updated through March 8, 2012 to reflect the changes since the last Staff Report that was issued on January 26, 2012. Additions made to the Staff Report are highlighted by being underlined and text that was removed is ~~crossed out~~.



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area. One of the spaces is being used by a company called Cue Acoustics. Cue is occupying 3,800 square feet of space on the first floor and 3,600 square feet on the second floor. The other space is approximately 11,000 square feet on the first floor with access to the shared loading dock area and to Merriam Street via an overhead door. In July of 2011, Special Permits were awarded for this property to change from one nonconforming use to another nonconforming use to establish a light manufacturing use (Somerville Zoning Ordinance (SZO) §7.13.h) for a product assembly business (Cue Acoustics) under SZO §4.5.1 and also to legalize the window work completed prior to the arrival of Cue Acoustics under SZO 6.1.22.D.5.

2. Proposal: The building located at the subject property takes up almost the entire lot. Currently, the approximately 11,000 square foot space at the rear of the first floor of the building is vacant and the Applicant would like to establish a research and development use for this space, potentially for MIT graduates and also for use as an incubator space for start-up companies. The Applicant is not proposing to make any changes to the exterior of the structure at this time.

3. Nature of Application: The 'use clusters' listed under Section 7.13 of the SZO apply in the CCD 55 district. A research and development use is listed in under Use Cluster A. Office/R&D Use. This particular use category reads as "laboratory engaged in research, experimental and testing activities which may include the development of mockups and prototypes but not the manufacture of finished products." Any time an Applicant wishes to establish a use that fits into this particular use category in the CCD district, it requires Special Permit approval no matter the size of the proposed space. The Special Permit Granting Authority in the CCD 55 district is the Planning Board. It should also be pointed out that per the regulations of the CCD 55 district, any change in use or establishment of a use that does not add additional floor area to the existing structure does not trigger any additional parking requirements.

4. Surrounding Neighborhood: This property is located in a CCD 55 zoning district, as well as the Arts Overlay District, just outside Union Square. The area is predominantly mixed-use with many office, retail, and restaurant businesses in the area. A residential neighborhood in an RB zoning district is directly behind the property with a mixture of single, two-, three-, and multi-family dwellings.

5. Green Building Practices: None indicated.

6. Comments:

*Fire Prevention:* Stated in an email to Planning Staff on January 26, 2012 that "A code compliant fire alarm system and a code compliant sprinkler system shall be in place."

*Ward Alderman:* Alderman Heuston has been contacted but has not yet provided comments.



Existing Conditions

**II. FINDINGS FOR SPECIAL PERMIT (SZO §5.1, §7.13. Use Cluster 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 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."

In considering a Special Permit under §7.13. Use Cluster A of the SZO, Staff finds that the proposed use would not be substantially more detrimental to the neighborhood. The Staff also finds that the proposal will allow viable office, research, experimental, or testing activities to operate in this location. This proposed use fits into the characteristics of the existing neighborhood as the majority of the space inside the building is already used for office and research activities. There is a concern that uses permitted under this Office/R&D use category would become incompatible with the neighborhood, and therefore Staff has recommended conditions to address this situation. The property will remain a two-story commercial building

which is consistent with the surrounding neighborhood and therefore, there are no anticipated negative impacts from the proposal

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 promoting “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 conserve the value of land and buildings; and to encourage the most appropriate use of land throughout the City.”

The proposal is also consistent with the purpose of the CCD district (6.1.22. Corridor Commercial Districts (CCDs)), which is, to “promote appropriate infill development along heavily traveled transportation corridors, especially where those corridors meet at named Squares. The district recognizes that such corridors present opportunities for an active mix of uses while also addressing development challenges posed by smaller lots and nearby existing residential development and the need to be accessible by multiple modes of transportation. The major objectives of the districts are to:

1. Encourage active mid-rise commercial and residential uses that contribute to a multi-modal-friendly street;
2. Increase commercial investment in high-profile, accessible areas including retail that is largely neighborhood-serving in multi-tenant, mixed use buildings;
3. Preserve and complement historic structures;
4. Discourage inappropriate auto-oriented, significant trip-generating uses along transit corridors; and,
5. Promote pedestrian and bicycle activity.”

The proposal will help to increase commercial investment by taking a vacant commercial space along Somerville Avenue and allow for the establishment of viable office, research, experimental, or testing activities. Additionally, this proposal will help to encourage active mid-rise commercial uses.

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.”

No exterior changes to the building are planned at this time. The owner, in the past, upgraded the front façade, and this is an improvement over the way the building has looked in the past. The proposed activity to occur in the building is compatible with the characteristics of the surrounding area and the majority of the space inside of the building is already used for office and research activities. There is a concern that uses permitted under this particular use category would become incompatible with the neighborhood and therefore Staff has recommended conditions to address this situation. The proposal is also designed to be consistent with the design guidelines in the CCD as laid out in SZO §6.1.22.H because there are not any exterior alterations proposed for the building as part of the establishment of this use category for office/research and development.

5. Adverse Environmental Impacts: The proposed use, structure or activity will not constitute an adverse impact on the surrounding area resulting from: 1) excessive noise, level of illumination, glare, dust, smoke, or vibration which are higher than levels now experienced from uses permitted in the

surrounding area; 2) emission of noxious or hazardous materials or substances; 3) pollution of water ways or ground water; or 4) transmission of signals that interfere with radio or television reception.

At this time, no adverse environmental impacts are anticipated from this proposal. No new noise, illumination, glare, dust, smoke, vibration, nor emissions of noxious or hazardous materials or substances nor pollution of water ways or ground water nor transmission of signals that interfere with radio or television reception are anticipated as part of the project. However, because there is no specific tenant, use, business, or entity applying to establish this particular use and these impacts could potentially become an issue in the future at a later time, Staff has recommended conditions to address this situation.. The property will remain a two-story, commercial building which is consistent with the surrounding neighborhood.

**III. RECOMMENDATION**

**Special Permit under §5.1, §7.13. Use Cluster A**

Based on 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 establishment of a research and development use of approximately 11,000 square feet under SZO §7.13. Use Cluster A. 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>(December 29, 2011)</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>June 28, 2002 (January 9, 2012)</td> <td>Plot Plan</td> </tr> <tr> <td>September 30, 2010 (January 9, 2012)</td> <td>1<sup>st</sup> Floor Plan (A 1.01)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	(December 29, 2011)	Initial application submitted to the City Clerk’s Office	June 28, 2002 (January 9, 2012)	Plot Plan	September 30, 2010 (January 9, 2012)	1 <sup>st</sup> Floor Plan (A 1.01)
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September 30, 2010 (January 9, 2012)	1 <sup>st</sup> Floor Plan (A 1.01)											
Any changes to the approved use that are not <i>de minimis</i> must receive ZBA approval.												
2	A code compliant fire alarm system and a code compliant sprinkler system shall be in place.	CO	FP									

3	The use Special Permit establishes a use for the 11,000 square feet of space in the rear of the structure as indicated on the submitted 1 <sup>st</sup> Floor Plan, with shared access to the loading dock area. This decision does not impact or establish any allowed use in the remainder of the structure.	Cont.	ISD	
4	The use Special Permit is limited to a laboratory engaged in research, experimental and testing activities which may include the development of mockups and prototypes but not the manufacture of finished products. Therefore, any use that creates any noise, glare, dust, vibration, fumes, odors, gases, smoke, vapors, emissions of noxious or hazardous materials or substances outside of the structure, or creates any pollution of water ways or ground water, or transmission of signals that interfere with radio or television reception, or creates hazards to safety or health are not permitted under this Special Permit.	Cont.	ISD	
5	Parking shall not be permitted on the sidewalk, and the Applicant shall delineate a parking space or spaces in the front of the building that allows for parking but does not impact the sidewalk. The Applicant shall submit to the Planning Staff a plan that shows the parking spaces that have been identified, and shall work with Planning Staff on placing landscaping in planters in any area in front of the building that is not used for parking. The location and design of these planters shall be delineated on a plan and reviewed and approved by Planning Staff.	Final Sign Off	Plng.	
6	By exercising this Special Permit, the Applicant and any Tenant shall agree to submit to an inspection by the Inspectional Services Division (ISD) upon approval of the permit and for additional inspections over the 24 month period after the approval of the permit, to ensure that all conditions and code issues have been met. The Applicant shall abide by all building and safety code concerns including but not limited to updating gas service if required by ISD.	At Sign Off and 24 Months After	ISD	
7	Applicant shall ensure that heating, air conditioning, and ventilation units do not violate city noise regulations.	Cont.	ISD	
8	Garage door/loading docks shall not be used between the hours of 8:00 PM and 7:00 AM.	Cont	ISD	
9	<u>The Applicant or Owner shall install signage on the façade of the building to clearly indicate where the entrances are located for each entity that is occupying space inside the building. Signage shall be subject to review and approval by Planning Staff.</u>	<u>CO</u>	<u>Plng.</u>	

<p>9 <u>10</u></p>	<p>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.</p>	<p>Final Sign Off</p>	<p>Plng.</p>	
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