



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
JOSEPH A. CURTATONE
MAYOR

MICHAEL F. GLAVIN
EXECUTIVE DIRECTOR

PLANNING DIVISION

ZONING BOARD OF APPEALS MEMBERS

HERBERT F. FOSTER, JR., *CHAIRMAN*
ORSOLA SUSAN FONTANO, *CLERK*
RICHARD ROSSETTI
DANIELLE EVANS
ELAINE SEVERINO
JOSH SAFDIE (ALT.)

Case #: ZBA 2014-113
Site: 33 South Street
Date of Decision: January 7, 2015
Decision: Petition Approved with Conditions
Date Filed with City Clerk: January 13, 2015

ZBA DECISION

Applicant Name: Sprout/Katherine Shamraj
Applicant Address: 250 Main Street, #425352, Cambridge, MA 02142
Property Owner Name: BBD Trust
Property Owner Address: c/o Golden Cannoli Shells Co Inc, 99 Crescent Ave, Chelsea, MA 02150
Agent Name: N/A

Legal Notice: Applicant, Sprout/Katherine Saamraj, and Owner, BBD Trust, seek a Special Permit under SZO 7.11.10.4 to establish a catering operation and a Special Permit under 9.5 & 9.13 for parking relief for approximately 2 spaces. BA zone. Ward 2.

Zoning District/Ward: BA zone/Ward 2
Zoning Approval Sought: §7.11.10.4, §9.5 & §9.13
Date of Application: November 6, 2014
Date(s) of Public Hearing: 12/10/14 & 1/7/15
Date of Decision: January 7, 2015
Vote: 5-0

Appeal #ZBA 2014-113 was opened before the Zoning Board of Appeals at Somerville City Hall on December 10, 2014. 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. After two hearings of deliberation, the Zoning Board of Appeals took a vote.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722
www.somervillema.gov

DESCRIPTION:

The proposal is to establish a catering operation called Sprout in 8,000 square feet of space. Sprout prepares and packages nutritious lunches for private schools including preschools. There is also 2 spaces of parking relief needed. The remaining space is still up for lease.

FINDINGS FOR SPECIAL PERMIT (SZO §7.11.10.4 & 9.13):

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."*

Per SZO §7.11.10.4 establishing a catering preparing meals for consumption offsite from 5,000 to 9,999 square feet requires a Special Permit with Design Review in BA districts.

Per SZO §9.4 when there is a change of use with no change in floor area the following calculation is used to determine the parking requirement, (Old use – new use) / 2. There are an existing 8 spaces. The old use, the Cannoli Shell factory, was a wholesale bakery which is 1 space per 650 sf plus 1 per business vehicle which is 14.3 spaces. The new use, catering, is 1 per 450 square foot or 18 spaces. The difference between the old and new use is 4 spaces which divided by 2 equals relief needed for 2 parking spaces.

In considering a special permit under §7.11.10.4 of the SZO, the Board finds that the use proposed would not be substantially more detrimental to the neighborhood than the existing use.

All developments within the BA District that require a special permit with design review or special permit with site plan review should comply with the following guidelines to the highest degree practicable.

1. Give preference to locating on-site, off-street parking at the rear of the lot, behind the building or below street level, providing vehicular access from either a side street or alley where possible.
2. Give preference to providing landscaping along the primary street edge.

Being an existing building, it is difficult to accommodate the BA district guidelines. The parking is accommodated at the rear of the building but there is no landscaping area possible along the lot line.

In considering a special permit under §9.13 of the SZO the Applicant must be able to demonstrate that granting the requested special permit would not cause detriment to the surrounding neighborhood through any of the criteria as set forth under SZO §9.13, which are as follows:

- 1) increase in traffic volumes;
- 2) increased traffic congestion or queuing of vehicles;
- 3) change in the type(s) of traffic;
- 4) change in traffic patterns and access to the site;
- 5) reduction in on-street parking;
- 6) unsafe conflict of motor vehicle and pedestrian traffic.



Sproot currently has 7 employees but will hopefully grow in their new space. One employee currently has a vehicle. They will hire locally and have set a policy as they grow that not more than 30% of the employees will drive to the site. This will leave adequate parking for employees, visitors, and business vehicles. Two spaces of parking relief will not cause an increase in traffic volumes or change in traffic patterns around the site or any of the other criteria listed above.

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; and to encourage the most appropriate use of land throughout the City.

The proposal is consistent with the purpose of the district, which is, "To establish and preserve business areas bordering main thoroughfares that are attractive to a wide range of uses, including retail business and services, housing, government, professional and medical offices, and places of amusement. While it is anticipated that most users will arrive by motor vehicle, it is intended that the area should be safe for and conducive to pedestrian traffic."

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 and commercial uses. Warehouse buildings, apartment buildings, and multifamily homes take advantage of the close proximity to Cambridge and Union Square as well as the walkable distance to convenient services.

There are little to no impacts of the proposal. There are no alterations being made to the outside of the building. A condition is proposed as part of this report that the owner will paint over the graffiti on the building.

5. Vehicular and pedestrian circulation: *The circulation patterns for motor vehicles and pedestrians which would result from the use or structure will not result in conditions that create traffic congestion or the potential for traffic accidents on the site or in the surrounding area.*

There are no impacts to vehicular and pedestrian circulation associated with granting parking relief for the use.

6. Housing Impact: *Will not create adverse impacts on the stock of existing affordable housing.*

There are no impacts on current affordable housing.

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, transform key opportunity areas, preserve and expand an integrated, balanced mix of safe, affordable and environmentally sound rental and homeownership units for households of all sizes and types from diverse social and economic groups; and, make Somerville a regional employment center with a mix of diverse and high-quality jobs. The areas in the SomerVision map that are designated as enhance and transform should most significantly contribute towards the SomerVision goals that are outlined in the table below. The areas marked as conserve are not expected to greatly increase the figures in the table since these areas are not intended for large scale change.*

This proposal does not significantly impact the SomerVision target numbers but does keep a commercial use in a commercial building. It also contributes to local tax base and provides employment for area residents.



DECISION:

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Danielle Evans, Elaine Severino and Josh Safdie with Herbert Foster recused. Upon making the above findings, Susan Fontano made a motion to approve the request for a Special Permit. Richard Rossetti seconded the motion. Wherefore the Zoning Board of Appeals voted **5-0** to **APPROVE** the request. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	Approval is for the establishment of a catering business and 2 spaces of parking relief. 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>November 6, 2014</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>November 20, 2014</td> <td>Modified plans submitted to OSPCD (Existing and Proposed Floor Plan)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	November 6, 2014	Initial application submitted to the City Clerk's Office	November 20, 2014	Modified plans submitted to OSPCD (Existing and Proposed Floor Plan)
	Date (Stamp Date)				Submission					
	November 6, 2014				Initial application submitted to the City Clerk's Office					
November 20, 2014	Modified plans submitted to OSPCD (Existing and Proposed Floor Plan)									
Any changes to the approved plan /use that are not <i>de minimis</i> must receive SPGA approval.										
Construction Impacts										
2	The Applicant shall at his expense replace any existing equipment (including, but not limited to street sign poles, signs, traffic signal poles, traffic signal equipment, wheel chair ramps, granite curbing, etc) and the entire sidewalk immediately abutting the subject property if damaged as a result of construction activity. All new sidewalks and driveways must be constructed to DPW standard.	CO	DPW							
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							
Design										
4	The owner will paint over the graffiti on the building	CO	Plng.							
Miscellaneous										
5	The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the building and all on-site amenities, including landscaping, fencing, lighting, parking areas and storm water systems, ensuring they are clean, well kept and in good and safe working order.	Cont.	ISD							
Public Safety										
6	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP							
Signage										



7	Signage will be submitted to planning staff for review and approval.	BP	Plng.	
Final Sign-Off				
8	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:

Orsola Susan Fontano, *Chairman*
Richard Rossetti, *Clerk*
Danielle Evans
Elaine Severino
Josh Safdie (Alt.)

Attest, by the Administrative Assistant:

Dawn M. Pereira

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 _____

