



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA # 2012-88
Site: 62C Summer Street
Date of Decision: December 12, 2012
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: December 21, 2012

ZBA DECISION

Applicant Name:	Koryn Zammuto
Applicant Address:	17 Albion Place, Somerville, MA 02145
Property Owner Name:	Gurmail S. Banwait
Property Owner Address:	17 Farragut Avenue, Somerville, MA 02144
Agent Name:	N/A

Legal Notice: Applicant Koryn Zammuto and Owner Gurmail S. Banwait, seek a Special Permit under SZO §4.5.1 to change from one nonconforming use, an athletic entertainment retail store (SZO §7.11.9.7.a), to another nonconforming use, a hair salon (SZO §7.11.8.a).

<u>Zoning District/Ward:</u>	RB zone/Ward 2
<u>Zoning Approval Sought:</u>	§4.5.1, §7.11.9.7.a & §7.11.8.a
<u>Date of Application:</u>	October 30, 2012
<u>Date(s) of Public Hearing:</u>	December 12, 2012
<u>Date of Decision:</u>	December 12, 2012
<u>Vote:</u>	5-0

Appeal #ZBA 2012-88 was opened before the Zoning Board of Appeals at Somerville City Hall on December 12, 2012. 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 one hearing of deliberation, the Zoning Board of Appeals took a vote.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
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www.somervillema.gov

DESCRIPTION:

The Applicant is proposing to change the use of the commercial space from an athletic entertainment retail store (the last previous use) to a hair salon serving local clientele. The interior of the space will be renovated to accommodate for this new use. A reception desk will be located in the center of the space to greet customers and a waiting area will be located immediately inside to the left. The right side of the space will have four styling stations with chairs and mirrors. Behind the reception desk will be two sinks and to their right will be the bathroom and stairs down to the basement. The rear left of the space will consist of a small lunch/break room. The approximately 650 square foot basement will be used for storage purposes. The Applicant is not proposing any changes to the exterior of the building other than new signage above the entrance door which will read "SALON TWENTY-TWO 22". The business will have between four and six employees and the hours of operation would be as follows: Sunday and Monday – Closed; Tuesday – 10:00 AM to 6:00 PM; and Wednesday to Saturday – 10:00 AM to 7:00 PM.

FINDINGS FOR SPECIAL PERMIT (SZO §5.1 & §4.5.1):

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 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."

In considering a Special Permit under §4.5.1 of the SZO, the Board finds that the use proposed would not be substantially more detrimental to the neighborhood than the last previous use of the space. There will be no modifications to the exterior of the space other than new signage above the entrance door and the interior modifications will renovate the space for the proposed hair salon. Sinks, mirrors, chairs, and a waiting area will all be installed as part of the proposal. The new use would actually require one less parking space (1 total space) than the last previous use of the space (2 total spaces) and therefore parking should not be an issue in this location. Locating this proposed use in a residential neighborhood which is also accessible by public transit will encourage potential patrons to walk to this business as well. The hair salon use will provide a desirable day-to-day service for many residents of the neighborhood and the Somerville community.

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; to encourage the most appropriate use of land throughout the City; and to preserve and increase the amenities of the municipality."

The proposal is also consistent with the purpose of the Residence B district, §6.1.2, which is, "To establish and preserve medium density neighborhoods of one-, two- and three-family homes, free from other uses except those which are both compatible with and convenient to the residents of such districts." While non-residential, a hair salon use is compatible with and convenient to the residents of the surrounding residential neighborhood as it provides a desirable day-to-day service.



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 proposed nonconforming use of the commercial space at 62C Summer Street is compatible with the characteristics of the built and unbuilt surrounding area, including land uses. The intersection of Summer Street and School Street is already a commercial node in an otherwise residential neighborhood with the existing convenient store, thrift store, gas station, and the one-on-one senior training gym Dancing Waters located there. There will be no modifications to the exterior of the space other than new signage above the entrance door and the interior modifications will renovate the space for the proposed hair salon. The hair salon use will provide a desirable day-to-day service for many residents of the neighborhood and the Somerville community. The property will remain a one story, "corner store" commercial building which is consistent with the surrounding residential neighborhood.

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.

No adverse environmental impacts are anticipated from this proposal. No new noise, glare, smoke, vibration, nor emissions of noxious materials 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. The property will remain a one story, "corner store" commercial building which is consistent with the surrounding residential neighborhood. A condition of approval will ensure that if venting is needed the Applicant must return to the ZBA to modify the condition to ensure that there are not noxious fumes that may impact the residential abutters.



DECISION:

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Danielle Evans and Elaine Severino. 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	<p>Approval is to change from one nonconforming use, an athletic entertainment retail store (SZO §7.11.9.7.a), to another nonconforming use, a hair salon (SZO §7.11.8.a) under SZO §4.5.1. This approval is based upon the following application materials and the plans submitted by the Applicant:</p> <table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>(October 30, 2012)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>(November 14, 2012)</td> <td>First Floor</td> </tr> <tr> <td>(November 14, 2012)</td> <td>Basement</td> </tr> <tr> <td>(November 14, 2012)</td> <td>Proposed Signage</td> </tr> </tbody> </table> <p>Any changes to the approved use that are not <i>de minimis</i> must receive SPGA approval.</p>	Date (Stamp Date)	Submission	(October 30, 2012)	Initial application submitted to the City Clerk's Office	(November 14, 2012)	First Floor	(November 14, 2012)	Basement	(November 14, 2012)	Proposed Signage	BP/CO	ISD/Plng.	
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(November 14, 2012)	Basement													
(November 14, 2012)	Proposed Signage													
2	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP											
3	Prior to the erection of any signage, the Applicant shall work with Planning Staff to design signage that meets Planning Staff's approval to ensure the coordination of sign placement and design for the facade.	BP for Sign	Plng.											
4	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.											
5	The approval is limited to a beauty salon use for hair and basic manicures only. Should this use be expanded or changed, including but not limited to any use that requires ventilation beyond the existing air conditioning, the Applicant must return to the ZBA to modify the Special Permit.	Continue use as Beauty Salon	Plng.											



Attest, by the Zoning Board of Appeals:

Herbert Foster, *Chairman*
Orsola Susan Fontano, *Clerk*
Richard Rossetti
Danielle Evans
Elaine Severino (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 _____

