



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

PLANNING DIVISION

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**Case #: ZBA # 2012-26**  
**Site: 10 Tyler Street/28 Park Street**  
**Date of Decision: May 16, 2012**  
**Decision: *Petition Approved with Conditions***  
**Date Filed with City Clerk: May 22, 2012**

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**ZBA DECISION**

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<b>Applicant Name:</b>	Petra Somerville, LLC
<b>Applicant Address:</b>	10 Tyler Street, Somerville, MA 02143
<b>Property Owner Name:</b>	JWF, LLC
<b>Property Owner Address:</b>	21 Properzi Way, Unit A, Somerville, MA 02143
<b>Agent Name:</b>	Adam Dash, Esq.
<b>Agent Address:</b>	48 Grove Street, Suite 304, Somerville, MA 02144

Legal Notice: Applicant Petra Somerville, LLC and Owner JWF, LLC, seek a Special Permit with Site Plan Review under SZO §7.11.6.3.b to establish a health and fitness facility including rock climbing, weight training, cardio equipment, yoga, etc. greater than 10,000 square feet, a Special Permit under SZO §4.4.1 to alter a nonconforming structure including raising a portion of the roof and adding windows and skylights, and a Special Permit under SZO §9.13.e for shared parking with other uses at the site.

<u>Zoning District/Ward:</u>	IA zone/Ward 2
<u>Zoning Approval Sought:</u>	§7.11.6.3.b, §4.4.1 & §9.13.e
<u>Date of Application:</u>	April 3, 2012
<u>Date(s) of Public Hearing:</u>	5/2 & 5/16/12
<u>Date of Decision:</u>	May 16, 2012
<u>Vote:</u>	5-0

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Appeal #ZBA 2012-26 was opened before the Zoning Board of Appeals at Somerville City Hall on May 2, 2012. Notice of the Public Hearing was given to persons affected and was published and posted, all as



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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.

**DESCRIPTION:**

The Applicant, Petra Somerville, LLC is proposing to open an approximately 38,000 square foot health and fitness facility with an emphasis on rock climbing in Building #9 of the Ames Complex which formerly contained a manufacturing and warehouse use. The main entrance to the building would be at the intersection of Tyler Street and Properzi Way. The entrance hallway of the facility would contain bike storage for 40 bicycles. The main floor of the facility would be the ground floor which would mostly be open for the gym area and the associated rock climbing walls. Much of the floor area would be padded with an unpadded walkway leading to the other side of the space. The ground floor would also contain the lobby area, lounges, party rooms, mechanical rooms, the staff room, and the men's and women's locker rooms and bathrooms. The mezzanine space would be expanded to 7,838 square feet and would contain a weight room, cardio room, a yoga room, and a conference room.

To accommodate this fitness facility with an emphasis on rock climbing in the existing space, a 66 foot 9 inch wide by 92 foot long section of the roof (6,140 square feet) on the western portion of the building would be raised 16.5 feet from the existing roof height of 33.5 feet to create space for the interior climbing walls. This newly raised portion of the roof would have metal panels for its siding to match those on the existing structure. The new shadows created from this raised portion of the roof would only fall on the existing buildings of the Ames Complex and would not impact the residential abutters. Additionally, a façade opening facing the railroad tracks would be closed, interior mezzanine space would be constructed as noted above, and windows, skylights, new signage, and ramps would also added to the building. The structure currently has ten skylights on the roof and seven more would be added as part of the project along with two new rooftop mechanical units.

On the north elevation where the main entrance would be located (near the existing Ames entry), the existing entry ramp, as well as the one for the adjacent tenant, would be reworked and new signage would be installed over the doorway to inform patrons of the location of the main entrance. The signage above the entryway would be freestanding halo lit letters affixed to the metal canopy and would cover approximately 48 square feet. On the far right side of the north elevation a ten foot high by ten foot wide metal sign would be fastened to the façade and illuminated with gooseneck lighting to direct patrons to the main entrance and parking areas. On the south elevation the two existing roll up doors would be removed. One would be entirely filled in and the other would be retained as a slightly smaller window opening. Another 10 foot by 10 foot metal sign would be affixed to the façade near Park Street providing directions to parking and the main entrance. On the west elevation, along Park Street, a large bank of approximately 12 foot high windows would be installed and a large 38 foot 9 inch wide by 11 feet 2 two high sign would be painted onto the façade of the building. The existing mural on the Park Street façade would be retained as part of this proposal.

**FINDINGS FOR SPECIAL PERMIT WITH SITE PLAN REVIEW (SZO §5.2, §7.11.6.3.b):**

In order to grant a Special Permit with Site Plan Review, the SPGA must make certain findings and determinations as outlined in §5.2.5 of the SZO. This section of the report goes through §5.2.5 in detail.

1. Information Supplied: The Board finds that the information provided by the Applicant conforms to the requirements of §5.2.3 of the SZO and allows for a comprehensive analysis of the project.
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 with site plan review.”

In considering a Special Permit with Site Plan Review under §7.11.6.3.b of the SZO, the Staff finds that the use proposed would not be substantially more detrimental to the neighborhood than the last previous use as a manufacturing and warehouse use. The proposed health and fitness facility will be a benefit to the community as it will promote healthy lifestyles and physically active community members.



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3. Purpose of District: The Applicant has to ensure that the project “is consistent with the intent of the specific zoning district as specified in Article 6.”

The proposal is consistent with the purpose of the district (6.1.8. IA - Industrial Districts), which is, “To establish and preserve areas for industrial and related uses which are not incompatible with commercial uses; uses which are most appropriately located as neighbors of industrial uses including living and studio space for artists; and uses which are necessary to service the immediate needs of industrial establishments in those areas, and accessory uses to industrial uses such as day care centers, cafeterias, health facilities, and the like.”

4. Site and Area Compatibility: The Applicant has to ensure that the project “is designed in a manner that is compatible with the existing natural features of the site and is compatible with the characteristics of the surrounding area, and that the scale, massing and detailing of buildings are compatible with those prevalent in the surrounding area.”

Although there are some residences on Tyler Street, Tower Court, Properzi Way, and Park Street, the proposed use would be compatible with the surrounding predominate light industrial uses of the neighborhood. The property is located in an IA (Industrial District) zoning district that is surrounding by a BA district and two RC districts. The surrounding area is dominated by the Ames Complex of buildings and the railroad tracks that abut the complex to the south. Changing the use of the building from a manufacturing and warehouse use to a clean fitness facility use will benefit the neighborhood and be less of an impact on the surrounding neighbors, which maintain a commercial base in the IA district. This is in keeping with the purpose of the IA district which is “To establish and preserve areas for industrial and related uses which are not incompatible with commercial uses; uses which are most appropriately located as neighbors of industrial uses including living and studio space for artists; and uses which are necessary to service the immediate needs of industrial establishments in those areas, and accessory uses to industrial uses such as day care centers, cafeterias, health facilities, and the like.”

5. Functional Design: The project must meet “accepted standards and criteria for the functional design of facilities, structures, and site construction.”

The site meets the accepted standards for a functional design. For the most part, the Applicant will be maintaining the status and design of the existing building, but additional windows and skylights will be added and a 6,140 square foot portion of roof will be raised to accommodate for the indoor rock climbing wall. The parking functionality of the site will not change with spaces being provided in areas adjacent to the existing buildings and in the two off-street parking lots for the complex located off of Dane Street. New signage will also be erected at four different locations around the building to help patrons locate the fitness center.

6. Impact on Public Systems: The project will “not create adverse impacts on the public services and facilities serving the development, such as the sanitary sewer system, the storm drainage system, the public water supply, the recreational system, the street system for vehicular traffic, and the sidewalks and footpaths for pedestrian traffic.”

The previous use at the site was for a manufacturing and warehouse use and the proposed health and fitness facility that will occupy this space will not adversely impact the public services, recreational system, street system, or sidewalks. The traffic flow and parking situation for the project are also not anticipated to negatively impact the neighborhood or public systems. Both a parking study and a traffic impact assessment were submitted with the application materials for this project and both indicated that there will not be issues in these areas with regard to the proposed use. The parking study indicated that the proposed shared parking strategy for the uses at the Ames Complex will work due to the peak times of the Applicant’s use which coincides with the peak parking availability in the complex’s lots. The entire Ames complex has 187 parking spaces and the Applicant has been allocated 60 parking spaces (4 exclusive, 56 shared). If there were any overflow at the busiest times of operation for the fitness center, the off-street parking lots at the complex could easily absorb the surplus. Additionally, the Applicant is providing 40 interior bicycle parking spaces which, combined with the type of clients that this particular use will draw, will encourage patrons of the business to bike to this location instead of using their vehicle.



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The traffic impact assessment points out the busiest time for the fitness center will be from 5:00 PM to 7:00 PM on weekdays and from 11:00 AM to 3:00 PM on weekends. The traffic study analyzed traffic flows in the area around these peak use times and found that little, if any, impact on the traffic flows will occur as a result of the proposed use. .

7. Environmental Impacts: The Applicant has to ensure that the project “will not create adverse environmental impacts, including those that may occur off the site, or such potential adverse impacts will be mitigated in connection with the proposed development, so that the development will be compatible with the surrounding area.”

No adverse environmental impacts are foreseen as a direct result of the establishment of this health and fitness facility at this location or from the proposed alterations to the façade of the building. 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 proposal.

8. Consistency with Purposes: The Applicant has to ensure that the project "is consistent with (1) the purposes of this Ordinance, particularly those set forth in Article 1 and Article 5; and (2) the purposes, provisions, and specific objectives applicable to the requested special permit with site plan review which may be set forth elsewhere in this Ordinance, such as, but not limited to, those at the beginning of the various sections.”

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 lessen congestion in the streets; to protect health; 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 district (6.1.8. IA - Industrial Districts), which is, “To establish and preserve areas for industrial and related uses which are not incompatible with commercial uses; uses which are most appropriately located as neighbors of industrial uses including living and studio space for artists; and uses which are necessary to service the immediate needs of industrial establishments in those areas, and accessory uses to industrial uses such as day care centers, cafeterias, health facilities, and the like.”

9. Preservation of Landform and Open Space: The Applicant has to ensure that “the existing land form is preserved in its natural state, insofar as practicable, by minimizing grading and the erosion or stripping of steep slopes, and by maintaining man-made features that enhance the land form, such as stone walls, with minimal alteration or disruption. In addition, all open spaces should be designed and planted to enhance the attractiveness of the neighborhood. Whenever possible, the development parcel should be laid out so that some of the landscaped areas are visible to the neighborhood.”

At this site there is no existing land form to speak of as the existing building occupies 98% of the lot and the remaining portion of the lot is paved. The Applicant is merely proposing to retrofit the existing building for the proposed health and fitness facility and they will not be making major alterations to the outside of the building except for a 6,140 square foot section of roof that will be raised 16.5 feet to make room for the interior climbing walls.

10. Relation of Buildings to Environment: The Applicant must ensure that “buildings are: 1) located harmoniously with the land form, vegetation and other natural features of the site; 2) compatible in scale, design and use with those buildings and designs which are visually related to the development site; 3) effectively located for solar and wind orientation for energy conservation; and 4) advantageously located for views from the building while minimizing the intrusion on views from other buildings.”

The Applicant is proposing to renovate the existing Building #9 for a health and fitness facility with an emphasis on rock climbing. As part of this renovation the Applicant will be making fairly minor alterations to the building’s exterior, with the one exception of raising a 6,140 square foot portion of the building’s roof 16.5



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feet. At 33.5 feet, the existing structure is consistent with many of the buildings in the surrounding area and even relates well to the residential dwellings in the neighborhood along Tyler Street. The raised portion of the structure would reach 50 feet in height, which is still, however, in compliance with the maximum allowable height in the IA zoning district. Additionally, the proposed portion of the roof to be raised is well setback into the center of Building #9 from the Tyler, Properzi, and Park Street streetscapes, lessening its view and shadow impacts on the surrounding area.

11. Stormwater Drainage: The Applicant must demonstrate that “special attention has been given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Storm water shall be removed from all roofs, canopies, and paved area, and routed through a well-engineered system designed with appropriate storm water management techniques. Skimming devices, oil, and grease traps, and similar facilities at the collection or discharge points for paved surface runoff should be used, to retain oils, greases, and particles. Surface water on all paved areas shall be collected and/or routed so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create puddles in the paved area. In larger developments, where practical, the routing of runoff through sheet flow, swales or other means increasing filtration and percolation is strongly encouraged, as is use of retention or detention ponds. In instances of below grade parking (such as garages) or low lying areas prone to flooding, installation of pumps or other devices to prevent backflow through drains or catch basins may be required.”

Since the existing site is entirely occupied by building footprint or pavement and the proposal is not altering the existing building footprint or pervious area situation at the site, there will be no changes to the stormwater drainage at this location.

12. Historic or Architectural Significance: The project must be designed “with respect to Somerville’s heritage, any action detrimental to historic structures and their architectural elements shall be discouraged insofar as is practicable, whether those structures exist on the development parcel or on adjacent properties. If there is any removal, substantial alteration or other action detrimental to buildings of historic or architectural significance, these should be minimized and new uses or the erection of new buildings should be compatible with the buildings or places of historic or architectural significance on the development parcel or on adjacent properties.”

The building itself does not have any historical or architectural significance, however, on the Park Street façade there is a “Celebrate Somerville” mural that does have historical significance. As part of this proposal the Applicant will be retaining this mural. An approximately 11 foot high by 39 foot wide sign will be painted below this mural but it should not impact the mural in any way which runs along the top half of the Park Street façade. The Board has also included a condition that requires the Applicant to retain the mural.

13. Enhancement of Appearance: The Applicant must demonstrate that “the natural character and appearance of the City is enhanced. Awareness of the existence of a development, particularly a non residential development or a higher density residential development, should be minimized by screening views of the development from nearby streets, residential neighborhoods of City property by the effective use of existing land forms, or alteration thereto, such as berms, and by existing vegetation or supplemental planting.”

The existing structures at the Ames complex are fairly simple industrial style buildings. The Applicant is only proposing minor façade changes to the existing building with the exception of the 16.5 foot elevated section of the roof in the western portion of the building. This newly elevated section of the building will be sided with metal panels to match the look of the existing building. However, the Applicant will also be upgrading the ramp entry facing Tyler Street at the main entrance, as well as the ramp entry for the adjacent tenant. The complex where the use is locating is tucked away into the interior of the block between Dane Street and Park Street. The existing complex establishes a streetwall along each of these roads and the Applicant is not proposing to change this situation. The proposed use itself is what brings the greatest enhancement to the City as the use will promote healthy lifestyles and physically active community members.



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14. Lighting: With respect to lighting, the Applicant must ensure that “all exterior spaces and interior public and semi-public spaces shall be adequately lit and designed as much as possible to allow for surveillance by neighbors and passersby.”

The only additional lighting that the Applicant is proposing for the building is for the new signage that will be affixed to the façade. The new signage above the main entrance would be halo lit letters on the metal canopy. This signage is rather small and is tucked away a bit down the alleyway by the intersection of Tyler Street and Properzi Way and therefore should not be invasive to the neighboring properties. The two 10 foot high by 10 foot wide directional signs on the façade would be illuminated with downward aiming gooseneck lighting. This will help to reduce or eliminate light pollution and to keep any lighting from the fitness center from spilling onto neighboring properties. The Board has included a condition that, to the extent possible, all exterior lighting must be confined to the subject property, cast light downward and must not intrude, interfere or spill onto neighboring properties.

15. Emergency Access: The Applicant must ensure that “there is easy access to buildings, and the grounds adjoining them, for operations by fire, police, medical and other emergency personnel and equipment.”

Emergency vehicles will have access to the building through three different egress points in the building. One access point would be through the main entrance of the fitness center at the intersection of Tyler Street and Properzi Way. Emergency vehicles and personnel would be able to pull directly up to this entryway using the existing alleyway off of Tyler Street. Emergency vehicles and personnel would also be able to access the fitness center in two separate locations off of Park Street. One location is through an egress door on the west façade which opens directly onto the Park Street sidewalk. The second location would be from the egress door that opens out to the loading dock area that is situated off of Park Street. In this particular location, as well as the egress point at the main entrance, emergency vehicles and personnel could access the fitness center via parking areas which would limit the interruption of traffic flows in the surrounding area.

16. Location of Access: The Applicant must ensure that “the location of intersections of access drives with the City arterial or collector streets minimizes traffic congestion.”

The Applicant is not proposing any new access drives as part of this proposal. All of the traffic intersection locations and traffic flows on the arterial or collector streets are existing situations at the site. Parking for the entire complex is provided in small parking areas adjacent to the buildings and in two satellite off-street parking lots off of Dane Street. The Applicant also submitted a traffic impact assessment and a parking study as part of their application materials and both the assessment and the study indicated that there would be little to no impact on the surrounding area’s traffic flows or the parking situation from this proposed use.

17. Utility Service: The Applicant must ensure that “electric, telephone, cable TV and other such lines and equipment are placed underground from the source or connection, or are effectively screened from public view.”

The Applicant is proposing to use the existing City services at the building for electric, telephone and cable. Any new lines would be placed underground in accordance with the SZO and the policies of the Superintendent of Lights and Lines.

18. Prevention of Adverse Impacts: The Applicant must demonstrate that “provisions have been made to prevent or minimize any detrimental effect on adjoining premises, and the general neighborhood, including, (1) minimizing any adverse impact from new hard surface ground cover, or machinery which emits heat, vapor, light or fumes; and (2) preventing adverse impacts to light, air and noise, wind and temperature levels in the immediate vicinity of the proposed development.”

Several items in the proposed project have been used to help prevent potential adverse impacts from affecting abutters to the project. All of the existing Building #9 is being reused, primarily as the structure currently sits as there will only be minimal alterations to the exterior of the building. The one exception to this would be the raising of a 6,140 square foot portion of the building’s roof 16.5 feet. At 33.5 feet, the existing structure is



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consistent with many of the buildings in the surrounding area and even relates well to the residential dwellings in the neighborhood along Tyler Street. The raised portion of the structure would reach 50 feet in height, which is still in compliance with the maximum allowable height in the zoning district. The proposed portion of the roof to be raised is well setback into the center of Building #9 from the Tyler, Properzi, and Park Street streetscapes, lessening its visual and shadow impacts on the surrounding area. Additionally, by using the existing off-street parking spaces provided by the Ames Complex, the project will eliminate the need to add more pavement to the neighborhood, which will in turn help to prevent an increase in the heat island effect. Proposed signage for the use is rather minimal and in compliance with Section 12 of the SZO. Additionally, there is a minimal amount of new exterior lighting being proposed and what is part of the proposal will only be used to illuminate the new signage for the fitness center. The Board has included conditions that would require the screening of any exterior dumpsters, trash and recycling bins, transformers, HVAC, or other mechanical equipment that might be visible from the streetscape.

19. Signage: The Applicant must ensure that “the size, location, design, color, texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall reflect the scale and character of the proposed buildings.”

The Applicant is proposing to erect new signage in four locations around the building and in each case the signage is in compliance with SZO §12. One location where new signage will be erected is over the main entrance. Here a 16 foot wide by 2 foot 7 inch high “PETRA SOMERVILLE” sign made of free standing halo lit letters affixed to the metal canopy will be installed. Additionally, just to the left of the main entrance a 7 foot wide by 3 foot 6 inch high directional sign, unlit and made of metal will be installed to direct patrons to the main entrance. On the north elevation of the building, in the area where the loading docks are located, a larger 10 foot high by 10 foot wide directional sign will be located 15 feet off the ground and will be illuminated with gooseneck lighting. On the opposite side of the building, on the south elevation that faces the railroad tracks, a third directional sign will be affixed to the façade. This particular sign will also be 10 feet high and 10 feet wide, 15 feet off the ground, and illuminated with gooseneck lighting. The last piece of signage for the building will be painted onto the exterior wall of the west elevation along Park Street. This particular Petra Somerville sign will be just over 11 feet high and almost 40 feet wide. It will be located below the existing “Celebrate Somerville” mural on that façade and will not be illuminated.

20. Screening of Service Facilities: The Applicant must ensure that “exposed transformers and other machinery, storage, service and truck loading areas, dumpsters, utility buildings, and similar structures shall be effectively screened by plantings or other screening methods so that they are not directly visible from either the proposed development or the surrounding properties.”

The Applicant has not indicated in their application how solid waste or recycling will be handled for the proposed use. The Board has included a condition that all exterior dumpsters, trash, and recycling bins shall be stored in a location where they are screened from view of the streetscape by buildings, fencing, plantings, or some other type of screening. Mechanical equipment for the proposed use will be located internally or on the roof of the building. These rooftop units will be set back from the edges of the building and will not be visible from the streetscape. Transformers are not being proposed for this project, however, The Board has also included a condition to screen external transformers, HVAC, and other mechanical equipment if it were ever to be implemented at a later time.

21. Screening of Parking: The Applicant must ensure that “the parking areas should be screened or partitioned off from the street by permanent structures except in the cases where the entrance to the parking area is directly off the street.”

Parking for all of the tenants in the Ames Complex is provided in small parking areas adjacent to the buildings and in two satellite off-street parking lots. The spaces that are found in the parking areas adjacent to the complex’s buildings are tucked away between inlets in the buildings, which provides ample screening from the streetscape. In most cases, spaces are located in alleyways between or behind buildings. One of the off-street lots located at the corner of Tyler Street and Dane Street provides 45 parking spaces while the second lot, located on the rooftop of Building #12 on Dane Street, provides 96 spaces. The 45-space parking lot is screened by existing residential buildings at the intersection of Dane Street and



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Tyler Street and by some of the existing vegetation in that area. Additionally, the spaces in this parking lot extend deeper into the lot, away from the street, limiting the amount of cars that can be seen from the streetscape. The 96-space parking lot is somewhat elevated from the Dane Street streetscape since it is on the rooftop of the building and the elevation of the lot helps to screen the vehicles parked here. Additionally, there is a brick wall and vegetation at the front of the lot along Dane Street which further helps to screen vehicles parked in this particular lot.

**FINDINGS FOR SPECIAL PERMIT SZO §5.1, §4.4.1, §9.13.e):**

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."

In considering a Special Permit under §4.4.1 of the SZO, the Board finds that the modifications to the existing structure would not be substantially more detrimental to the neighborhood than the existing structure. The window and skylights that will be added to the building will help the building to better interact with the streetscape along Park Street and will also improve the interior quality of the space as well. The raising of a 6,140 square foot portion of the building's roof 16.5 feet would not appear to be detrimental to the abutters or the surrounding neighborhood. At 33.5 feet, the existing structure is consistent with many of the buildings in the surrounding area and even relates well to the residential dwellings in the neighborhood along Tyler Street. The raised portion of the structure would reach 50 feet in height, which is still in compliance with the maximum allowable height in the zoning district. Additionally, the proposed portion of the roof to be raised is well setback into the center of Building #9 from the Tyler, Properzi, and Park Street streetscapes, lessening its view and shadow impacts on the surrounding area.

In considering a Special Permit under §9.13.e of the SZO, the Board finds that the modifications to the parking standards to implement shared parking spaces would not be substantially more detrimental to the neighborhood than the existing parking layout. Both a parking study and a traffic impact assessment were submitted with the application materials for this project and both indicated that there will not be issues in these areas with regard to the proposed use. The parking study indicates that the proposed shared parking strategy for the uses at the complex will work due to the peak times of the Applicant's use which coincides with the peak parking availability in the complex's lots. The entire Ames Complex has 187 parking spaces and the Applicant has been allocated 60 parking spaces (4 exclusive, 56 shared). If there were any overflow at the busiest times of operation for the fitness center, the off-street parking lots at the complex could easily absorb the surplus as the fitness center's peak usage time is completely opposite that of the other uses within the complex. Additionally, the Applicant is providing 40 interior bicycle parking spaces which, combined with the type of clients that this particular use will draw, will encourage patrons of the business to bike to this location instead of using their vehicle.

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."

Please see Item 8 in Section II for the consistency with purposes finding which is the same for the Special Permit and the Special Permit with Site Plan Review.

In considering a Special Permit under §9.13.e of the SZO, the SPGA may grant such a Special Permit only when consistent with the purposes set forth in §9.1 which establishes standards ensuring the availability and safe use of parking areas within the City. The proposal is also consistent with those purposes which are:



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“To establish standards ensuring the availability and safe use of parking areas within the City of Somerville. It is intended that any use of land involving the arrival, departure, or storage of motor vehicles, and all structures and uses requiring the delivery or shipment of goods as part of their function, be designed and operated to:

- a. promote traffic safety by assuring adequate places for storing of motor vehicles off the street, and for their orderly access and egress to and from the public street;
- b. increase the traffic-carrying capacity of streets and highways in the City and obtain a more efficient utilization of on-street curbside parking;
- c. reduce hazards to pedestrians;
- d. protect adjoining lots and the general public from nuisances and hazards such as:
  - 1) noise, glare of headlights, dust and fumes resulting from the operation of motor vehicles,
  - 2) glare and heat from parking lots,
  - 3) lack of visual relief from expanses of paving,
  - 4) accelerated run-off of surface water from land covered by impervious materials; and
- e. increase the number of locations bicycles can be safely secured in order to:
  - 1) promote bicycle use throughout the City as a means to reduce motor vehicle traffic congestion, and
  - 2) encourage more active lifestyles as a means to improve public health and welfare, and
  - 3) prevent theft and vandalism of bicycles.”

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 project is compatible with the characteristics of the surrounding neighborhood. For the most part, all of the structures in the area are between 2½ and 3 stories and there is almost nothing in the way of an unbuilt environment in this neighborhood. The Applicant is proposing to renovate the existing Building #9 for a health and fitness facility with an emphasis on rock climbing. As part of this renovation the Applicant will only be making minor alterations to the building’s exterior, with the one exception of raising a 6,140 square foot portion of the building’s roof 16.5 feet. At 33.5 feet, the existing structure is consistent with many of the buildings in the surrounding area and even relates well to the residential dwellings in the neighborhood along Tyler Street. The raised portion of the structure would reach 50 feet in height, which is still in compliance with the maximum allowable height in the IA zoning district. Additionally, the proposed portion of the roof to be raised is well setback into the center of Building #9 from the Tyler, Properzi, and Park Street streetscapes, lessening its visual and shadow impacts on the surrounding area.

The parking relief the Applicant is seeking to use for shared parking spaces as part of the project is also consistent with the built and unbuilt surrounding area. The Applicant’s proposed parking plan will take advantage of the existing parking lots provided by the Ames Complex, eliminating the need for the creation of any new parking areas or the construction of a parking garage in the 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 project. 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 proposal. The proposed use will be very environmentally friendly as it will not produce noxious or hazardous materials and many of the patrons will use non-vehicular means of transportation to travel to and from the fitness center. Additionally, since the Applicant is proposing to provide parking for the project by taking advantage of existing parking in the area, there is no need to create additional pavement in the area to provide additional parking spots.

6. 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.

The traffic flow and parking situation for the project are not anticipated to negatively impact the neighborhood. Both a parking study and a traffic impact assessment were submitted with the application materials for this project and both indicated that there will not be issues in these areas with regard to the proposed use. The parking study indicates that the proposed shared parking strategy for the uses at the complex will work due to the peak times of the Applicant's use which coincides with the peak parking availability in the complex's lots. The entire Ames Complex has 187 parking spaces and the Applicant has been allocated 60 of these spaces (4 exclusive, 56 shared). If there were any overflow at the busiest times of operation for the fitness facility, the off-street parking lots at the complex could easily absorb the surplus. Additionally, the Applicant is providing 40 interior bicycle parking spaces which, combined with the type of clients that this particular use will draw, will encourage patrons of the fitness center to bike to this location instead of using their vehicle. The traffic impact assessment points out the busiest time for the fitness center will be from 5:00 PM to 7:00 PM on weekdays and from 11:00 AM to 3:00 PM on weekends. The traffic study analyzed traffic flows in the area around these peak use times and found that little, if any, impact on the traffic flows will occur as a result of the proposed use.



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**DECISION:**

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Danielle Evans, Scott Darling and Elaine Severino with Herbert Foster and Josh Safdie absent. Upon making the above findings, Richard Rossetti made a motion to approve the request for a Special Permit with Site Plan Review. Scott Darling seconded the motion. Wherefore the Zoning Board of Appeals voted **5-0** to **APPROVE** the request. Upon making the above findings, Richard Rossetti made a motion to approve the request for a Special Permit. Scott Darling 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 to establish a health and fitness facility including rock climbing, weight training, cardio equipment, yoga, etc. greater than 10,000 square feet under SZO §7.11.6.3.b, to alter a nonconforming structure including raising a portion of the roof and adding windows and skylights under SZO §4.4.1, and for shared parking with other uses at the site under SZO §9.13.e. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/PIng.									
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>(April 3, 2012)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>March 16, 2012 (April 6, 2012)</td> <td>Plot Plan</td> </tr> <tr> <td>March 20, 2012 (April 6, 2012)</td> <td>Plan Set submitted to OSPCD (Sheets A1.0 – A5.0)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	(April 3, 2012)	Initial application submitted to the City Clerk's Office	March 16, 2012 (April 6, 2012)	Plot Plan	March 20, 2012 (April 6, 2012)	Plan Set submitted to OSPCD (Sheets A1.0 – A5.0)
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Any changes to the approved plans or elevations that are not <i>de minimis</i> must receive SPGA approval.												
2	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									
3	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP									
4	Applicant will screen all exterior dumpsters, trash, and recycling bins using buildings, fencing, or plantings to block any view of the bins themselves.	CO	PIng.									
5	Any exterior transformers, HVAC, or other mechanical equipment should be located in areas that are not visible from the street or are surrounded with fencing or landscaping so as to not be visible from the street.	CO	PIng.									



6	The mural on the west elevation (the Park Street façade) of the building shall be retained.	Perpetual	ISD	
7	To the extent possible, all exterior lighting must be confined to the subject property, cast light downward and must not intrude, interfere or spill onto neighboring properties.	Perpetual	ISD	
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.	



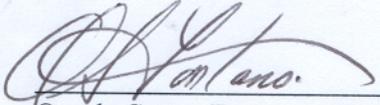
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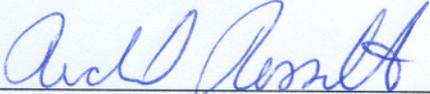
Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Acting Chairman*  
Richard Rossetti, *Acting Clerk*  
T.F. Scott Darling, III, Esq.  
Danielle Evans  
Elaine Severino (Alt.)



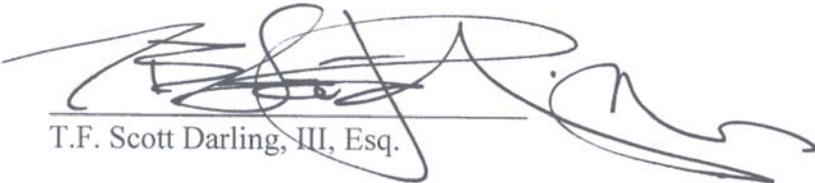
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Orsola Susan Fontano, Clerk



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Richard Rossetti



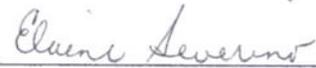
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T.F. Scott Darling, III, Esq.



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Danielle Evans



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Elaine Severino, (Alt.)

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**



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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 \_\_\_\_\_



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