



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2012-88
Date: December 6, 2012
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 62C Summer Street

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
Alderman: Maryann Heuston

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). RB zone. Ward 2.

Zoning District/Ward: RB zone / Ward 2

Zoning Approval Sought: Special Permit under SZO §4.5.1

Date of Application: October 30, 2012

Dates of Public Hearing: Zoning Board of Appeals – **December 12, 2012**

I. PROJECT DESCRIPTION

1. Subject Property: The property consists of a 7,806 gross square foot single story commercial building on a 3,568 square foot lot at the corner of School Street and Summer Street. The building has four commercial storefronts, two of which are vacant and the other two are occupied by a convenient store and a thrift store. The building takes up virtually the entire lot and there is no on-site parking at the property. The subject space for this particular application has approximately 650 square feet of space at the street level and 650 square feet in the basement. This space was most recently used as an athletic entertainment retail store called Knuckle Bones. This commercial building is located in a residential district and has received a number of Special Permits from the Zoning Board of Appeals for changes to the exterior of the building and to change from one nonconforming use to another. In 2001, a Special Permit was awarded by the Zoning Board of Appeals to renovate the building's four storefronts. Some of



the uses that have gone in and out of the four storefronts within this building via Special Permits over the last ten years include a book store, office space, a meditation center, a computer store, a mortgage office, and a recording studio.

2. Proposal: 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.

3. Nature of Application: This is a commercial property within an RB district. The Applicant, is seeking to change the previous nonconforming use of the space, an athletic entertainment retail store (SZO §7.11.9.7.a) called Knuckle Bones, to another nonconforming use, a hair salon (SZO §7.11.8.a). Under Somerville Zoning Ordinance (SZO) §4.5.1, to change from one nonconforming use to another nonconforming use requires Special Permit approval from the Zoning Board of Appeals. There are no exterior modifications being proposed as part of this proposal other than new signage above the entrance door to the space. The interior of the space will be outfitted with chairs, sinks, and mirrors for the proposed hair salon.

4. Surrounding Neighborhood: This property is located in an RB district. The surrounding area is comprised of a mixture of single-, two-, three-, and multi-family homes between 2½ and 3 stories. There are also some preexisting commercial uses at the intersection of Summer Street and School Street including small retail stores and shops, as well as a gas station.

5. Impacts of Proposal: The proposed change in nonconforming use, from an athletic entertainment retail store to a hair salon, will not be detrimental to the structure or the surrounding residential neighborhood. 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. The proposed hours of operation seem quite reasonable and the latest closing time for the proposed salon, 7:00 PM Wednesday through Saturday, would not appear to have a negative impact on the surrounding neighbors. The property will remain a one story, "corner store" commercial building which is consistent with the surrounding residential neighborhood.

6. Green Building Practices: None indicated.

7. Comments:

Fire Prevention: Has been contacted but has not yet provided comments.

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

Wiring Inspector: Has been contacted but has not yet provided comments.



Existing Conditions



II. 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: Staff find 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, Staff find 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.

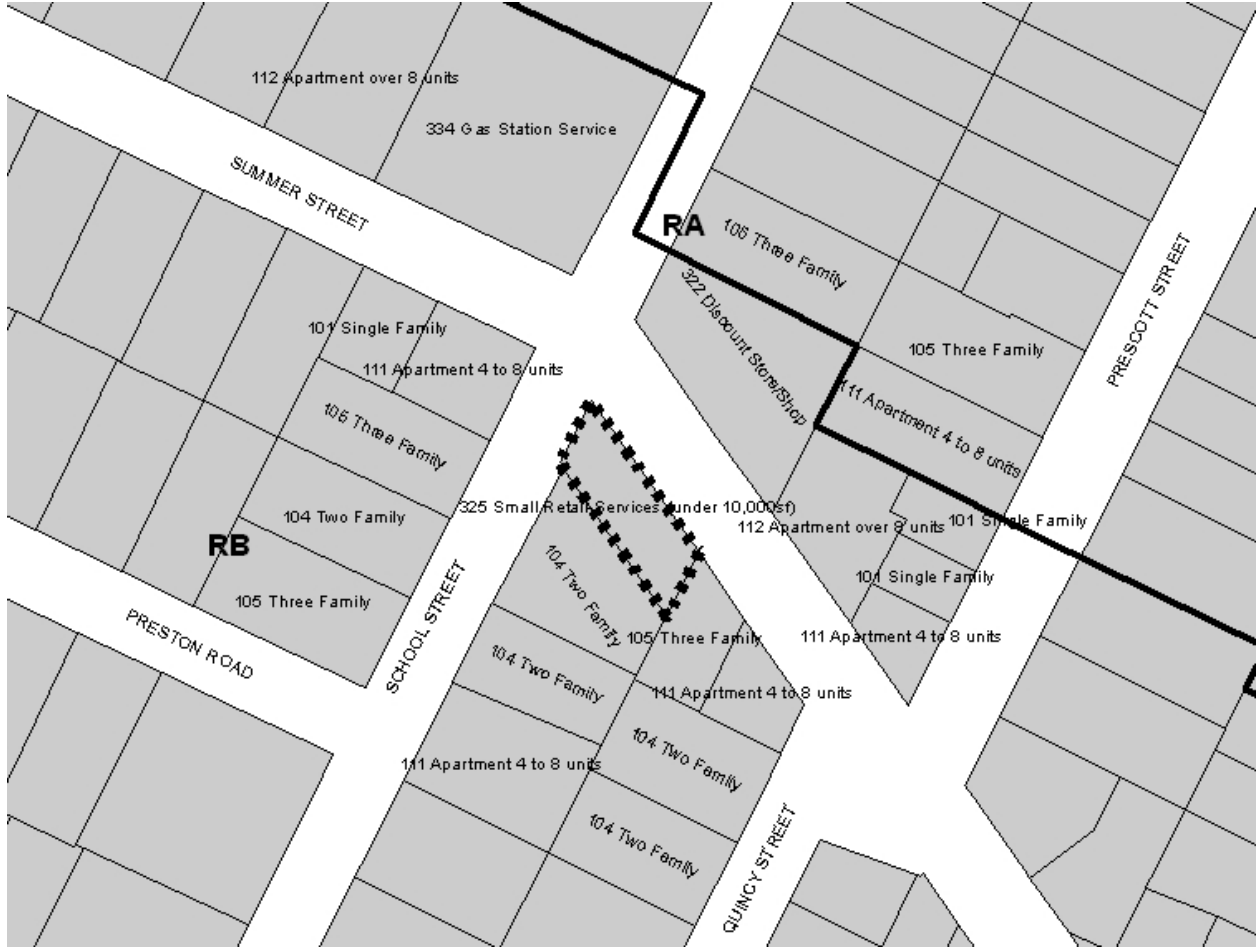
III. RECOMMENDATION

Special Permit under §4.5.1, §5.1

Based upon the materials submitted by the Applicant, 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	<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" data-bbox="248 533 886 978"> <thead> <tr> <th data-bbox="248 533 566 569">Date (Stamp Date)</th> <th data-bbox="566 533 886 569">Submission</th> </tr> </thead> <tbody> <tr> <td data-bbox="248 569 566 674">(October 30, 2012)</td> <td data-bbox="566 569 886 674">Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td data-bbox="248 674 566 772">(November 14, 2012)</td> <td data-bbox="566 674 886 772">First Floor</td> </tr> <tr> <td data-bbox="248 772 566 873">(November 14, 2012)</td> <td data-bbox="566 772 886 873">Basement</td> </tr> <tr> <td data-bbox="248 873 566 978">(November 14, 2012)</td> <td data-bbox="566 873 886 978">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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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.											



62C Summer Street