



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2011-41

Date: June 16, 2011

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 68-70 Summer Street

Applicant Name: Jeanne Flanagan

Applicant Address: 9 Summit Avenue, Somerville, MA 02143

Property Owner Name: Albert Riskalis

Property Owner Address: 68-70 Summer Street, Somerville, MA 02143

Alderman: Maryann Heuston

Legal Notice: Applicant Jeanne Flanagan and Owner Albert Riskalis, seek a special permit under SZO §4.5.1 to change a nonconforming use (an auto parts sales and warehouse) to two other nonconforming uses in order to open a studio for a personal trainer (§7.11.6.3.a) and an artist studio space (§7.11.6.8.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: May 10, 2011

Dates of Public Meeting • Hearing: Zoning Board of Appeals – **June 22, 2011**

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is an approximately 3,200 square foot lot with a mixed-use building on it located at the corner of Summer Street and School Street. The structure is 3 stories high with a flat roof. The commercial space is approximately 850 gross square feet located on the first floor of the structure, along with one of the residential units. The other four residential units at the site are all located on the upper two floors. The space where the Applicant is proposing to change the use was most recently an auto parts sales and warehouse.

2. Proposal: The Applicant is proposing to operate a by-appointment, personal training studio and a fiber arts studio in the existing space to replace the prior use which was an auto parts sales and warehouse. In the personal training studio the Applicant will be working one-on-one with



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an elderly population. The Applicant is proposing to hold appointments between the hours of 6:30 AM and 6:00 PM, Monday through Friday, with occasional appointments on Saturday morning. All of the clients for the personal training studio will access the space through the doorway at the corner of Summer Street and School Street. There will be a small office space component for the personal training studio, approximately 100 square feet, in the area indicated on the floor plan as proposed office space. The proposed fiber arts studio space will consist of approximately 400 square feet of the office space area on the proposed floor plan. The space will include a 4 foot by 8 foot table, a sewing machine, and shelves to store fabric and weaving materials. The Applicant will be using the fiber arts studio for making quilts and baskets, but will not be marketing or selling any products.

3. Nature of Application: This is a mixed-use property within an RB district. The Applicant is seeking a special permit under Somerville Zoning Ordinance (SZO) §4.5.1 to change from one nonconforming use, an auto parts sales and warehouse, to two other nonconforming uses in order to open a studio for a personal trainer and an artist studio space.

4. Surrounding Neighborhood: This property is located in a 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 pre-existing 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: There shall be minimal impacts to the surrounding neighborhood with the implementation of the proposed uses. The Applicant will not be making any exterior or interior renovations to outfit the space for the proposed by-appointment, personal training studio or fiber arts studio space. The only exception to this would be the installation of an unlit, 1 foot by 4 foot sign that will be installed on the corner of the building above the entrance to the space. The sign will be made of plywood with a trim board molding and would only project off of the façade 2 inches. The traffic that will be generated should be minimal as the personal training studio is for one-on-one, by-appointment training only and the fiber arts studio space will only be used by the Applicant. No additional parking is required for the proposed uses. Additionally, the proposed personal training studio will only take appointments between the hours of 6:30 AM and 6:00 PM, Monday through Friday, with occasional appointments on Saturday morning. While these are slightly earlier than normal business hours, no negative impacts on the neighborhood are anticipated from the proposed hours of operation. The proposed fiber arts studio space should not have any adverse impacts on the surrounding neighborhood as the proposed activity is very similar to what already occurs in residential areas.

6. Green Building Practices: None

7. Comments:

Fire Prevention: Have been notified and are awaiting comments.

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



Existing Conditions

II. FINDINGS FOR SPECIAL PERMIT (SZO §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 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 §4.5.1 of the SZO, the Staff finds that the proposed uses would not be substantially more detrimental to the neighborhood than the existing (or previous) use.

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 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 consistent with the purpose of the district (6.1.2. RB - Residence Districts), 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 the district is generally designed for residential development, there are pre-existing commercial uses already at this intersection including small retail stores and shops, as well as a gas station. The proposed personal training studio use would not be inconsistent with these existing commercial uses or the residential fabric of the neighborhood. Additionally, the proposed fiber arts studio space would not be inconsistent with the district or the surrounding neighborhood.

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 Applicant is not proposing any exterior or interior structural changes as part of the proposed use change, with the exception of adding a sign for the personal training studio to the corner of the building. The signage will not be lit and will not negatively impact the surrounding area.

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 the proposed new uses. No new noise, lighting, glare, smoke, vibration, nor emissions of noxious materials nor pollution of water ways or ground water are anticipated as part of the proposal. The structure will remain a 3 story, mixed-use building and will continue to operate with a commercial space and five residential units.

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.

Staff finds these uses to be consistent with the existing traffic and pedestrian patterns of the area. No additional parking is required for the proposed uses and the traffic that will be generated should be minimal as the personal training studio is for one-on-one, by-appointment training only and the fiber arts studio space will only be used by the operator of the personal training studio. Since all of the personal training will be one-on-one, not more than two clients will be headed to and/or leaving from the location at any given time. Sidewalks are located on both the Summer Street and School Street sides of the property, as well as in the surrounding area. No changes to the existing structure or adjacent sidewalk are being proposed. Therefore the proposed uses will not greatly impact the pedestrian or vehicular traffic patterns in the area.

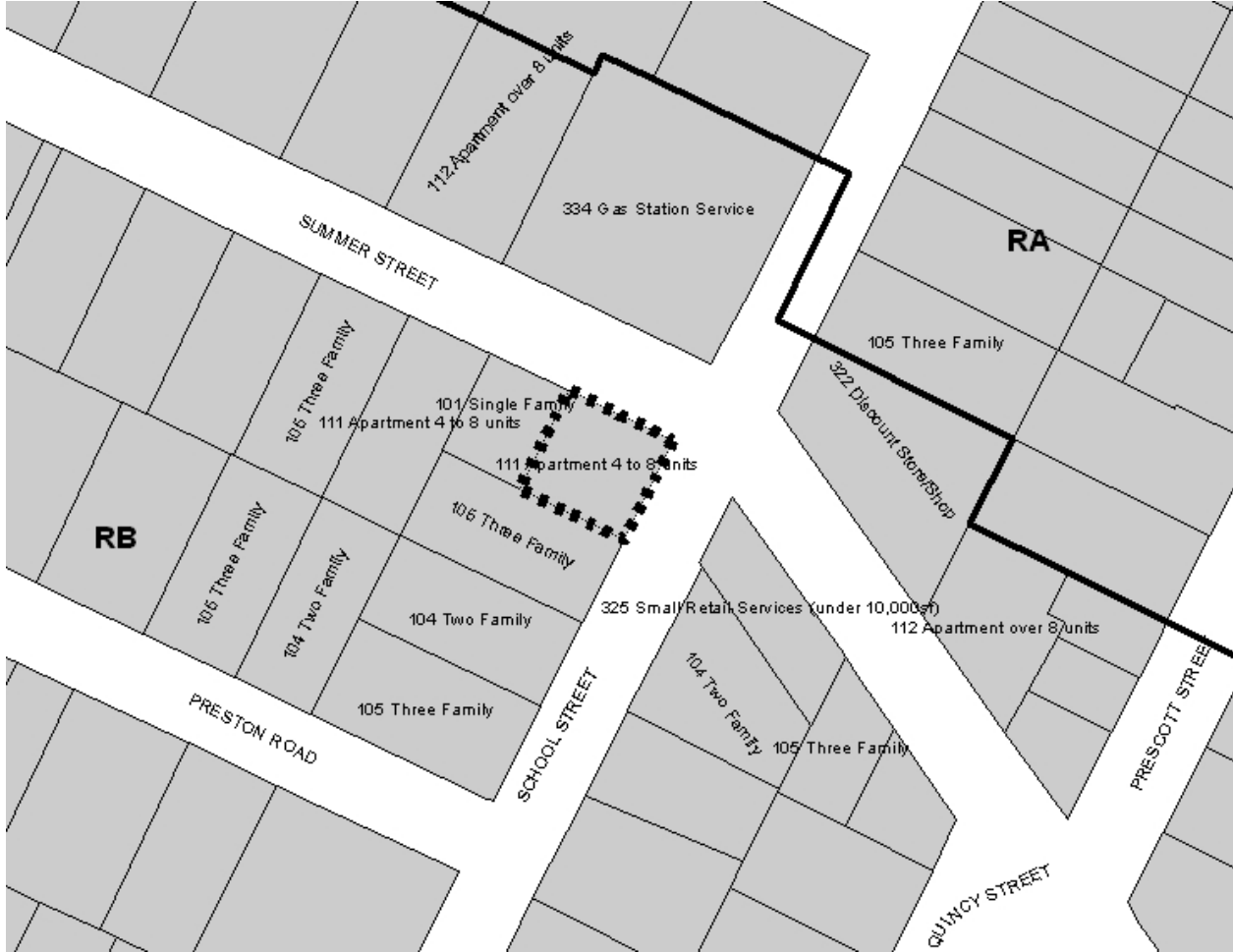
III. RECOMMENDATION

Special Permit under §4.5.1

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	<p>Approval is to change a nonconforming use (an auto parts sales and warehouse) to two other nonconforming uses in order to open a studio for a personal trainer (§7.11.6.3.a) and an artist studio space (§7.11.6.8.a). 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>(May 10, 2011)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>December 1, 1966 (May 17, 2011)</td> <td>Plot Plan</td> </tr> <tr> <td>(May 17, 2011)</td> <td>Floor Plan</td> </tr> <tr> <td>(May 17, 2011)</td> <td>Signage for 68 Summer Street</td> </tr> </tbody> </table> <p>Any changes to the approved site plans or uses that are not <i>de minimis</i> must receive SPGA approval.</p>	Date (Stamp Date)	Submission	(May 10, 2011)	Initial application submitted to the City Clerk's Office	December 1, 1966 (May 17, 2011)	Plot Plan	(May 17, 2011)	Floor Plan	(May 17, 2011)	Signage for 68 Summer Street	BP/CO	Plng./ISD	
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2	The Applicant shall meet the Fire Prevention Bureau's requirements.	CO	FP											
3	The artist studio space component of this Special Permit shall not include customer visits, excessive noise, the emission of smoke, dust, or vibration, or the emission of noxious materials or hazardous substances at levels higher than now experienced from permitted uses in the surrounding area. Additionally, the artist studio space shall not occupy more than one half of the site space. Any variation from this type of artist studio space requires a revision to the Special Permit.	Cont.	ISD											
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.											



68-70 Summer Street