



CITY OF SOMERVILLE, MASSACHUSETTS
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Case #: ZBA # 2012-70
Site: 373 Washington Street
Date of Decision: September 19, 2012
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: September 25, 2012

ZBA DECISION

Applicant Name:	Maren Kravitz & Heidi Brown
Applicant Address:	691A Somerville Avenue, Somerville, MA 02145
Property Owner Name:	Leroy & Katherine Parece
Property Owner Address:	373 Washington Street, Somerville, MA 02143
Agent Name:	N/A

Legal Notice: Applicants Maren Kravitz and Heidi Brown and Owners Leroy and Katherine Parece, seek a Special Permit under SZO §4.5.1 to change a nonconforming use (an automotive repair shop) to another nonconforming use in order to open fitness studio with personal and small group training (SZO §7.11.6.3.a).

<u>Zoning District/Ward:</u>	RB zone/Ward 2
<u>Zoning Approval Sought:</u>	§4.5.1 & §7.11.6.3.a
<u>Date of Application:</u>	August 7, 2012
<u>Date(s) of Public Hearing:</u>	9/5 & 9/19/12
<u>Date of Decision:</u>	September 19, 2012
<u>Vote:</u>	5-0

Appeal #ZBA 2012-70 was opened before the Zoning Board of Appeals at Somerville City Hall on September 5, 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 two hearings of deliberation, the Zoning Board of Appeals took a vote.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
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DESCRIPTION:

The Applicant is proposing to convert the former automotive repair shop into a fitness studio with personal and small group training. The Applicant's business, The Training Room, is currently located in Wilson Square and they are looking to expand the size of their current operation. This building provides the Applicant with that opportunity. On the exterior, the existing front windows will be replaced with eight over eight or six over six style double hung windows that would be the same size as the existing window openings. The three large garage doors that face Dane Street would be replaced with garage doors that consist of entirely window panels to let in substantial natural light. The business's proposed signage would be located on the façade along Washington Street above the front door and windows and will most likely be made of metal. Nine off-street parking spaces would be provided off of Dane Street, which will still leave room for new landscaping at the property. Bicycle parking would be provided on the right side of the building and trash and recycling containers would be located at the back of the building.

Inside the building, the front portion would become the reception area and location for the bathrooms. The middle portion of the building would be converted into a small group training area and the three garage bays at the back of the structure would be converted into the opening for the business. The two existing bathrooms would be relocated to the front of the building and the basement would continue to be used for storage and utility purposes.

FINDINGS FOR SPECIAL PERMIT (SZO §4.51. & §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 proposed use would not be substantially more detrimental to the neighborhood than the former use of the property as an automotive repair shop. The proposal will take a noxious and potentially environmentally hazardous use out of the surrounding residential neighborhood and replace it with a much more residentially compatible use. The proposal will clean up the existing unkempt vacant property, add landscaping, and replace windows and doors that will make the existing structure more residential in nature and more interactive with the pedestrian streetscape.

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 providing for and maintaining "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 proposed use is not a residential one, the use is compatible with and convenient to the residents of the surrounding area as it provides a physical fitness business to the 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 proposed fitness studio with personal and small group training would not be more detrimental to the surrounding neighborhood than the last use at the property. The proposal will take a noxious and potentially environmentally hazardous use out of the surrounding residential neighborhood and replace it with a much more residentially compatible use. Therefore, there shall be minimal, if any, negative impacts or disruption to the surrounding neighborhood. The new use will be providing all of the required parking, 9 spaces, on-site via the curb cut along Dane Street. The new windows and glass garage doors will give the building a more residential feel and help to create a more pedestrian friendly streetscape along both Washington Street and Dane Street. All classes for the building will occur inside the space and should not be disruptive to the surrounding neighborhood as they have not had one noise complaint in the three years where they have been located in Wilson Square. Ultimately, the proposal will take a currently vacant former automotive repair shop property, clean it up, and implement a commercial use that is very compatible 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 as part of this proposal. No new noise, glare, dust, 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 proposal will take a noxious and potentially environmentally hazardous use out of the surrounding residential neighborhood and replace it with a much more residentially compatible use.

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 new proposed use will be providing all required parking, 9 spaces, on-site via the wide existing curb cut along Dane Street. The 9 spaces will be arranged side by side and be situated between the building and the sidewalk. There will also be two parallel parking spaces in front of the existing garage doors. While it is not ideal to have cars backing out onto Dane Street, this is the existing situation at the property currently. The large expanse of the Dane Street curb cut will make it easier for cars to back out of these spaces as their views will not be blocked by vehicles parked along the street as is the case with many residential driveways in the City. Additionally, it is not anticipated that all 9 spaces will be used at all times because the fitness class sizes are limited to approximately 6 people and it is also anticipated that a fair number of clients will bike to and from the premises.



DECISION:

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Danielle Evans and Josh Safdie with Scott Darling absent. 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:

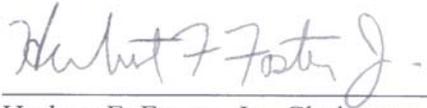
#	Condition	Timeframe for Compliance	Verified (initial)	Notes														
1	<p>Approval is for the change of a nonconforming use (an automotive repair shop) to another nonconforming use in order to open fitness studio with personal and small group training (SZO §7.11.6.3.a) under SZO §4.5.1. This approval 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>(August 7, 2012)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>September 17, 2012 (September 19, 2012)</td> <td>Plot Plan</td> </tr> <tr> <td>September 19, 2012 (September 19, 2012)</td> <td>Site Plan (A-020)</td> </tr> <tr> <td>September 19, 2012 (September 19, 2012)</td> <td>Existing Floor Plans (EX-100 and EX-101)</td> </tr> <tr> <td>September 19, 2012 (September 19, 2012)</td> <td>Demolition Plans (AD-100 and AD-101)</td> </tr> <tr> <td>September 19, 2012 (September 19, 2012)</td> <td>Proposed Floor Plans (A-100 and A-101)</td> </tr> </tbody> </table> <p>Any changes to the approved site plans, elevations, or use that are not <i>de minimis</i> must receive SPGA approval.</p>	Date (Stamp Date)	Submission	(August 7, 2012)	Initial application submitted to the City Clerk's Office	September 17, 2012 (September 19, 2012)	Plot Plan	September 19, 2012 (September 19, 2012)	Site Plan (A-020)	September 19, 2012 (September 19, 2012)	Existing Floor Plans (EX-100 and EX-101)	September 19, 2012 (September 19, 2012)	Demolition Plans (AD-100 and AD-101)	September 19, 2012 (September 19, 2012)	Proposed Floor Plans (A-100 and A-101)	BP/CO	ISD/Plng.	
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2	The Applicant shall meet the Fire Prevention Bureau's requirements.	CO	FP															
3	All exterior lighting must be confined to the subject property or adjacent rights of way, cast light downward and must not intrude, interfere or spill onto neighboring properties.	CO	Plng.															
4	The Applicant or Owner shall install four (4) bicycle parking spaces on the property which can be satisfied with two (2) u-type bicycle racks.	CO	Plng.															
5	The Applicant or Owner shall install new garage doors that consist of at least 75% transparent material.	CO	Plng.															



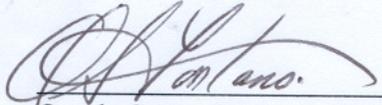
6	The Applicant shall contact Planning Staff at least five working days in advance of a request for a final inspection by Inspectional Services to ensure the proposal was constructed in accordance with the plans and information submitted and the conditions attached to this approval.	Final Sign Off	Plng.	
7	The Applicant shall submit a revised site plan to Planning Staff for review and approval.	BP	Plng.	



Attest, by the Zoning Board of Appeals:



Herbert F. Foster, Jr., Chairman



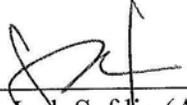
Orsola Susan Fontano, Clerk



Richard Rossetti



Danielle Evans



Josh Safdie (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

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 _____

