



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
JOSEPH A. CURTATONE
MAYOR

PLANNING DIVISION

PLANNING BOARD MEMBERS

KEVIN PRIOR, *CHAIRMAN*
MICHAEL A. CAPUANO, ESQ.
JOSEPH FAVALORO
ELIZABETH MORONEY
JAMES KIRYLO
DANA LEWINTER, ALT.

Case #: ZBA 2010-62
Date: November 4, 2010
Recommendation: Conditional Approval

PLANNING BOARD RECOMMENDATION

Site: 415-415D Medford St

Applicant and Property Owner Name: Antonio Ferreira
Applicant and Property Owner Address: 77 Lilah Lane, Reading, MA 01867
Alderman: Walter Pero

Legal Notice: Applicant and Owner, Antonio Ferreira, seeks a Special Permit under SZO §4.5.1 to allow any of the following uses or any combination thereof at 415, 415A, 415B, 415C, and 415D Medford St.

- 7.11.8.1 Beauty Salon
- 7.11.8.2 Laundry or Dry Cleaning
- 7.11.8.3 Real Estate Sales or Rental, travel agency, insurance agency, ticket agency
- 7.11.8.4 Bank or Credit Union with or without an automatic teller machine, but with no drive up window
- 7.11.8.6 Photocopying, reproduction and photographic services including commercial photography, but not commercial printing
- 7.11.8.7 Repair of household appliances, small tools or equipment
- 7.11.9.1 Store selling convenience and grocery goods such as food, candy, newspapers,
- 7.11.9.3 Specialty food stores but not that intended for consumption on the premises, including candy store, meat market, delicatessen, or bakery, but not a fast food service
- 7.11.9.5 Store selling or renting goods such as books, stationary, drugs, sporting goods including bicycles and accessories, jewelry, photographic equipment and supplies, flowers, novelties, cards, footwear, apparel, fabrics, accessories, and the like that are typically of a size a customer can carry by hand
- 7.11.9.13 Crafts related store selling jewelry, T-shirts, crafts, etc. where production occurs on premises¹

¹ Note that the legal ad submitted for this application reflected use under 7.11.9.8 that were originally proposed by the applicant, as well as the sale of tobacco products under 7.11.9.1. To reduce confusion, the list above reflects the list of uses recommended by the Planning Board. The full legal notice is attached to the back of this application.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722
www.somervillema.gov



Zoning District/Ward: Residence B / Ward 4

Zoning Approval Sought: Special Permit under SZO §4.5.1

Date of Application: 10/7/2010

Dates of Public Meeting • Hearing: Planning Board 11/18/10 • Zoning Board of Appeals 12/1/2010

Dear ZBA members:

At its regular meeting on November 4, 2010, the Planning Board heard the above-referenced application. Based on materials submitted by the Applicant and the Staff recommendation, the Board voted (4-1, with James Kirylo in opposition), to recommend **conditional approval** of the requested **Special Permit**.

In conducting its analysis, the Planning Board found:

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is an approximately 3,152 sf lot with a 2,551 sf commercial building located at the corner of Medford and Sycamore Streets. The building is divided into five storefronts which open onto Medford Street. Current uses include a clothing store, a juice bar, a deli and convenience store, and two empty storefronts.

The subject property was recently granted a special permit on May 5, 2010 (Case #: ZBA 2010-12) under SZO §4.5.1 to change a non-conforming use and establish a frozen juice store under 7.11.9.3.a.

The property was also granted a special permit (Case #: ZBA 2010-34) on August 5, 2010 to allow the altering of the façade of a non-conforming structure in order to create a new commercial unit within the existing building.

Going further back, this property has been the subject of numerous special permit applications to change from one non-conforming commercial use to another as storefronts have changed. This is a relatively unique requirement for this small structure, as it is only because of its location in an RB zoning district that it is required to go through this process.

2. Proposal: The applicant seeks a special permit to allow any of the above listed uses by right, so as to reduce the need for future applications to the ZBA when new businesses come and go from the storefronts at 415 Medford St. At this time, the applicant is seeking to put a barber shop into one of the storefronts. Staff suggested this 'blanket permit' as an alternative and has been reviewing the concept with the Law Department to address its applicability under the SZO. This is intended to be a temporary solution until the zoning of commercial neighborhood stores within residential districts can be reviewed as a part of the zoning implementation steps from the City's Comprehensive Plan.

3. Nature of Application: This is a commercial property within an RB district. The applicant is seeking a special permit under §4.5.1 of the Somerville Zoning Ordinance (SZO) for a change of non-conforming use to any of the above outlined uses.

4. Surrounding Neighborhood: This property is located in a Residence B district at the corner of Medford Street and Sycamore Street. The area is predominantly residential with some limited retail use in the area. There is 2 hour parking available for customers on-street.

6. Green Building Practices: None have been indicated by the applicant

7. Comments:

Fire Prevention: Deputy Chief William Lee has been contacted but has not yet provided comments.

Ward Alderman: Alderman Pero has been informed about the application and its intent.



415 Medford Street

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 of the SZO, the Board finds that the uses proposed would not be substantially more detrimental to the neighborhood than the existing use. The Board finds that the uses proposed are appropriate for the area and will be a benefit to the neighborhood through the services they may provide, by filling a potentially vacant storefront and creating the potential for jobs. The

existing structure has a commercial presence in the area and the Board finds it appropriate to continuing to support commercial uses here. Changes to the exterior would be minimal and final proposed signage will need Planning Staff approval.

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 Board finds this use to be consistent with the purposes of the ordinance and that continuing commercial, service and retail uses on this property to be an appropriate use of the land.

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 Board finds this use to be consistent with the existing context of the area. The Board finds any negative impacts to the community from this proposal to be minimal and that the use would be a benefit to the community. The applicant, in recent years, has applied for permits to install a juice bar, furniture repair business and many other small neighborhood retail businesses in this block. Neighborhood opposition has not come forward at the hearings, suggesting that there is little neighborhood concern with these sorts of uses in this building. To account for any potential impacts, façade alterations will be minimal and subject to Planning Staff approval.

III. RECOMMENDATION**Special Permit under §4.5.1**

Based on the above findings and subject to the following conditions, the Planning Board recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT**.

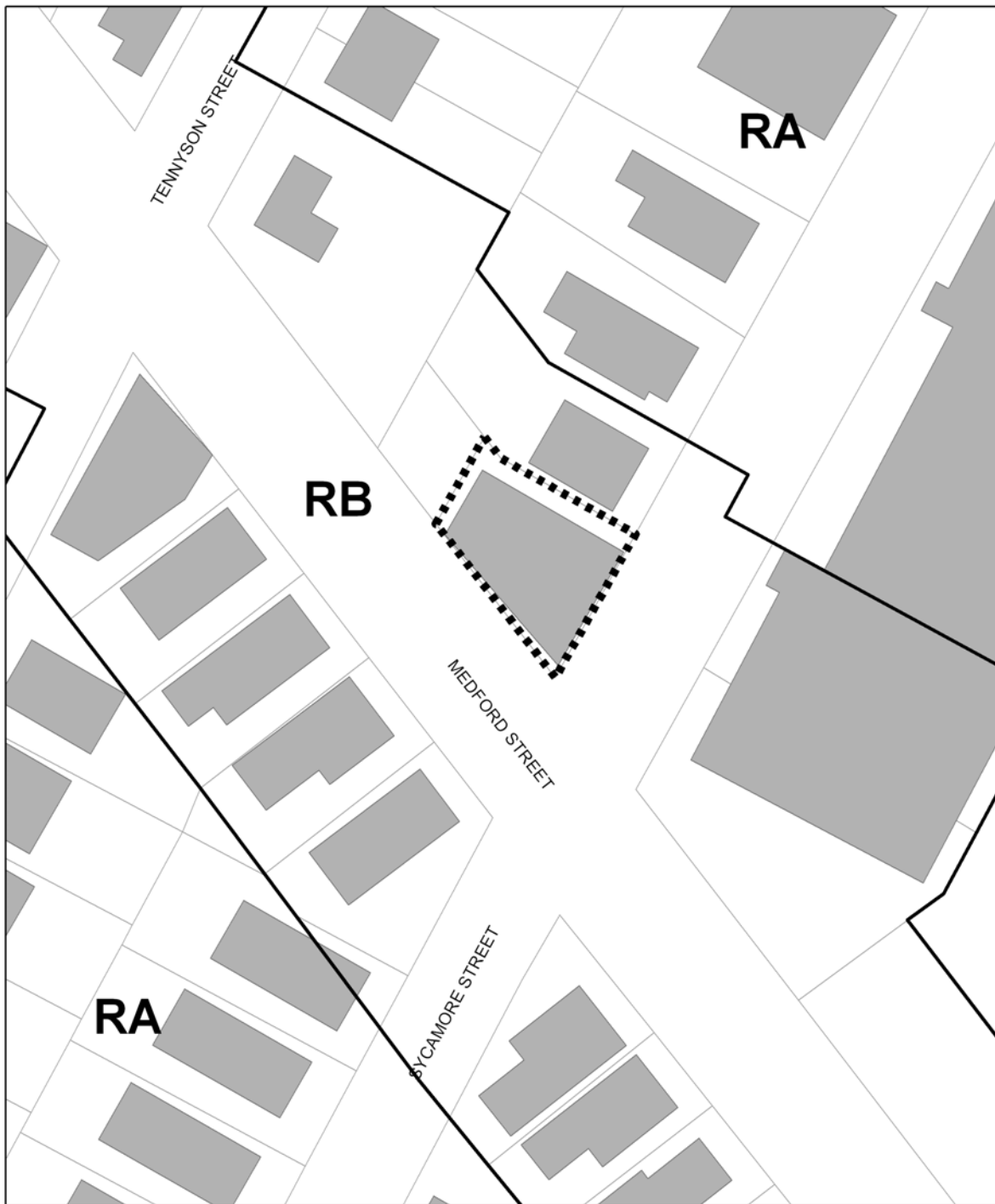
#	Condition	Timeframe for Compliance	Verified (initial)	Notes				
1	Approval is for the change in non-conforming use to allow for the operation of any of the above outlined uses. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	Plng.					
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>10/7/2010</td><td>Initial application submitted to the City Clerk's Office</td></tr></table>				Date (Stamp Date)	Submission	10/7/2010	Initial application submitted to the City Clerk's Office
	Date (Stamp Date)				Submission			
10/7/2010	Initial application submitted to the City Clerk's Office							
This permit only allows uses under the following categories of the SZO: 7.11.8.1; 7.11.8.2; 7.11.8.3; 7.11.8.4; 7.11.8.6; 7.11.8.7; 7.11.9.1; 7.11.9.3; 7.11.9.5; and 7.11.9.13. Any changes to the approved that are not <i>de minimis</i> must receive ZBA approval.								
2	Final design of the façade and signage for any new and/or existing business at this site shall be subject to review and approval by Planning Staff.	Continuous	Plng					
3	The Applicant shall meet all requirements for fire protection for a business use.	CO	FP					
4	No more than one storefront may be granted approval for use under 7.11.9.1 as a convenience store.	Continuous	ISD					
5	Each use and each change in use shall be required to secure a certificate of occupancy from the Inspectional Services Division of OSPCD.	Continuous	ISD					
6	No more than 4 seats shall be allowed on premises of any food establishment, and these shall be for waiting customers only. No food or beverage shall be consumed onsite.	Continuous	ISD					
7	The applicant may combine or divide storefronts as necessary with proper permits from ISD, except that no more than five storefronts are permitted on the premises at any point in time, and no individual storefront may exceed 1,200 square feet.	Continuous	ISD					

8	This approval shall not incorporate any use that sells alcohol for consumption either on or off the premises, nor shall it incorporate any use that sells tobacco products of any kind, nor shall it incorporate any use that sells, rents or otherwise provides materials which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “sexual conduct” as described in M.G.L.,c. 272 s.31. Such uses will require a separate special permit application.	Continuous	ISD	
9	No use may be established that creates any additional noise, dust or vibration that impacts the public right-of-way or neighboring properties. No use may be established that creates significant additional truck traffic beyond occasional deliveries.	Continuous	ISD	
10	As this process is intended to be a temporary solution to address the concerns at this location until a comprehensive overhaul of zoning can be completed, this approval shall expire 5 years from the date it is approved by ZBA. At that time, all uses established with a legal Certificate of Occupancy may continue, but should the RB zoning district remain on this site, any change in use after that time will require a new special permit or will require an extension of this approval.	5 years from approval	Plng.	
11	The Applicant shall contact Planning Staff at least five working days in advance of a request for a final sign-off on the building permit to ensure the proposal has been completed in accordance with the plans and information submitted and the conditions attached to this approval.	Final sign off	Plng.	

Sincerely,


Kevin Prior
Chairman

Cc: Applicant/Owner: Antonio Ferreira



415 Medford Street

Full Legal Notice for 415 Medford Street, as printed 11/3/10 and 11/10/10:

415, 415A, 415B, 415C & 415D Medford St: (Case #ZBA 2010-62) Applicant and Owner, Antonio Ferreira, seeks a Special Permit under SZO §4.5.1 to allow any of the following uses or any combination thereof at 415, 415A, 415B, 415C, and 415D Medford Street: 7.11.8.1 Beauty Salon, 7.11.8.2 Laundry or Dry Cleaning 7.11.8.3 Real Estate Sales or Rental, travel agency, insurance agency, ticket agency, 7.11.8.4 Bank or Credit Union with or without an automatic teller machine, but with no drive up window, 7.11.8.6 Photocopying, reproduction and photographic services including commercial photography, but not commercial printing, 7.11.8.7 Repair of household appliances, small tools or equipment, 7.11.9.1 Store selling convenience and grocery goods such as food, candy, newspapers, tobacco products, 7.11.9.3 Specialty food stores but not that intended for consumption on the premises, including candy store, meat market, delicatessen, or bakery, but not a fast food service, 7.11.9.5 Store selling or renting goods such as books, stationary, drugs, sporting goods including bicycles and accessories, jewelry, photographic equipment and supplies, flowers, novelties, cards, footwear, apparel, fabrics, accessories, and the like that are typically of a size a customer can carry by hand, 7.11.9.8 Store selling hardware, paint, wallpaper, lawn and garden supplies, 7.11.9.13 Crafts related store selling jewelry, T-shirts, crafts, etc. where production occurs on premises. RB zone. Ward 4.