



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

*PLANNING DIVISION*

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DANA LEWINTER, ALT.

**Case #:** ZBA 2009-58  
**Date:** January 6, 2010  
**Recommendation:** Conditional Approval

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**PLANNING BOARD REPORT**

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**Site:** 62B Summer Street

**Applicant Name:** Paul J. Denis

**Applicant Address:** 156 Cherry St., Cambridge, MA 02139

**Property Owner Name:** Gurmail Banwait

**Property Owner Address:** 17 Farragut Ave., Somerville, MA 02144

**Agent Name:** none

**Alderman:** Maryann Heuston

Legal Notice: Applicant, Paul Denis, & Owner, Gurmail Banwait seek a Special Permit under SZO §4.5.1 to change the use from a 390± s.f. real estate office to an Artist Studio Space (audio/video editing and recording service)(§7.11.6.8).

Zoning District/Ward: Residence B / 2

Zoning Approval Sought: Special Permit under SZO §4.5.1

Date of Application: 11/24/09

Date(s) of Public Meeting • Hearing: PB 12/17/09 • ZBA 1/6/10

Date of Decision: N/A

Vote: N/A

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ZBA members:

At its regular meeting on December 17, 2009 the Planning Board heard the above-referenced application. Based on materials submitted by the Applicant and the Staff recommendation, the Board voted (5-0), to recommend **conditional approval** of the requested **Special Permit**.



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

**[www.somervillema.gov](http://www.somervillema.gov)**



In conducting its analysis, the Planning Board found:

## **I. PROJECT DESCRIPTION**

1. Subject Property: The subject lot is approximately 3,568 sf and is located at the intersection of School and Summer Streets. A single story commercial building covers the entire lot, the exception being a narrow passage for servicing the rear of the premises. One story in height with a flat roof, the building has been divided into four separate commercial units. The commercial entrances front on Summer Street. The subject unit for this proposal is the second unit in from the left side of the structure.

2. Proposal: The proposal is to change the use from a 390 sf real estate office to an audio/video recording and editing service. This would not be a recording studio for live music, but a computer based facility to edit and mix audio and video. Most of the audio will be edited and mixed through headphones, but there will be extensive soundproofing measures undertaken by the applicant for when playback is necessary through speakers. The anticipated hours of operation are 9am to 9pm daily. The Applicant is not proposing any changes to the façade except for adding the name of the business to the facade.

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 from a real estate office to an artist studio space (§7.11.6.8).

No parking spaces are available on the lot. The past and proposed uses require the same number of parking spaces. Under §9.4.1, nonconformity with respect to parking requirements, no additional parking spaces are required for the change of use.

4. Surrounding Neighborhood: The overall area is reflective of the underlying "RB" zoning and is comprised of two- and three-family residential structures, though at the intersection of Summer and School Streets there is a small concentration of commercial and retail outlets. Immediately opposite the subject property is a similar structure containing four small commercial units, while the other corner has similar commercial premises, which have been converted to residential units. A gas station is also located at the School Street and Summer Street intersection.

5. Green Building Practices: The applicant has stated that he will be using products from Green Depot-Environmental living and building soundproofing products that are water based, non-toxic and include recycled materials.

6. Comments:

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

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

## **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 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 § 4.5 of the SZO, the Board finds that the use proposed will not be substantially more detrimental to the neighborhood than the existing use. A small audio/video editing facility is appropriate for the area and will be a benefit to the neighborhood through the service it provides, by filling a vacant storefront and by providing jobs. The existing structure has a strong commercial presence in the area and the Board finds it appropriate to continuing to support commercial uses here.

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."

An audio/video editing facility is not an allowed use; however, it is consistent with the purpose of the Residence B district, which is, "[t]o 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". The Board finds that this facility will provide a service to the neighborhood that is currently unavailable and creates a more diverse commercial makeup in the area. The relatively small size of this facility and the obvious commercial heritage of this building make it compatible with the neighborhood.

The proposal is also consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to "conserve the value of land and buildings," and to "provide for and maintain the uniquely integrated structure of uses in the City".

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 does not anticipate negative impacts to the community from this use and finds that the use will be a benefit to the community. The Board finds that the extensive soundproofing that has been proposed by the applicant along with the conditions of approval to be adequate in addressing any noise concerns.

There will be no change to the exterior of the building except for the change in signage. The Applicant has not provided details of the signage to be used, though a space is available on the front façade for a wall sign attached parallel to the building. Any proposed signage would have to conform to the requirements of the Somerville Zoning Ordinance, or additional zoning relief would be required.

### **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 use of a 390± sf audio/video editing and recording service facility (SZO §7.11.6.8). 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>(11/24/09)</td><td>Initial application submitted to the City Clerk's Office</td></tr></table>				Date (Stamp Date)	Submission	(11/24/09)	Initial application submitted to the City Clerk's Office
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(11/24/09)	Initial application submitted to the City Clerk's Office							
Any changes to the approved use that are not <i>de minimis</i> must receive ZBA approval.								
2	Final design of the façade and signage shall be approved by Planning Staff.	BP	Plng					
3	The Applicant shall meet all requirements for fire protection for a business use.	CO	FP					
4	The Owner/Applicant shall soundproof the structure to ensure that sound does not exceed generally accepted decibel levels as provided in the Somerville Noise Ordinance.	Perpetual	ISD					
5	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 was constructed in accordance with the plans and information submitted and the conditions attached to this approval.	Final sign off	Plng.					

Sincerely,


Kevin Prior  
Chairman



**62B SUMMER STREET**