



CITY OF SOMERVILLE, MASSACHUSETTS
PLANNING BOARD
JOSEPH A. CURTATONE
MAYOR

MEMBERS

LINDA BOHAN
JOSEPH FAVALORO
ELIZABETH MORONEY
JAMES KIRYLO
KEVIN PRIOR, *CHAIRMAN*

Case #: ZBA2007-59

Site: 34 Allen Street

Date: March 5, 2008

Recommendation: Conditional Approval

PLANNING BOARD REPORT

Applicant Name: Anthony Pasquale

Applicant Address: 37 Grandview Avenue, Saugus, MA 01906

Property Owner Name: Allen Street Realty Trust

Property Owner Address: P.O. Box 1163, Saugus, MA 01906

Agent Name: Richard Di Girolamo Esq.

Alderman: Maryann Heuston

Legal Notice: The Applicant seeks a special permit under SZO §4.5.1 to change from one non-conforming use (factory) to another non-conforming use (recreational/health club).

Zoning District/Ward: RB / 2

Zoning Approval Sought: Special Permit under SZO§4.5.1

Date of Application: November 11, 2007

Date(s) of Public Hearing: [ZBA: March 5, 2008]

Date of Decision: N/A

Vote: N/A

Dear ZBA members:

At its regular meeting on February 21, 2008 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**.

In conducting its analysis, the Planning Board found:

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is an approximately 5,367 s.f. lot on which sits a 2,709 g.s.f. (63'x 43') one-story, former factory. Construction is concrete block with a red brick façade that features two garage doors. The site features seven (7) existing parking



spaces that have direct access to Allen Street from a curb cut that runs the width of the property.

2. Proposal: The Applicant is seeking a special permit under SZO §4.5.1 to change the building's use from one non-conforming use (factory) to another non-conforming use (recreational/health club). The applicant is proposing to open a Japanese Martial Art studio where members would train in Aikido. Aikido is practiced in pairs and involves hand-to-hand practice, sword, Jo (short staff) and other weapon training.

3. Nature of Application: The Applicant requires a special permit under §4.5.1 of the SZO since the previous factory and the proposed health club are both nonconforming uses in a Residence B (RB) district. Under §4.5.1 of the SZO "A nonconforming use may be changed to another nonconforming use only by special permit authorized by the SPGA in accordance with the procedures of Article 5, provided that the SPGA finds that such change is not substantially more detrimental to the neighborhood than the existing nonconforming use."

4. Surrounding Neighborhood: The immediate neighborhood is predominantly residential with a mix of single, two-, and three-family-homes. Allen Street is a narrow two-way street that connects Somerville Avenue to Charlestown Street which provides rear access to the Shopping Center at the McGrath Highway and Somerville Avenue intersection. There is no parking on Allen Street and staff observed cars parked on the sidewalk during site visits. Directly across the street is the Community Action Agency of Somerville (CAAS) Head Start program, which is a brownfield redevelopment site. To the north side of the subject site is a passive park that was part of the brownfield redevelopment.



Allen Street looking south



Head Start Center

5. Impacts on Abutting Properties: This proposal is not expected to negatively impact abutting properties. There are no proposed alterations to the existing structure itself and the proposed use will be a benefit to the community.

6. Comments:

Fire Prevention: Fire Prevention has been contacted and has not responded.

Alderman Heuston: Has reviewed the proposal and commented that any future use of similar nature would not be allowed to have a higher occupancy load without further Special Permit review.

II. FINDINGS AND DETERMINATIONS FOR SPECIAL PERMITS UNDER 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." The Applicant requires a special permit under §4.5.1 of the SZO. Under §4.5.1 SZO "A nonconforming use may be changed to another nonconforming use only by special permit authorized by the SPGA in accordance with the procedures of Article 5, provided that the SPGA finds that such change is not substantially more detrimental to the neighborhood than the existing nonconforming use. In judging detriment, the SPGA may consider, without limitation, impacts upon the following: traffic volumes, traffic congestion, type of traffic, change in traffic patterns and access to the site, adequacy of municipal water supply and sewer capacity, noise, odor, glare, scale, on-street parking, shading, visual effects and neighborhood character."

The Board finds that the Applicant's proposal **would not be substantially more detrimental** to the surrounding neighborhood than the existing structure, as required under §4.5.1 of the SZO. The proposal is not substantially more detrimental in all relevant categories, including traffic volumes, traffic congestion and neighborhood character. This recreation and health club will be a positive development in this neighborhood, replacing a vacant industrial use with a use better suited for this residential neighborhood.

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 that the proposal **is consistent** with the purposes set forth in Article 1 of the Zoning Ordinance; and, to the extent possible for a lawful pre-existing nonconforming structure, with those purposes established for the Residential B (RB) zoning district in which the property is located, namely "(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."

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 that the proposal **is compatible** with the site and area. The proposal does not seek to alter the size or shape of the existing structure. The Board would support replacement of the garage doors with a door/window configuration that would be more compatible with the surrounding neighborhood. These changes may require zoning relief, but even without these changes the change of use is beneficial.

5) Parking: Due to the nature of Aikido, individuals practicing the art need sufficient space to perform the motions. The parking for the facility is based on a designed occupancy of 27 persons which would require seven (7) parking spaces. This number of spaces currently exists on the site. In the future, if another recreational facility wants to occupy the space and increase the capacity it is conditioned in this report that a Special Permit review would be necessary.

III. RECOMMENDATION

Special Permit under §4.5.1

Based on the above findings, the Planning Board recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT**.

The Board finds that this application complies with the requirements for granting a special permit as set forth under §5.1.4 and that the use proposed would not be substantially more detrimental to the neighborhood than the existing use.

Although the Planning Board is recommending approval of the requested Special Permit, the following conditions should be added to the permits:

#	Condition	Timeframe for Compliance	Verified (initial)		Notes
1	Approval is for the applicant to change a structures use from one non-conforming use (factory) to another non-conforming use (recreational/health club). This approval is based upon the following application materials and the plans submitted by the Applicant and/or its contractor:		Plng.		
2	A code compliant fire alarm system shall be installed.	CO	FP		
3	Applicant will supply one bicycle parking space, which can be satisfied with a U type bicycle rack.	CO	Plng.		
4	Maximum capacity for the Certificate of Occupancy is 27 persons and is based on the specific use as an Aikido studio. A change to any another recreational/health club use that would increase the capacity will require Special Permit review.	Cont.	ISD		
5	New signs shall not be internally illuminated and must comply with SZO §12.3.a for signs in residence districts:	Cont.	Plng.		

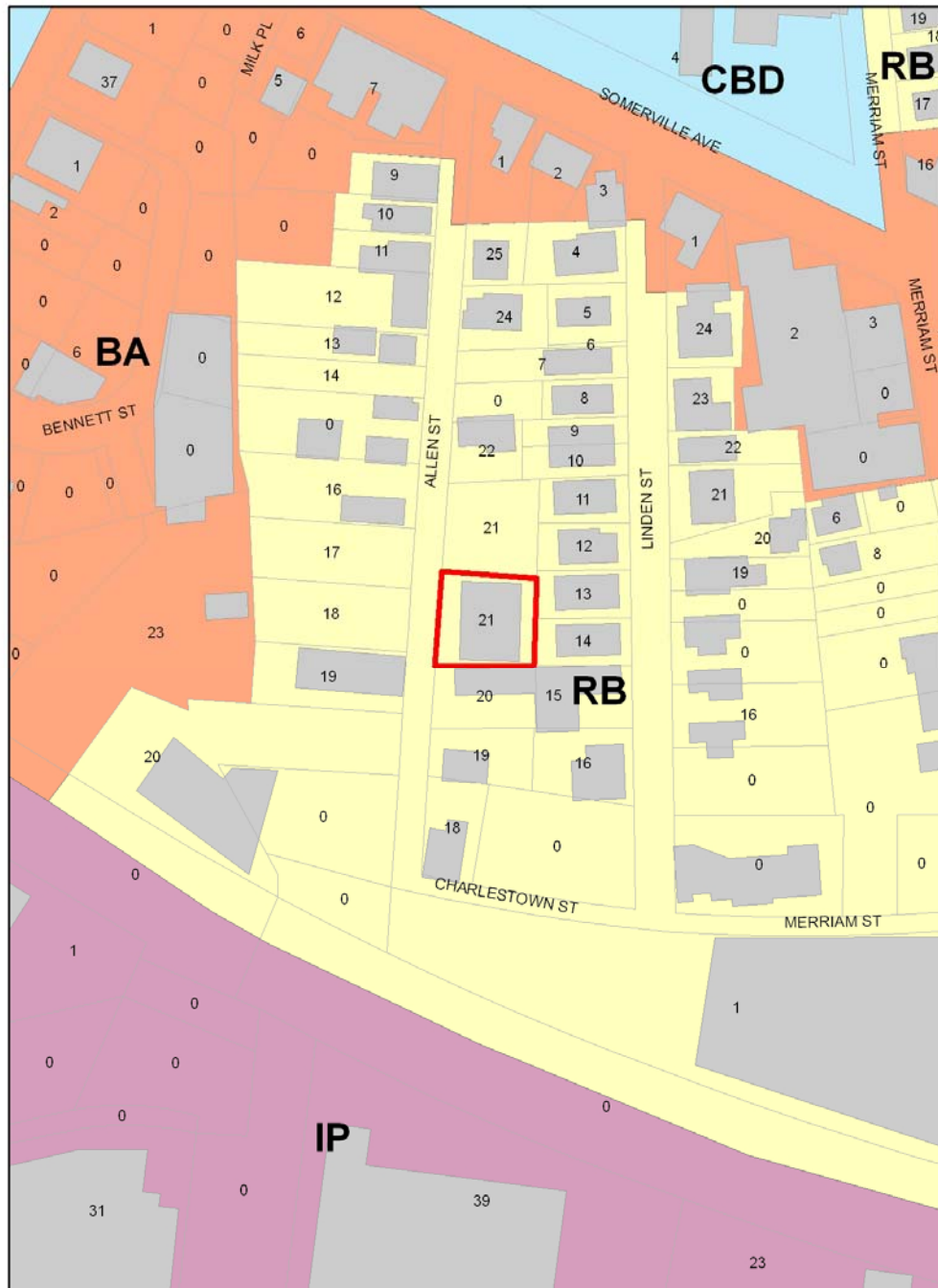
6	The Applicant shall contact Planning Staff at least five working days in advance of a request for a final sign-off on the building permit to ensure the proposal was constructed in accordance with the plans and information submitted and the conditions attached to this approval.		Plng.		
---	---	--	-------	--	--

Sincerely,



Kevin Prior
Chairman

Cc: Applicant: Anthony Pasquale
Owner: Allen Street Realty Trust
Agent: Richard Di Girolamo Esq.



MAP OF 34 ALLEN STREET