



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

PLANNING DIVISION

PLANNING BOARD MEMBERS

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ELIZABETH MORONEY, *CLERK*
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JAMES KIRYLO
MICHAEL A. CAPUANO, ESQ.
DANA LEWINTER (ALT.)

Case #: PB 2010-05
Site: 79-83 Broadway
Date of Decision: May 6, 2010
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: May 12, 2010

PLANNING BOARD DECISION

Applicant Name:	Mudflat Studios
Applicant Address:	149 Broadway, Somerville, MA 02145
Property Owner Name:	Mudflat Studios
Property Owner Address:	149 Broadway, Somerville, MA 02145
Agent Name:	N/A

<u>Legal Notice:</u>	Applicant/Owner, Mudflat Studio, propose to internally extend the existing second floor for a pottery school. They are seeking a Special Permit to alter the exterior of the structure and add signage (SZO §6.1.22.D.5).
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<u>Zoning District/Ward:</u>	CCD 45 zone/Ward 1
<u>Zoning Approval Sought:</u>	§6.1.22.D.5
<u>Date of Application:</u>	March 23, 2010
<u>Date(s) of Public Hearing:</u>	May 6, 2010
<u>Date of Decision:</u>	May 6, 2010
<u>Vote:</u>	5-0

Appeal #PB 2010-05 was opened before the Planning Board at Somerville City Hall on April 15, 2010. 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 one hearing of deliberation, the Planning Board took a vote.



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DESCRIPTION:

The Zoning Board of Appeals issued special permits and variances to the Applicants in 2002 for alterations to the structure, modification of parking requirements, and signage dimensions. The Applicants did not act on the permit due to financial reasons. The current proposal is very similar to the proposal that was approved in 2002.

Subsequent to the legal notice for the project, the applicant has requested to bifurcate the application and is presently only requesting approval for a Special Permit to alter the exterior of the structure and add signage. At present, no additional square footage is proposed, although ultimately the applicant wishes to extend the second floor and add 5,165 net new square feet¹. The reason the application is being bifurcated is that Planning staff have not yet presented to the Planning Board rates for parking spaces to be included in the Payment in Lieu of Parking (PILOP) program and adopted through the Board's Rules and Regulations. PILOP is one means to address the parking needed for the new square footage. If the Planning Board approves the permit for the façade modifications and signage, the applicant can apply for a Building Permit and start interior and exterior renovations of the existing facility. Planning staff will have recommendations relative to PILOP no later than the June 3rd Planning Board meeting.

The proposed use is to house the Mudflat Studios pottery school in the main theater space, in the existing second floor, and in a future extension of the second floor. During demolition the ceiling coffers will be evaluated for restoration and the badly damaged areas of tin ceiling coffers will be selectively removing to expose the original dramatic clear-span trusses in the main theater area. The original wall pilasters and ornament will be salvaged to the extent possible. There will be an ornamental central staircase and at the top of the staircase, a central lounge where students and faculty can socialize. There will also be a second smaller lounge area for the studio artists also on the second floor.

The school will include artist studios, classrooms, work rooms, offices, storage, and a kiln room. The school is currently located at 149 Broadway and will be moving to this new location. The unoccupied retail space will be leased to a local business tenant; however, there is no agreement with a tenant at this time. The police substation will remain. If the City relinquished the location, then the space would be filled with an office or retail tenant.

The exterior of the building would be redesigned to evoke an old theater. With approval there would be a new marquee sign for the studio, tenant signs (parallel and perpendicular to the building), a new storefront entrance into the studio, and new stucco finish and exterior lighting. The slope of the entry ramp would be rebuilt to conform to ADA codes. There would be display cases reminiscent of theatre ticket booths for event announcements and art installations. On the roof would be a clerestory monitor to add natural light to the building that would project 9 feet above the roof, an air handling unit and five ventilation stacks for the kiln room.

The building occupies the entire site and there is no opportunity to add vehicular parking to the lot. The Applicants will install one or two bike stanchions (for 2-4 bikes) within the exterior recessed area of the entryway. This satisfies the bicycle parking requirement.

Mudflat receives deliveries of clay approximately once per month by local truck. Other deliveries are limited to UPS, FedEx or US Mail, typically 1- 3 times per week. The Applicants stated that the existing loading zone in front of the building is adequate for the expected deliveries.

¹ The Applicants will return to the SPGA to seek parking relief in order to construct 5,165 new net square footage in the building. Relief for 13 parking space will be required: $5,165 / 400 = 13$ (note: the parking memorandum stated that 14 parking spaces are required; however, after speaking with the Applicant, the net and gross floor area figures were correctly stated and the parking requirement was adjusted.)



There will be dedicated trash storage area located inside the entry vestibule.

FINDINGS FOR SPECIAL PERMIT (SZO §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 project complies with the standards for granting a special permit and the following standards of the Corridor Commercial District.

The changes to the façade and the uses in the building fulfill the pedestrian oriented requirements. The building is designed with separate front entrance doors to cultural spaces, retail and the police substation, which is a source of pedestrian activity. The entrances are oriented to the existing public sidewalk.

The lighting is appropriate to the historic and pedestrian-oriented character of the neighborhood and buildings. There would be six new lighting fixtures evenly placed along the façade of the building to improve the look of the building and provide light for pedestrians on the sidewalk.

The project also complies with the applicable design guidelines for the district.

- The design keeps the commercial bays with independent entrances onto the street. The detailing in the façade would be restored and architectural elements such as a theater marquee and balcony would add interest to the building. Also, the existing windows on the first and second floors would be maintained and additional transparent material would be added in the center of the building at the main entrance and second floor balcony area.
- The building material would be stucco which is durable and aesthetically appropriate.
- There are no proposed major changes to the brick rear and sides facades. No windows would be added to the sides of the building so as to not introduce privacy concerns for the residential abutters. One door in the rear would be enclosed and the rest of the existing fenestration would be retain or upgraded with new windows.
- The signage design respects the building's context, is oriented to pedestrians and appropriate to the overall composition of the building. The building was previously a theater and the new signage and entrance will evoke the theater image. The marquee signage and balcony is oriented to pedestrians and will add interest to the pedestrian experience. The signage above the two storefronts (retail and office) is appropriately situated over the entrance for these spaces and symmetrically placed on each side of the building.

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 conserving the value of land and buildings and encouraging the most appropriate use of land throughout the City. The proposal is also consistent with the purpose of the district, which includes, but is not



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limited to providing an active mix of uses that are accessible by multiple modes of transportation, complementing historic structures, discouraging significant trip-generating uses and promoting pedestrian and bicycle activity.

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 changes to the façade and signage are designed in a manner that is compatible with the surrounding area. The changes will improve the appearance of the building, which currently is in poor condition, and restore the original design details of the building.

5. 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.

Mudflat Studios encourages its members and staff to utilize alternative transportation through sponsorship of subsidized public transportation passes and a "frequent biker" program giving discounts on classes and programs for those who bike often to the facility. These programs along with the fact that the facility currently exists in a different location in the neighborhood indicate that the proposal will not result in conditions that create traffic congestion or traffic accidents.



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DECISION:

Present and sitting were members Elizabeth Moroney, Joseph Favaloro, James Kirylo, Michael Capuano and Dana LeWinter with Kevin Prior absent. Upon making the above findings, Elizabeth Moroney made a motion to approve the request for a special permit. Michael Capuano seconded the motion. Wherefore the Planning Board voted **5-0** to **APPROVE** the request. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes								
1	Approval is to alter the exterior of the structure and add signage. The second floor (5,165nsf) extension of the by-right nonprofit pottery school and relief for parking is not part of this approval. The Applicants will return to the SPGA to seek parking relief in order to construct this new square footage in the building. 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>March 23, 2010</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>March 23, 2010</td><td>Modified plans submitted to OSPCD (Plot Plan, Site Utility Plan, Site Plan (SP001), 1st fl plan (SP002), 2nd floor plan (SP003), West elevation façade (SP006), East elevation façade (SP007), Signage locations (SP008, SP009, SP010))</td></tr><tr><td>April 5, 2010</td><td>Modified plans submitted to OSPCD (South elevation façade (SP004), North elevation façade (SP005.))</td></tr></table>				Date (Stamp Date)	Submission	March 23, 2010	Initial application submitted to the City Clerk’s Office	March 23, 2010	Modified plans submitted to OSPCD (Plot Plan, Site Utility Plan, Site Plan (SP001), 1 st fl plan (SP002), 2 nd floor plan (SP003), West elevation façade (SP006), East elevation façade (SP007), Signage locations (SP008, SP009, SP010))	April 5, 2010	Modified plans submitted to OSPCD (South elevation façade (SP004), North elevation façade (SP005.))
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Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive Planning Board approval.												
2	The Applicant or Owner shall meet the Fire Prevention Bureau’s requirements.	CO	FP									



3	The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the building and all on-site amenities, including landscaping, fencing, lighting, parking areas and storm water systems, ensuring they are clean, well kept and in good and safe working order.	Cont.	ISD	
4	The Applicant shall at his expense replace any existing equipment (including, but not limited to street sign poles, signs, traffic signal poles, traffic signal equipment, wheel chair ramps, granite curbing, etc) and the entire sidewalk immediately abutting the subject property if damaged as a result of construction activity. All new sidewalks and driveways must be constructed to DPW standard.	CO	DPW	
5	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.	



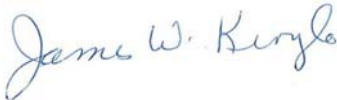
Attest, by the Planning Board:



Elizabeth Moroney



Joseph Favaloro



James Kirylo



Michael Capuano



Dana LeWinter

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 _____



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