



CITY OF SOMERVILLE, MASSACHUSETTS

PLANNING BOARD

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Case #: 2008-22

Site: 862 Broadway

Date: May 15, 2008

Recommendation: Conditional Approval

PLANNING BOARD REPORT

Applicant Name: Le Tien

Applicant Address: 6 Fellsword, Medford MA 02155

Property Owner Name: Charles Kostopoulos

Property Owner Address: 4055 Losillias Dr, Sarasota, FL 34238

Alderman: Gewirtz

Legal Notice: The Applicant and Owner seek a Special Permit under SZO §4.5.1 to change the use to a dry cleaning station with processing done elsewhere.

Zoning District/Ward: Residence B / 6

Zoning Approval Sought: Special Permit under SZO §4.5.1

Date of Application: April 29, 2008

Date(s) of Public Hearing: ZBA: May 5, 2008

Date of Decision: N/A

Vote: N/A

Dear ZBA members:

At its regular meeting on May 15, 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 property is a one-story commercial structure on a 12,000 square foot lot. The building is of brick and masonry. The proposal relates to an approximately 500 s.f. retail space within building. The prior use was a real estate office.

2. Proposal: The proposal is to change the use to a dry cleaner with processing done elsewhere. The Applicant and Owner are not proposing any changes to the façade except for a change in signage back to the Owner's signage design plan as part of the Storefront Improvement Program. The awning would be removed and lettering would be placed above the door. This type of signage can be seen on other storefronts on this building.



View of 862 Broadway



View from Broadway and College Ave of proposed signage

3. Nature of Application: A dry cleaning station with processing done elsewhere (SZO §7.11.8.2.a) is not allowed in a Residence B zoning district. The Applicant is applying for a Special Permit, § 4.5.1, to change from one nonconforming use to another. Under SZO §4.5.1, a “nonconforming use may be changed to another nonconforming use only by special permit authorized by the SPGA...”

4. Surrounding Neighborhood: The property is located in Powder House Circle and is comprised of a variety of retail shops. There is a funeral parlor and two- and three-family houses in the immediate area.

5. Impacts on Abutting Properties: The dry cleaners would not have chemicals on-site so abutters would not be affected by environmental pollutants. There are no foreseen negative impacts of the use.

5. Green Building Practices: None.

6. Comments:

Fire Prevention: “... I’d like to know the quantity of materials to be stored at the site, the type, etc. Because this will involve a change of use from a realtor’s office to a dry cleaning station, the fire alarm system will have to be code compliant for that use. Additional information is needed to ascertain what other fire safety devices might be needed.”

Aldermen: Alderman Gewirtz has been notified of this application and 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."

The Applicant requires a special permit under §4.5.1 of the SZO. Under §4.5.1, the SPGA may authorize the special permit 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 change in use from a real estate office to a dry cleaning station with processing done elsewhere would not be substantially more detrimental to the neighborhood. Patrons of the dry cleaners would likely travel by foot. The change in signage back to the originally intended design would improve the look of the storefront and comply with the standards for signs in residence districts.

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 use of a dry cleaners 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". A dry cleaning drop-off with no chemicals on site is a convenient use for the residents in the area.

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."

There will be no change to the exterior of the building except for the change in signage that will be more compatible with the design of the other signage on the building and the style of the building.

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	<p>Approval is for the change of use to a dry cleaning station with processing done elsewhere (SZO §7.11.8.2.a). This approval is based upon the following application materials and the plans submitted by the Applicant and/or its contractor:</p> <table><tr><th>Date</th><th>Submission</th></tr><tr><td>April 29, 2008</td><td>Initial application submitted to the City Clerk’s Office</td></tr></table> <p>Any changes to the approved use must receive ZBA approval.</p>	Date	Submission	April 29, 2008	Initial application submitted to the City Clerk’s Office	BP/CO	ISD / Plng.	
Date	Submission							
April 29, 2008	Initial application submitted to the City Clerk’s Office							
2	The Applicant or Owner shall remove the awning and create a sign that is in compliance with the signage design plan as part of the Storefront Improvement Program and SZO §12.3, Signs in Residence Districts.	CO	ISD / Plng.					
3	The fire alarm system shall be code compliant for a dry cleaning drop-off use. The Applicant shall supply the Fire Department with additional information to determine what other fire safety devices are needed.	CO	FP					
4	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

Cc: Applicant: Le Tien
Owner: Charles Kostopoulos

