



## CITY OF SOMERVILLE, MASSACHUSETTS

### PLANNING BOARD

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**Case #:** ZBA 2008-36

**Date:** September 4, 2008

**Recommendation:** Conditional Approval

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### PLANNING BOARD REPORT

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**Site:** 12-14 Marshall Street

**Applicant Name:** Collin Green

**Applicant Address:** 59 Edson Street, Dorchester MA 02124

**Property Owner Name:** same

**Agent Name:** none

**Alderman:** Pero

Legal Notice: The Applicant seeks a Special Permits under SZO §9.13 to modify parking requirements (4 parking spaces), provide parking on a separate lot, and share parking, and §4.4.1 to alter a nonconforming structure in order to convert an auto body shop into a religious institution. RB zone. Ward 4.

Zoning District/Ward: Residence B / 4

Zoning Approval Sought: Special Permit under SZO §9.13 and §4.4.1

Date of Application: July 17, 2008

Date(s) of Public Meeting / Hearing: Planning Board: August 7, 2008 / ZBA: August 20, 2008

Date of Decision: N/A

Vote: N/A

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Dear ZBA members:

At its regular meeting on September 4, 2008 the Planning Board heard the above-referenced application. Based on materials submitted by the Applicant and the Staff recommendation, the Board voted (4-0 with Linda Bohan and Elizabeth Moroney absent), 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 masonry structure that was previously the Winter Hill Garage. The structure has minimal setbacks and nearly covers the 3455 square feet lot. There is a large tree on the rear property line.

The property for the proposed shared parking is 308 Broadway which abuts 12-14 Marshall Street to the north and east. It is owned by the Cambridge Public Health Commission. The Cambridge Health Alliance Health Center and a 32 space parking lot are on the property.



(Above) Bird's  
Alliance parking  
Street



(Left) Front fa

2. Proposal: The Applicant would like to use the structure for religious purposes, which is a protected and allowed use. There would be 80 seats in the assembly area. The proposal is to renovate the exterior façade by filling in the current and existing windows and openings with masonry glass block and replacing the main entrance. The proposal is also to provide parking for the four required parking spaces on a separate

lot that is shared with the Cambridge Health Alliance. The Cambridge Health Alliance hours of operation are Monday, Wednesday, Friday 8:30am - 5:00pm, Tuesday & Thursday, 8:30am - 8:00pm. The hours of primary use of 12-14 Marshall Street are anticipated to be on Tuesdays, Thursdays, Fridays, and Sundays from 7 pm to 9:30 pm and on Sunday from 10 am to 2 pm according to the applicant. The congregation was previously located in Somerville and many of the members still live in the area and will travel by the organization's van or public transportation.

3. Nature of Application: According to Inspectional Services Division the change in the use requires four additional parking spaces based on a determination that seven service bays were previously located in the structure. There is no space for on-site parking. The Applicant is proposing to provide these four parking spaces on a separate lot, which requires a special permit under §9.13.d, parking on a separate lot and §9.13.e, shared parking and if shared parking is not obtained for the weekdays, §9.13.a, modification of parking requirements.

The structure is nonconforming with respect to dimensional requirements. The subject property is on an undersized lot and is nonconforming with respect to the requirements for setbacks, ground coverage, and landscaped area. These existing nonconformities require the Applicant to obtain special permits under §4.4.1 of the Somerville Zoning Ordinance (SZO). Section 4.4.1 states that “[l]awfully existing nonconforming structures other than one- and two-family dwellings may be enlarged, extended, renovated or altered only by special permit authorized by the SPGA in accordance with the procedures of Article 5.”

4. Surrounding Neighborhood: The property is located in the Winter Hill neighborhood. The surrounding area is comprised of stores, businesses and two- and three-family homes. Broadway has metered parking on both sides of the street and Marshall is resident parking only.

5. Parking Study: The Applicants hired Traffic Solutions to conduct a parking study of the area (attached). The results of two evenings of data collection showed that 99 on-street parking spaces or 38% of the area’s parking study was available within a 600 foot perimeter. The conclusion was that the proposed use would have a negligible impact on the surrounding public parking supply. Traffic and Parking Staff comments are below. The study notes the 15 passenger van that the congregation uses to shuttle people to the facility and the 7 passenger van that is available if more room is needed.

6. Impacts on Abutting Properties: The changes to the exterior of the building will likely improve the appearance of the building. The parking study results, shared parking agreement, and van service should mitigate concerns regarding availability of parking in the neighborhood. Marshall Street from Broadway to Oakland Street is resident permit parking only and the rest of the Marshall Street could become resident parking if requested by the abutters. The businesses in the area will likely benefit from people patronizing their shops and restaurants.

7. Green Building Practices: The reuse of the structure reduces waste and energy. If the clerestory is restored, less electricity would be used to light the interior space.

8. Comments:

*Fire Prevention:*

“The proposal to convert this property from an auto body shop to a religious institution will require that a code compliant fire alarm system be installed.”

*Historic Preservation:*

“The building has never been surveyed. According to the Building Permit Records, the building was originally built in 1912 as a terra cotta block building with a pitched roof by J. Poole for \$4,000. This is a relatively early construction date for a garage in the City.”

“The photo of the building on the Assessor's Database shows a white stucco-covered garage with a clerestory or monitor. Stylistically, this could be the same structure. The clerestory was a common feature used in buildings to minimize the use of artificial lights. The shape of this and similar buildings is particularly interesting in that it mimics the shape of early churches, indicating the simple construction and basic solution to the darkness of the interior followed the same logic on how to deal with the problem.”

#### *Traffic & Parking:*

“The applicant seeks to alter a nonconforming structure in order to convert an auto body shop into a religious institution. Per the Somerville Zoning Ordinance [4] off street parking spaces are required. The applicant hired the services of a professional traffic engineering firm, Traffic Solutions, to prepare a traffic memorandum concerning the required [4] off street parking spaces. This firm reviewed the existing demand for on-street parking with 300 and 600 ft of 12-14 Marshall Street and prepared and submitted a high quality parking analysis. This parking study indicated that for late July and early August, 2008 there were approximately 10 parking spaces available within 300 ft and 89 parking spaces within 600 ft of the proposed religious institution. Since this parking inventory was undertaken in the summer when both traffic and parking are significantly lower, a 20% factor should be utilized. Thus the available parking spaces would be 8 and 72 respectively. However, Traffic and Parking questions the utilization for the parking spaces by this Church outside of the 300 ft radius. This distance perhaps is a distance too far for parishioners to walk to the Church after parking their vehicle. Traffic and Parking questions the mode of transportation to this Church by vans, ride sharing and car pooling. Single occupant vehicles are usually the general mode of transportation within urban areas. Parking is always an over riding concern by Traffic and Parking, if possible an agreement between this proposed Church and a nearby business for three shared parking spaces should be pursued and is preferred and desired. Until all avenues regarding parking issues are examined and/or a firm written agreement relative to modes of transportation to this site [is obtained], Traffic and Parking at this time has no position on this application.”

The Applicants received confirmation of a shared parking agreement after these comments were received. Traffic and Parking staff reviewed the agreement and finds it to be a successful solution to providing parking; however, the agreement should cover Tuesdays, Thursdays, and Fridays from 7 pm to 9:30 pm, which are listed as times of primary use in addition to Sundays, if spaces are available. Without this additional agreement, approximately \$1,000 worth of new street pole signs, parking meters and/or street name blades would be required as mitigation for the area.

## **II. FINDINGS FOR SPECIAL PERMIT (SZO §9.13 and §4.4.1):**

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 §9.13 of the SZO “the SPGA may grant such a special permit only when consistent with the purposes set forth in Section 9.1, and upon reaching the findings and determinations set forth in Section 5.1.4”. The Applicant must be able to demonstrate that granting the requested special permit would not cause detriment to the surrounding neighborhood through any of the criteria as set forth under SZO §9.13, which are as follows:

- 1) increase in traffic volumes;
- 2) increased traffic congestion or queuing of vehicles;
- 3) change in the type(s) of traffic;
- 4) change in traffic patterns and access to the site;
- 5) reduction in on-street parking;
- 6) unsafe conflict of motor vehicle and pedestrian traffic.

The Board finds that shared parking on a separate lot would not cause detriment related to the above criteria. The parking lease agreement would allow the number required parking spaces to be located on a separate lot on Sundays. The Health Center is not opened on Sundays, allowing shared parking to be possible. The parking lot is approximately 250 feet from the proposed religious institution’s entrance and the lots are connected by sidewalks. If the shared parking agreement is not able to include weeknight usage, mitigation for the four spaces will be a condition of approval. The religious institution’s van service would also limit the impact of on-street parking. Additionally, the parking study results show that spaces are available.

The Board finds that as conditioned granting the requested special permit would not create a situation that would be a nuisance or hazard to pedestrians and adjacent properties, nor would it decrease the traffic carrying capacity of the adjacent streets or significantly compromise the on-street parking available in Winter Hill.

The Applicant also requires a special permit under §4.4.1 of the SZO. Under §4.4.1, “The SPGA must find that such extension, enlargement, renovation or alteration is not substantially more detrimental to the neighborhood than the existing nonconforming building ... the SPGA may consider, without limitation, impacts upon the following: traffic volumes, traffic congestion, adequacy of municipal water supply and sewer capacity, noise, odor, scale, on-street parking, shading, visual effects and neighborhood character.”

The alteration of the structure would include repairing and improving the appearance of the building while retaining the form of this historic garage.

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 “conserve the value of land and buildings,” to “provide for and maintain the uniquely integrated structure of uses in the City”, to “preserve the historical and architectural resources of the City”, and to “encourage the most appropriate use of land throughout 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 off-site parking lot is an existing lot that is compatible for shared parking for the religious institution's use. The alterations to the structure would be compatible with the prior use and historic shape that mimics those of early churches.

5. Vehicular and Pedestrian Circulation: The Applicant must ensure that "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."

The City's Department of Traffic and Parking has reviewed this proposal. The proposed parking would be located in an existing parking lot. Parking in this lot for the religious institution would not create significant traffic congestion or the potential for traffic accidents.

### III. RECOMMENDATION

#### Special Permit under §9.13 and §4.4.1

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 alterations and parking situation proposed would not be substantially more detrimental to the neighborhood than the existing structure and 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 modifications of parking requirements (4 parking spaces), parking on a separate lot, shared parking, and alteration to a nonconforming structure in order to convert an auto body shop into a religious institution. This approval is based upon the following application materials and the plans submitted by the Applicant and/or Agent:	BP/CO	Plng.							
	<table><tr><th>Date</th><th>Submission</th></tr><tr><td>July 17, 2008</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>August 29, 2008</td><td>Parking License Agreement</td></tr></table>	Date	Submission	July 17, 2008	Initial application submitted to the City Clerk's Office	August 29, 2008	Parking License Agreement			
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	Any changes to the approved elevations that are not <i>de minimis</i> must receive ZBA approval.									

2	The size and location of the existing openings as shown in dashed and solid lines on the Marshall Street elevation (A-3) shall remain with infill of glass block or other glazing material.			
3	If the shared parking arrangement is not possible for weekday nights Traffic and Parking will determine mitigation for four parking spaces.	CO	T&P	
4	A code compliant fire alarm system shall be installed.	CO	FP	
5	All construction materials and equipment must be stored onsite. If occupancy of the street layout is required, such occupancy must be in conformance with the requirements of the Manual on Uniform Traffic Control Devices and the prior approval of the Traffic and Parking Department must be obtained.	During Construction	T&P	
6	To the extent possible, all exterior lighting must be confined to the subject property, cast light downward and must not intrude, interfere or spill onto neighboring properties.	CO	Plng.	
7	The Applicant shall not remove the tree on the rear property line without ZBA approval.	Perpetual	Plng.	
8	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/Owner: Collin Green



