



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

**Memorandum**

To: ZBA Members  
From: Planning Staff  
Date: September 12, 2008  
RE: 12-14 MARSHALL STREET

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Since the Planning Board meeting on September 4, 2008, the Applicant submitted a revised parking agreement which includes shared parking for all proposed event times for the religious institution including Sundays, and Tuesday, Thursday and Friday evenings. The Applicant also submitted a letter with more information on the van service and the registration for the van.

With this agreement, a Special Permit would no longer be required under §9.13.a (modification of parking requirements). The four required parking spaces would be provided off-site under a shared parking agreement, if the Special Permits under §9.13.d (parking on a separate lot) and §9.13.e (shared parking) are granted.

Updated Traffic and Parking Staff Comments:

“The applicant seeks to modify parking requirements (4 parking spaces) to alter a nonconforming structure in order to convert an auto body shop into a religious institution. The applicant has entered into an agreement with the Cambridge Health Alliance to share and use 4 parking spaces for their parishioners on days the applicant will have religious services. The applicant has also submitted documentation that this institution will use multiple vans for parishioners to travel to this building for religious services. Based on these above conditions, Traffic and Parking has no objections to this application.”

Updated findings and recommended conditions:

**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 during the proposed event times on Sundays and Tuesday, Thursday and Friday evenings. The Health Center is not opened during these times, 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. 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

Condition 3 from the Planning Board report dated September 4, 2008 is no longer applicable. Mitigation for the 4 parking spaces is not required because the parking agreement for shared parking on a separate lot was extended to cover all proposed meeting and event times.

#	Condition	Timeframe for Compliance	Verified (initial)	Notes								
1	Approval is for a Special Permit for 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 28, 2008</td><td>Van shuttle service letter</td></tr><tr><td>August 29, 2008</td><td>Parking License Agreement (signed)</td></tr></table>				Date	Submission	July 17, 2008	Initial application submitted to the City Clerk’s Office	August 28, 2008	Van shuttle service letter	August 29, 2008	Parking License Agreement (signed)
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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.	BP/CO	ISD / Plng.									
3	A code compliant fire alarm system shall be installed.	CO	FP									
4	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									
5	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.									

6	The Applicant shall not remove the tree on the rear property line without ZBA approval.	Perpetual	Plng.	
7	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.	