



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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**Case #:** ZBA 2011-66

**Date:** September 15, 2011

**Recommendation:** Conditional Approval

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**PLANNING STAFF REPORT**

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**Site:** 363 Highland Ave

**Applicant Name:** Spy Pond Assoc., Inc.

**Applicant Address:** 3755 Glenhurst Ave, St. Louis Park, MN 55416

**Property Owner Name:** Spy Pond Assoc., Inc.

**Property Owner Address:** 3755 Glenhurst Ave, St. Louis Park, MN 55416

**Agent Name:** James Freeman, Freeman Realty Assoc., Inc.

**Agent Address:** 505 Main St, Reading, MA 01867

**Alderman:** Rebekah Gewirtz

Legal Notice: Applicant & Owner, Spy Pond Associates, Inc., seek a Special Permit to alter a nonconforming structure under SZO §4.4.1 to install seven (7) skylights on the roof of the western portion of the existing single-story commercial building.

Zoning District/Ward: CBD / 6

Zoning Approval Sought: Special Permit under SZO §4.4.1

Date of Application: August 23, 2011

Dates of Public Hearing: Zoning Board of Appeals September 21, 2011

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**I. PROJECT DESCRIPTION**

1. Subject Property: The subject property is comprised of four parcels, one of which is a small sliver of land. The property contains 120 feet of frontage along Highland Avenue and 320 feet along Whipple Street. The Community Path abuts the rear property line. A one-story commercial building sits on the site that was built in two phases. The front section was constructed in 1922 and the rear portion was constructed in 1974. The building houses a few different businesses. Consignment Galleries and Highland Laundromat are the tenants that are located along Highland Avenue. Q Division Records, a recording studio and Altitude Inc, a product innovation company, is located in the rear of



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the building. There is also a vacant commercial space. The parking lot for the building is located off of Whipple Street.

The Zoning Board of Appeals issued special permits for the site in the past. In 1991, a Special Permit (#1991-40) allowed for a nonconforming wholesale distribution use to change to a nonconforming moving storage use; however that use did not remain for a long time as a Special Permit (#1992-41) was issued to convert the storage space into a theater scenery company in 1992. In 1999 the ZBA issued a Special Permit (#1999-22) to alter the nonconforming structure and demolish a portion of the structure to convert a portion to office space and a recording studio. A condition of the permit was that the Applicant shall work with the City and the owners of Whipple Street to plan and maintain two trees in front of the new fence and parking area. Finally in 2001, the ZBA issued a special permit to convert 11,600 sf of commercial space into office for a total of 16,575 sf of office space. The proposal included renovating the interior space and replacing windows to allow for more natural light to enter the building. The permit limited the number of parking spaces to 26 to provide space for additional landscaping onsite. The conditions also stated that the entire building should be painted an attractive red brick color.



*Parking lot for the building and entrance to Altitude, Inc off of Whipple Street (top left), Location of proposed skylights will be on the roof close to this facade (top right), Approximate location of skylights (bottom)*

2. Proposal: The proposal is to add even (7) skylights on the flat roof of the western portion of the building to continue the work started in 2001 to add windows to the building to allow for daylight harvesting. The skylights will be 4 ft by 4 ft and provide natural light to an approximately 3,000 sf space that is currently vacant. The space was used as an office in the past and will be re-tenanted as an office. Standard business office hours are expected.

The owner of the building submitted an application in the Spring of 2011 to install nine windows on the northwest side of the building which sits on the property line; however, the owner withdrew the application because of abutter's concerns.

3. Nature of Application: The structure is currently nonconforming with respect to



landscaped area, rear yard setback and right side yard setback from the abutting Residence C district.

The proposal does not affect the nonconforming aspects of the building; however, as a nonconforming commercial structure, a Special Permit is required to alter the building under §4.4.1 of the Somerville Zoning Ordinance (SZO).

4. Surrounding Neighborhood: The property abuts Open Space, Neighborhood Business, and Residence C Districts and several different types of uses including a gas station, electrical substation, the Community Path, and residential structures.

5. Impacts of Proposal: The installation of skylights to the flat roof is not anticipated to have any negative impacts.

6. Green Building Practices: The skylights will reduce the energy use in the office space by supplying natural light to the space.

7. Comments:

*Fire Prevention:* Fire Prevention did not have concerns with the application.

*Ward Alderman:* Alderman Gerwitz did not have concerns with the application.

## **II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1 & 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 Staff 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 §4.4 of the SZO, Staff find that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The skylights will be located on a flat roof and will not be visible from the ground level. The office use will likely be a typical Monday through Friday from 9am to 5pm operation so light spillover is not expected in the middle of the night. The skylights will improve a 3,000 sf interior office space by providing natural light to the space that does not otherwise have windows.

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 providing adequate light and adequately protecting the natural environment. The windows will provide light into the office space, reducing the electrical usage of the building. The

proposal is also consistent with the Central Business District as this proposal will improve the utilization of the professional office building.

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 skylights will be compatible with the built and unbuilt surrounding area. They will be located on a flat roof and will not be visible from the ground level. A parking lot abuts the building where the skylights would be located and the closest structure is eighty feet away.

### III. RECOMMENDATION

#### Special Permit under §4.4.1 & 5.1

Based on the materials submitted by the Applicant, the above findings and subject to the following conditions, the Planning Staff recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT**.

The recommendation is based upon a technical analysis by Planning Staff of the application material based upon the required findings of the Somerville Zoning Ordinance, and is based only upon information submitted prior to the public hearing. This report may be revised or updated with new recommendations, findings and/or conditions based upon additional information provided to the Planning Staff during the public hearing process.

#	Condition	Timeframe for Compliance	Verified (initial)	Notes								
1	Approval is for the installation of seven skylights near the northwest corner of the building. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/Plng.									
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>August 23, 2011</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>3/23/11</td><td>Plans submitted to OSPCD (Existing Conditions)</td></tr><tr><td>8/15/11</td><td>Plans submitted to OSPCD (A0.0 Cover, A 1.3 Roof Plan, A2.0 Reflective Ceiling Plan, S1.1 General Notes, Roof Framing Plan &amp; Typical Details)</td></tr></table>				Date (Stamp Date)	Submission	August 23, 2011	Initial application submitted to the City Clerk's Office	3/23/11	Plans submitted to OSPCD (Existing Conditions)	8/15/11	Plans submitted to OSPCD (A0.0 Cover, A 1.3 Roof Plan, A2.0 Reflective Ceiling Plan, S1.1 General Notes, Roof Framing Plan & Typical Details)
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Any changes to the approved plans that are not <i>de minimis</i> must receive SPGA approval.												

2	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.	
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