



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2016-121

Date: December 1, 2016

Recommendation: Conditional Approval

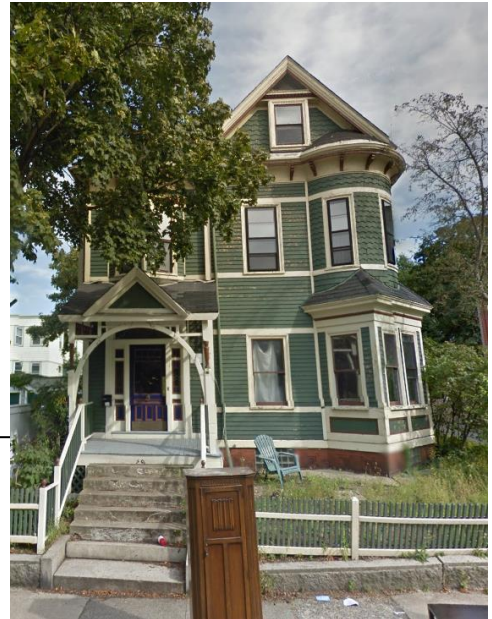
PLANNING STAFF REPORT

Site: 46 Mount Vernon Street

Applicant Name: True-Healing Health Services, Inc. c/o Ting Fang
Applicant Address: 46 Mount Vernon Street, Somerville, MA 02145
Owner Name: Ting Fang
Owner Address: 46 Mount Vernon Street, Somerville, MA 02145
Agent Name: N/A
Agent Address: N/A
Alderman: Matthew McLaughlin

Legal Notice: The Applicant, True-Healing Health Services, Inc., and Owner, Ting Fang, seek a special permit under SZO §7.11.4.f to operate an accessory office for acupuncture, massage, herbal medicine, and other holistic therapies within a primary residence. RB Zone. Ward 1.

Dates of Public Hearing: Zoning Board of Appeals –
December 7, 2016



I. PROJECT DESCRIPTION

1. **Subject Property:** The locus consists of an approximately 6,100 square foot parcel that contains a two-family dwelling and a two-car garage. The dwelling is a 2.5 story Queen Anne style structure that consists of approximately 3,700 square feet of living area. Unit #1 consists of four bedrooms and occupies the first floor and a portion of the second floor. Unit #2 consists of three bedrooms and occupies a portion of the

second floor and the third floor. There are currently four off-street parking spaces on the locus, two of which are located in the garage and two parallel spaces positioned in the right of the driveway.

2. Proposal: The proposal is to occupy approximately 600 square feet of the first floor as an accessory office for acupuncture, massage, herbal medicine, and other holistic therapies within the primary residence. The therapy area is proposed to occupy the foyer, study, and living room with access to a half-bathroom of unit #1 on the first floor. The Applicant/Owner initially stated to have five therapists living and working there and see 8-40 patients per day between 10am-6pm seven days a week. Planning Staff recommends a condition that there be no more than two therapists operating on the premises between the hours of 10am-6pm Monday through Saturday with no more than two customers on the premises at a time.

3. Green Building Practices: The locus currently has a three-panel solar array on the rear portion of the roof.

4. Comments:

Fire Prevention: Has been made aware of the proposal and does not have comments at this time.

Historic Preservation: Historic Preservation Staff has informed the Applicant/Owner that if signage is desired a Certificate of either Appropriateness or Non-Applicability may be required.

Ward Alderman: Alderman McLaughlin has been made aware of this proposal and does not support it.

II. FINDINGS FOR SPECIAL PERMIT (SZO §7.11.4.f)

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."*

To establish an accessory office within a primary residence of a recognized professional including that of one performing acupuncture, massage, herbal medicine, and other holistic therapy under SZO §7.11.4.f a Special Permit is required provided that the parking requirements of Article 9 are met. The existing lot does not have sufficient parking spaces to meet the requirements of Article 9 and is currently nonconforming in that respect.

There are currently three parking spaces on the lot; two of which are in the two-car garage and one parallel space off to the right of the driveway. Although the parking plan shows two spaces to the right there is not at least 20 feet of maneuvering space in front of space #3; therefore only the two spaces in the garage and space #4 are recognized as parking spaces for zoning purposes. Four parking spaces are currently required and as a result of this proposal five parking spaces will be required. Pursuant to SZO §9.4.1 if a nonconforming lot in respect to parking is changed to a different type of use for which a

different number of parking spaces is required the following shall apply: if the new use is calculated to require one (1) more parking space or less than the existing (or previous) use, then no additional parking shall be required.

The definition for an Accessory Use under SZO §2.2.3 states such accessory use shall occupy a portion of the structure for a purpose incidental to and customarily found in connection with the permitted principal use, which is a two-family dwelling. The Applicant's original submittal was to have five therapists working on the site seven days a week with 8-40 patients expected per day. Staff believes that having that many therapists and having approximately 40 clients per day would not meet the definition of accessory use. Also, the high traffic of clients in and out throughout the day seven days a week would cause significant traffic impacts on the residential neighborhood and also cause the business operation to overshadow the primary residential use of the site and the neighborhood. Planning Staff believes that as conditioned with the limit of two therapists working Monday – Saturday 10am – 6 pm and having no more than two customers on the premises at a time, the definition of Accessory Use under SZO §2.2.3 would be met.

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."*

As conditioned, the proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to promote the health, safety, and welfare of the inhabitants of the City of Somerville; to provide for and maintain the uniquely integrated structure of uses in the City; and to preserve and increase the amenities of the municipality.

As conditioned, the proposal is consistent with the purpose of the district, which is, "to 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." The proposed business is convenient for the residents of the neighborhood and compatible as conditioned.

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."*

Surrounding Neighborhood: The surrounding neighborhood is comprised of single-, two-, three-, and multi-family dwellings. There are no known accessory businesses in this neighborhood. Limiting the number of therapists on the site to two will ensure that this structure and use retains its residential character.

Impacts of Proposal (Design and Compatibility): There is no known exterior construction that will impact the design and compatibility of the site. If signage is requested it will have to conform to the SZO requirements and will be reviewed and approved by Planning Staff.

5. Housing Impact: *Will not create adverse impacts on the stock of existing affordable housing.*

There is no impact to the affordability of the housing units onsite.

6. SomerVision Plan: *Complies with the applicable goals, policies and actions of the SomerVision plan, including the following, as appropriate: Preserve and enhance the character of Somerville's*

neighborhoods; and preserve, and expand an integrated, balanced mix of safe, affordable and environmentally sound rental and homeownership units for households of all sizes and types from diverse social and economic groups.

<u>SomerVision Summary</u>	<i>Existing</i>	<i>Proposed</i>
<i>Dwelling Units:</i>	2	2
<i>Estimated Employment:</i>	0	2

The proposal will allow for a homeowner to operate an accessory business out of her home while maintaining the historic nature of the structure. It is possible that the Applicant/Owner may grow her business in one of the commercial corridors or squares.

III. RECOMMENDATION

Special Permit under §7.11.4.f

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 establishment of an accessory office within the first-floor of a primary residence for acupuncture, massage, herbal medicine, and other holistic therapies. 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>September 23, 2016</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>March 15, 2011</td><td>Parking Plan submitted to OSPCD</td></tr></table>				Date (Stamp Date)	Submission	September 23, 2016	Initial application submitted to the City Clerk's Office	March 15, 2011	Parking Plan submitted to OSPCD
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	March 15, 2011				Parking Plan submitted to OSPCD					
Any changes to the approved use that is not <i>de minimis</i> must receive SPGA approval.										
2	If signage for the business is desired, it must comply with the SZO requirements and must be submitted to Planning and Historic Preservation Staff for review and approval.	BP/CO	Plng./Historic Pres.							

3	There shall be a maximum of two customers on the premises at any given time.	Perpetual	ISD/Pln g.	
4	There shall be a maximum of two employees operating the business and performing therapy. At least one of the employees shall permanently reside in the unit where the accessory business operates.	Perpetual	ISD/Pln g.	
5	Either dwelling unit in the structure shall never be solely used for the purposes of operating the business.	Perpetual	ISD/Pln g.	
6	The hours of operation shall be limited to 10am-6pm Monday-Saturday.	Perpetual	ISD/Pln g.	
Final Sign-Off				
7	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.	

