



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
JOSEPH A. CURTATONE
MAYOR

MICHAEL F. GLAVIN
EXECUTIVE DIRECTOR

PLANNING DIVISION STAFF

GEORGE PROAKIS, *DIRECTOR OF PLANNING*
LORI MASSA, *SENIOR PLANNER*
DAN BARTMAN, *SENIOR PLANNER*
AMIE HAYES, *PLANNER*
DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*

Case #: ZBA 2013-62
Date: September 12, 2013
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 44 Park Street

Applicant Name: Ellen Waylonis
Applicant Address: 66 Central Street #2 Somerville, MA 02143
Property Owner Name: Belam, LLC
Property Owner Address: 15 Ward Street Somerville, MA 02143
Alderman: Maryann Heuston

Legal Notice: Applicant, Ellen Waylonis, and owner, Belam, LLC, seek a Special Permit under SZO §4.4.1 to alter a nonconforming structure, SZO §7.11.8.9.a to establish a for-profit school for instruction in arts, skills, or vocational training less than 5,000 square feet with ancillary alterations to existing site plan and parking. RC zone. Ward 2.

Zoning District/Ward: RC/Ward 2

Zoning Approval Sought: Special Permit under SZO §4.4.1, §7.11.6.3a, and §9.13

Date of Application: August 19, 2013

Date of Hearing: Zoning Board of Appeals – September 18, 2013

I. PROJECT DESCRIPTION

1. Subject Property: The property is a 43,012 square foot lot on which sits a 10,908 square foot one-story steel framed warehouse. The building has an 800 square foot vacant office area in the front portion of the building and a daycare occupying the rear of the building since 2012. On the site, there is a parking lot with 19 spaces and a playground for the daycare. The rear of the site, where the daycare occupies, was renovated in 2012. The northern edge of the property abuts an MBTA commuter rail track. There is an approximately 7-foot chain link fence along the tracks. The parcel is rectangular except for the



southwestern edge, which has a triangular shape. The front of the site is poorly maintained, the lawn has debris and rocks.

There have been several prior cases for 44 Park Street. The first, in 2002, was a conditional approval for a new fence. In 2003, 2004, and 2008 (ZBA 2008-24) there were proposals for affordable housing. In 2011, a special permit was approved to alter a nonconforming structure under SZO §4.4.1 by adding windows, doors and a canopy for the use of an approximately 6,000 square foot by-right child care facility (ZBA 2011-83).



Park Street Frontage



East/Rear Elevation at Daycare (South Elevation similar)

2. Proposal: The proposal is to build out a 4,060 net square foot area to teach and study circus arts. Circus arts aren't clowning around, they combine aerobics, strength, flexibility on apparatuses like aerial fabric and aerial hoop. Classes prepare students for the strength, flexibility, and choreography needed for performances. The school will be open from 5:30-10 Monday through Friday, 10-4 on Saturday, and 12-8 on Sunday with private classes and instruction times possible during the midday. The only alteration to the exterior of the building is a second emergency egress at the north side of the property and a 4' x 7' sign above the main entrance with no lighting. The parking lot will be extended to include another ten spaces on a crushed rock surface with a railroad tie curb. A handicap parking space will be accommodated on existing paving at the front of the lot for a total of 11 additional spaces. Four bicycle parking spaces that accommodate 2 bikes each will be at the front of the building.

3. Nature of Application: Under SZO §4.4.1, lawfully 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. The structure is currently nonconforming in terms of the northern side yard setback. The building is 2 ft 5 in from the side yard and the requirement is 6 feet. Due to its nonconforming status, a special permit is required to add the additional exterior door.

The building is in an RC zone. A for-profit school for instruction in arts, skills, or vocational training less than 5,000 square feet is allowed by special permit (SZO §7.11.8.9.a).

No parking relief is required for the use because of the parking lot expansion. Business services require 1 parking space per 450 square feet which is 9 spaces. All of the required spaces are being accommodated in the new site plan.

Under SZO §9.15, one bicycle space needs to be provided. Four bicycle racks are being installed near the handicap space at the front of the building which will accommodate 8 bicycles.

The design and size of signage for the school must comply with SZO §12.4.

4. Surrounding Neighborhood: The neighborhood to the north is comprised of a mix of factory, business and residential uses including a new climbing gym. Conway Playground is also located north of the site. To the south, east and west are mostly residential neighborhoods with one- and two-family homes. There is a large residential development across Park Street with Park and Ivaloo Street addresses.

5. Impacts of Proposal: The renovation to the rear portion of the building for the daycare in 2012 greatly improved south and east elevations. The industrial feeling was maintained and is compatible with the school use. There will be signage above the existing front door to indicate the new tenant and an additional egress door; however, no other alterations are proposed. Since the front of the building is being activated and the owner recently reseeded, a condition of the special permit is maintaining the lawn and reseeding if necessary.

The vehicular, cycling, and pedestrian traffic to the site will increase. Because the entrance and bicycle parking will be on Park Street, it will add to a more active street life along Park Street and to the building itself. The site has transit access from the 83, 85, 86, and 87 bus lines. The required number of parking spaces are being provided.

6. Green Building Practices: None listed on the application

7. Comments:

Fire Prevention: The sprinkler system needs to be evaluated for the proposed use. Any modifications to the alarm or sprinkler systems or storage of flammables should be permitted through fire prevention. If determined to be an assembly use, the second egress will require paved access. This is a condition of this report.

Engineering: A stamped site plan will be required prior site work commencing.

Ward Alderman: Has been contacted but has not yet provided comments.

Community Meeting: There was a community meeting on September 10, 2013 that Planning Staff was not able to attend. A small number of residents attended and were supportive of the project. A resident expressed concern over signal timing and traffic delay on Park Street. This concern was relayed to the Traffic and Infrastructure Department. This use will generate a maximum of 33 cars per 24 hour period. This increase can be absorbed by the roadway in its current design. This location is also accessible by several bus lines. Parking for bicycles and vehicles are accommodated on site.

II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1, §7.11.8.9.a, & §5.3):

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 §7.11.8.9.a of the SZO, Staff find that the use proposed would not be substantially more detrimental to the neighborhood than the existing use. The use is a fairly quiet use and the required number of parking spaces will be met onsite.

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 alterations to the structure by adding an egress door do not increase the nonconforming side yard.

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 "promote the health, safety, and welfare of the inhabitants of the City of Somerville; to encourage the most appropriate use of land throughout the City; and to preserve and increase the amenities of the municipality."

The proposal is consistent with the purpose of the Residence C district, which is, "To establish and preserve a district for multi-family residential and other compatible uses which are of particular use and convenience to the residents of the district."

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 industrial feel of the building is compatible with the school use.

III. RECOMMENDATION**Special Permit under SZO §4.4.1, §7.11.8.9.a, & §5.3**

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 a Special Permit under SZO §4.4.1 to alter a nonconforming structure, SZO §7.11.8.9.a to establish a for-profit school for instruction in arts, skills, or vocational training less than 5,000 square feet with ancillary alterations to existing site plan and parking. 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 19, 2013</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>(September 12, 2013)</td><td>Modified plans submitted to OSPCD (C4.0 Grading Drainage & Utilities Plan, A-01 Floor Plan, Restroom Plan, Signage sketch)</td></tr></table>				Date (Stamp Date)	Submission	August 19, 2013	Initial application submitted to the City Clerk’s Office	(September 12, 2013)	Modified plans submitted to OSPCD (C4.0 Grading Drainage & Utilities Plan, A-01 Floor Plan, Restroom Plan, Signage sketch)
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Any changes to the approved plan and elevations that are not <i>de minimis</i> must receive SPGA approval.										
2	The crushed-stone parking area shall be fully enclosed with a railroad tie curb to contain the crushed-stones.	CO	Plng.							
3	Landscaping should be installed and maintained in compliance with the American Nurserymen’s Association Standards. If necessary, front lawn shall be reseeded.	CO	Plng/ISD							
4	The Applicant or Owner shall meet the Fire Prevention Bureau’s requirements.	CO	FP							
5	Signage design to be submitted Planning Staff for review and approval.	CO	Plng.							
6	Signage will be limited in size and location to that shown in the elevation diagrams.	CO/Cont.	Plng.							
7	The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the building and all on-site amenities, including landscaping, fencing, lighting, parking areas and storm water systems, ensuring they are clean, well kept and in good and safe working order.	Cont.	ISD							

8	The Applicant shall at his expense replace any existing equipment (including, but not limited to street sign poles, signs, traffic signal poles, traffic signal equipment, wheel chair ramps, granite curbing, etc) and the entire sidewalk immediately abutting the subject property if damaged as a result of construction activity. All new sidewalks and driveways must be constructed to DPW standard.	CO	DPW	
9	Prior to site work commencing, a stamped site plan should be submitted to Engineering.	Prior to sitework	Eng	
10	If deemed to be assembly use, paved access shall be provided from the second means of egress	CO	FP	
11	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.	

