



City of Somerville

PLANNING BOARD

City Hall 3rd Floor, 93 Highland Avenue, Somerville MA 02143

2023 DEC 22 A 9:55

DECISION

PROPERTY ADDRESS: 288 Highland Avenue
CASE NUMBER: ZP23-000052
OWNER: Dennis O'Donovan
OWNER ADDRESS: 31 Rogers Avenue, Somerville, MA 02144
APPLICANT: Lotus Yoga Studio LLC
APPLICANT ADDRESS: 191 Massachusetts Avenue, Arlington, MA 02474
DECISION: Approved with Conditions (Use Special Permit)
DATE OF VOTE: December 21, 2023
DECISION ISSUED: December 22, 2023

CITY CLERK'S OFFICE
SOMERVILLE

This decision summarizes the findings made by the Planning Board (the "Board") regarding the Special Permit application submitted for 288 Highland Ave.

LEGAL NOTICE

Lotus Yoga Studio LLC seeks to establish a Fitness Service principal use along a Pedestrian Street in the Mid-Rise 4 (MR4) District, which required a Special Permit.

RECORD OF PROCEEDINGS

On December 21, 2023, the Planning Board held a public hearing advertised in accordance with M.G.L. 40A and the Somerville Zoning Ordinance. Present and sitting at the public hearing were Board Members Chair Michael Capuano, Vice-Chair Amelia Aboff, Clerk Jahan Habib, and Alternate Luc Schuster. At the public hearing, the Applicant provided a presentation on their proposed business, Lotus Studio and how they were excited about the opportunity to expand into Somerville. After the presentation, the Board asked the Applicant questions about outdoor yoga sessions and that they support the proposed use. After a brief discussion, the Board opened public testimony, where one member of the community expressed support for the application. After the Chair closed the public testimony portion of the public hearing, there was no discussion between the Board and the Chair moved to approve the Special Permit application.

PLANS & DOCUMENTS

Application plans, documents, and supporting materials submitted and incorporated are identified below.

Document	Pages	Prepared By	Date	Revision Date
288 Highland Avenue Narrative	2	Lauren Farenga-Kosmidis	November 10, 2023	n/a
288 Highland Avenue Supplemental Narrative	3	Lauren Farenga-Kosmidis	November 24, 2023	n/a

288 Highland Avenue Floor Plan	1	n/a	n/a	n/a
288 Highland Avenue Maps	2	Lauren Farenga-Kosmidis	November 9, 2023	n/a

SPECIAL PERMIT FINDINGS

In accordance with the Somerville Zoning Ordinance, the Board may approve or deny a special permit upon making findings considering, at least, each of the following:

1. *The comprehensive plan and existing policy plans and standards established by the City.*

The Board finds that this project supports the goals laid out in SomerVision 2040, the City's Comprehensive Master Plan, including the following:

- Invest in the growth of a resilient economic base that is centered around transit, generates a wide variety of job opportunities, creates an active daytime population, supports independent local businesses, and secures fiscal self-sufficiency.

2. *The intent of the zoning district where the property is located.*

The Board finds the proposal meets the intent of the MR4 zoning district, which is, in part "[T]o create, maintain, and enhance areas appropriate for smaller scale, multi-use and mixed-use buildings and neighborhood serving uses."

3. *The maintenance of a diverse blend of commercial uses within the neighborhood.*

The Board finds that this neighborhood along the Highland Ave corridor has a diverse blend of commercial uses ranging from food/beverage uses to Personal Service. Most of the existing commercial uses are neighborhood serving, meaning that many of the business serve the immediate neighborhood and most trips can be done by foot or transit.

4. *The existing concentration of uses from the same use category within the neighborhood.*

There are other Personal Service uses that exist in the neighborhood including personal grooming and health care services.

5. *The availability of the same services within the neighborhood.*

At this time there is no other yoga studio within the neighborhood.

6. *The availability of comparable commercial spaces within the neighborhood.*

There is other commercial spaces available in the direct neighborhood across multiple properties. As noted above, the proposed space is already set-up for a yoga studio, making it an appealing space for someone looking to establish another yoga studio in the neighborhood.

DECISION

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Chair Capuano moved to approve the **Special Permit** to establish a Fitness Service principal use along a Pedestrian Street with the conditions included in the staff memo. Vice-Chair Aboff seconded. The Board voted **4-0** to approve the permit, subject to the following conditions:

Perpetual

1. This Decision must be recorded with the Middlesex South Registry of Deeds.

Prior to Building Permit

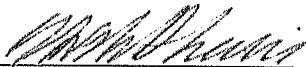
2. Digital copies of all required application material reflecting any physical changes required by the Board, if applicable, must be submitted to the Planning, Preservation & Zoning Division for the public record. Materials must be submitted in accordance with the document format standards of relevant Submittal Requirements.
3. A copy of the recorded Decision stamped by the Middlesex South Registry of Deeds must be submitted to the Planning, Preservation & Zoning Division for the public record.

Prior to Certificate of Occupancy

4. A written narrative or descriptive checklist identifying the completion or compliance with permit conditions must be provided to the Inspectional Services Department at least ten (10) working days in advance of a request for final inspection.

Attest, by the Planning Board:

Michael Capuano, *Chair*
Amelia Aboff, *Vice-Chair*
Jahan Habib, *Clerk*
Luc Schuster, *Alternate*



Sarah Lewis, Director of Planning, Preservation, & Zoning
Office of Strategic Planning & Community Development

CLERK'S CERTIFICATE

Any appeal of this decision must be filed within twenty days after the date this notice is filed in the Office of the City Clerk, and must be filed in accordance with M.G.L. c. 40A, sec. 17 and SZO sec. 15.5.3.

In accordance with M.G.L. c. 40 A, sec. 11, no variance shall take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title.

Also in accordance with M.G.L. c. 40 A, sec. 11, a special permit shall not take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and either that no appeal has been filed or the appeal has been filed within such time, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The person exercising rights under a duly appealed Special Permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone.

The owner or applicant shall pay the fee for recording or registering. Furthermore, a permit from the Division of Inspectional Services shall be required in order to proceed with any project favorably decided upon by this decision, and upon request, the Applicant shall present evidence to the Building Official that this decision is properly recorded.

This is a true and correct copy of the decision filed on _____ in the Office of the City Clerk, and twenty days have elapsed, and

FOR VARIANCE(S) WITHIN

_____ there have been no appeals filed in the Office of the City Clerk, or
_____ any appeals that were filed have been finally dismissed or denied.

FOR SPECIAL PERMIT(S) WITHIN

_____ there have been no appeals filed in the Office of the City Clerk, or
_____ there has been an appeal filed.

FOR SITE PLAN APPROVAL(S) WITHIN

_____ there have been no appeals filed in the Office of the City Clerk, or
_____ there has been an appeal filed.

Signed _____ City Clerk Date _____