



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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PLANNING DIVISION

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**Case #: ZBA 2017-132**  
**Site: 24 Cross Street**  
**Date of Decision:** January 31, 2018  
**Decision:** Petition Approved with Conditions  
**Date Filed with City Clerk:** February 13, 2018

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**ZBA DECISION**

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**Applicant / Owner Name:** Semia Education Technology, Inc.  
**Applicant / Owner Address:** 289 Woodmont Street, West Springfield, MA 01089  
**Agent Name:** Adam Dash, Esq., Adam Dash & Associates  
**Agent Address:** 48 Grove Street, Suite 304, Somerville, MA 02144  
**Alderman:** Matthew McLaughlin

**Legal Notice:** Applicant and Owner, Semia Education Technology, Inc., seeks a Special Permit under SZO §4.5.1 to change one nonconforming use, multiple tradesperson shops (SZO §7.11.12.6.1.a), to another nonconforming use, a for-profit school (SZO §7.11.8.9.a) for curriculum development and STEM education for children from 7th grade through high school, and a Special Permit under SZO §9.13 for parking relief. RB Zone. Ward 1.

<u>Zoning District/Ward:</u>	RB Zone. Ward 1
<u>Zoning Approval Sought:</u>	§4.4.1, §7.11.8.9.a, and §9.13
<u>Date of Application:</u>	December 14, 2017
<u>Date(s) of Public Hearing:</u>	January 31, 2018
<u>Date of Decision:</u>	January 31, 2018
<u>Vote:</u>	4-0

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Appeal #ZBA 2017-132 was opened before the Zoning Board of Appeals in the Visiting Nurse Association Community Room, 259 Lowell Street. Notice of the Public Hearing was given to persons affected and was published and posted, all as required by M.G.L. c. 40A, sec. 11 and the Somerville Zoning Ordinance. After one hearing of deliberation, the Zoning Board of Appeals took a vote.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143  
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722  
[www.somervillema.gov](http://www.somervillema.gov)

**DESCRIPTION:**

The proposal is to change the use from multiple tradesperson shops into a school that will offer after school programs, summer camps, and a robotics club. The proposal will also include renovations to the exterior of the building and installing pervious pavers and wall mounted bicycle racks in the rear alley.

**FINDINGS FOR SPECIAL PERMIT (SZO §4.5 and §9.13):**

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."*

Section 4.5 of the SZO states that *"a nonconforming use may be changed to another nonconforming use only by special permit authorized by the SPGA in accordance with the procedures of Article 5, provided that the SPGA finds that such change is not substantially more detrimental to the neighborhood than the existing nonconforming use. In judging detriment, the SPGA may consider, without limitation, impacts upon the following: traffic volumes, traffic congestion, type of traffic, change in traffic patterns and access to the site, adequacy of municipal water supply and sewer capacity, noise, odor, glare, scale, on-street parking, shading, visual effects and neighborhood character."*

In considering a special permit under §4.5 of the SZO, the Board finds that the use proposed would not be substantially more detrimental to the neighborhood than the existing use. The proposed use will provide an educational opportunity for local school aged children to experience science, technology, engineering, and mathematics (STEM) and robotics learning.

The SZO §9.13 allows for sites with nonconforming parking to apply for a Special Permit to modify parking requirements if the total number of spaces is six or fewer. The locus is currently nonconforming with respect to the number of required off-street parking spaces as four spaces are required by the tradesperson shops and none are provided.

The SZO §9.4.1 allows "an existing use or lot which does not have sufficient parking or loading spaces to meet the requirements of this Ordinance, including a use which has no off-street parking or loading, is changed to a different type of use for which a different number of parking spaces or loading bays is required and there is no increase in the net floor area of said use, the methodology and rules below shall apply.

*proposed parking requirement - existing parking requirement = new requirement*



*If the new use is calculated to require two (2) or more additional parking spaces or one (1) or more loading bays than the existing (or previous) use, then fifty percent (50%) of this additional requirement shall be provided, but in no case less than one (1) parking space (or loading bay).*

<b>Proposed parking req.</b>	<i>minus</i>	<b>Existing parking req.</b>	<i>equals</i>	<b>New req.</b>	<i>equals</i>	<b>50% of new req.</b>
15 spaces		4 spaces		11 spaces		<b>6 spaces (rounded up from 5.5)</b>

The Applicant is proposing 12 bicycle parking spaces where there are currently none in an attempt to mitigate the number of required parking spaces, which will allow children to ride their bicycle to the school. 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 Board finds that, as conditioned, granting the requested Special Permit is consistent with the purposes of SZO §9.1 and will not cause detriment to increased traffic volumes, traffic congestion of queuing of vehicles, changes in the type of traffic, change in traffic patterns and access to the site, reduction in on-street parking, or unsafe conflicts of motor vehicles and pedestrian traffic.

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 provide for and maintain the uniquely integrated structure of uses in the City; to lessen congestion in the streets; to protect health; 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 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 Board finds that the proposed for-profit school is compatible with and convenient to the residents of the neighborhood and the municipality as a whole.

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:** Cross Street is comprised of a mix of multi-family residential dwellings, educational buildings, and commercial businesses.

**Impacts of Proposal (Design and Compatibility):** The proposal will give the exterior of the building a complete overhaul that includes, new composite siding, new glazing and entry doors, painted aluminum louvers, aluminum clad projecting canopies, textured dimensional custom siding around the sign band, and new signage.



6. Vehicular and pedestrian circulation: *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.*

*Impacts of Proposal (Circulation):* The proposal will not result in conditions that create traffic congestion or potential for traffic accidents on the site or in the surrounding area. The Applicant intends on designated the loading/unloading spaces in front of the structure as a drop-off/pick-up area. Additionally, the Applicant will install 12 wall mounted bicycle racks in the rear of the building.

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

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, transform key opportunity areas; and, make Somerville a regional employment center with a mix of diverse and high-quality jobs.

<u>SomerVision Summary</u>	<u>Existing</u>	<u>Proposed</u>
<u>Estimated Employment:</u>	unknown	15

## **DECISION:**

### **Special Permit under §4.4.1**

Present and sitting were Members Orsola Susan Fontano, Danielle Evans, Josh Safdie, and Anne Brockelman with Richard Rossetti, Elaine Severino, and Pooja Phaltankar absent. Upon making the above findings, Danielle Evans made a motion to approve the request for a **Special Permit**. Anne Brockelman seconded the motion. Wherefore the Zoning Board of Appeals voted **4-0** to **APPROVE** the request. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes
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1	Approval is for the change of use to a for-profit STEM and robotics school. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/Plng.									
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>December 14, 2017</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>December 11, 2017</td> <td>Plans submitted to OSPCD (D1.1, D2.1, D2.2, A1.1, A1.2, A2.1, A2.2)</td> </tr> <tr> <td>October 2, 2017</td> <td>Surveyed site plan</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	December 14, 2017	Initial application submitted to the City Clerk's Office	December 11, 2017	Plans submitted to OSPCD (D1.1, D2.1, D2.2, A1.1, A1.2, A2.1, A2.2)	October 2, 2017	Surveyed site plan
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October 2, 2017	Surveyed site plan											
<b>Pre-Construction</b>												
2	The Applicant must contact the Engineering Department to coordinate the timeline for cutting or opening the street and/or sidewalk for utility connections or other construction. There is a moratorium on opening streets from November 1st to April 1st and there is a list of streets that have additional opening restrictions.	BP	Eng									
<b>Construction Impacts</b>												
3	The applicant shall post the name and phone number of the general contractor at the site entrance where it is visible to people passing by.	During Construction	Plng.									
4	The Applicant shall at their 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									
5	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									
<b>Design</b>												
6	Applicant shall provide final material samples for siding, trim, windows, and doors to Planning Staff for review and approval prior to the issuance of a building permit.	BP	Plng.									
<b>Site</b>												
7	Landscaping shall be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD									
8	Applicant will supply 12 bicycle parking spaces, which can be satisfied with wall mounted type bicycle racks.	CO	Plng.									
<b>Traffic &amp; Parking</b>												



9	The Applicant shall coordinate with the Somerville Traffic and Parking Department and/or the Traffic Commission, if necessary, to convert the loading area on Cross Street in front of the site into a pick-up/drop-off area.	CO	T&P	
<b>Miscellaneous</b>				
10	Gas and electric meters shall not be on the front of the structure. Gas and electric meters may be located on the side of the structure but shall be screened from the street by a hardy, staff approved evergreen planting. Utilities shall not be located adjacent to windows and shall not impact any parking, landscaping, or egress. The provisions of this condition may be waived by staff if the applicant submits a letter from the utility, signed by a utility representative, on utility letterhead, indicating that there is no feasible alternative to placing meters in violation of this condition.	CO	ISD	
11	Electrical conduits on the exterior facades of buildings shall be painted to match the wall material to which they are attached. Conduits are not allowed on the front of any structure.	CO	Plng.	
12	Garbage and recycling locations shall be clearly indicated on site plans. Storage areas shall be inside of the structure or shall be fully screened from view from both the public way and abutters by an appropriate material reviewed and approved by staff. The location shall not impact any parking, landscaping, or egress.	BP	Plng.	
13	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	
<b>Public Safety</b>				
14	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
15	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.	
<b>Signage</b>				
16	Signage will be limited in size and location to that shown in the elevation diagrams and lighting after 10p.m. facing residential property will be turned down or off.	CO/Cont.	Plng.	
<b>Final Sign-Off</b>				
17	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.	

Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chairman*  
Danielle Evans  
Josh Safdie  
Anne Brockelman (Alt.)

Attest, by City Planner: \_\_\_\_\_

Alexander C. Mello

Copies of this decision are filed in the Somerville City Clerk's office.  
Copies of all plans referred to in this decision and a detailed record of the  
SPGA proceedings are filed in the Somerville Planning Dept.

**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. 3.2.10.

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.

Signed \_\_\_\_\_ City Clerk Date \_\_\_\_\_

