



City of Somerville

# PLANNING BOARD

City Hall 3<sup>rd</sup> Floor, 93 Highland Avenue, Somerville MA 02143

## DECISION

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**PROPERTY ADDRESS:** 315 Broadway  
**CASE NUMBER:** P&Z 21-096  
**OWNER:** 315 Broadway LLC  
**OWNER ADDRESS:** 315 Broadway,  
Somerville, MA 02145  
**DECISION:** Approved with Conditions (Use Special Permit)  
Approved with Conditions (Use Special Permit)  
**DECISION DATE:** November 18, 2021

This decision summarizes the findings made by the Planning Board regarding the Use Special Permits submitted for 315 Broadway.

## LEGAL NOTICE

Pilatesrx LLC seeks to establish a Fitness Services Use and a Healthcare Services Use on a Pedestrian Street, which requires two Special Permits.

## RECORD OF PROCEEDINGS

On November 4, 2021, 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 Rob Buchanan, Jahan Habib, Erin Geno, and Debbie Howitt Easton.

Following the Applicant's brief overview of the proposal, the Board received testimony from members of the public regarding benefit to the neighborhood and impact on parking. The Board and the applicant discussed concerns raised by the public, and questions from Board members related to permit conditions in the building's approval regulating storefront fenestration.

## 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:

### Special Permit Considerations

1. The comprehensive plan and existing policy plans and standards established by the City.
2. The intent of the zoning district where the property is located.
3. The maintenance of a diverse blend of commercial uses within the neighborhood
4. The existing concentration of uses from the same category within the neighborhood.

5. The availability of the same services within the neighborhood.
6. The availability of comparable commercial spaces within the neighborhood

Information relative to the required considerations is provided below:

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

The Board finds that the proposal supports the objectives of SomerVision, the comprehensive Master plan of the City of Somerville including, but not limited to, the following:

- Protect and promote a diverse, interesting mix of small-scale businesses in Somerville's neighborhoods.
- Preserve and enhance the character of Somerville's neighborhoods, enable sensitive, economically feasible maintenance and adaptive reuse of historic buildings, and respect neighborhood form and patterns while expanding Somerville's architectural legacy.
- Support a business-friendly environment to attract and retain a diverse mix of businesses that can start here, grow here, and stay here.

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

The Board finds that the proposal is consistent with the intent and purpose of the MR5 zoning district which is, in part: "to create, maintain, and enhance areas appropriate for moderate scale, multi-use and mixed-use buildings and neighborhood and community serving uses".

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

The Board finds that the proposal contributes to the blend of commercial uses by introducing two new uses which are unique and distinct from other service uses in the neighborhood.

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

The Board finds that the proposal integrates uses which are unique among the range of existing uses in the area.

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

The Board finds that the proposal offers the residents of the neighborhood access to uses that are not currently found within or near the neighborhood.

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

The Board finds that the proposal could encourage other small-business tenants to occupy the ground floor commercial spaces along Broadway, which will contribute to the creation of a walkable and active neighborhood center.

## **DECISION**

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Chair Michael Capuano moved to approve the Special Permit to establish a Fitness Services Use. Vice Chair Amelia Aboff seconded. The Board voted **5-0** to approve the permit, subject to the following conditions:

### **Perpetual**

1. The frosted glass covering the windows must not exceed 25% of the surface area of the total window glass of the storefront fenestration, as conditioned per the Site Plan Approval approved on July 18, 2013 (PB 2012-22).

### **Prior to Building Permit**

2. 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.
3. Physical copies of all submitted materials as permitted by the Review Boards must be submitted for the public record in accordance with the document format standards of the ISD/PB Submittal Requirements.

### **Prior to Certificate of Occupancy**

4. This Decision must be recorded with the Middlesex County Registry of Deeds prior to applying for a Certificate of Occupancy.

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Chair Michael Capuano moved to approve the Special Permit to establish a Healthcare Services Use. Clerk Rob Buchanan seconded. The Board voted **5-0** to approve the permit, subject to the following conditions:

### **Perpetual**

1. The frosted glass covering the windows must not exceed 25% of the surface area of the total window glass of the storefront fenestration, as conditioned per the Site Plan Approval approved on July 18, 2013 (PB 2012-22).

### **Prior to Building Permit**

1. 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.
2. Physical copies of all submitted materials as permitted by the Review Boards must be submitted for the public record in accordance with the document format standards of the ISD/PB Submittal Requirements.

Prior to Certificate of Occupancy

3. This Decision must be recorded with the Middlesex County Registry of Deeds prior to applying for a Certificate of Occupancy.

Attest, by the Planning Board:

Michael Capuano, *Chair*  
Amelia Aboff, *Vice Chair*  
Rob Buchannan, *Clerk*  
Jahan Habib  
Erin Geno



Sarah Lewis, Director of Planning & 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 \_\_\_\_\_