



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY
DEVELOPMENT
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Case #: ZBA 2012-71
Date: September 13, 2012
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 453 Somerville Avenue

Applicant Name: Akimenko Meats
Applicants Address: 7 Quincy Street, Apt. 2, Somerville, MA 02143
Property Owner Name: Samylee LLC c/o Chung Lee
Property Owner Address: 33 Third Street, Medford, MA 02155
Alderman: Maryann Heuston

Legal Notice: Applicant Akimenko Meats and Owner Samylee LLC, seek a Special Permit under SZO §4.5.1 to change a nonconforming use (an automotive repair shop) to another nonconforming use in order to open a butcher shop (SZO §7.11.9.3.a). The Applicant and Owner are also seeking a Special Permit under SZO §4.4.1 to make alterations to the façade of the existing nonconforming structure including new door openings. BA/RB zone. Ward 2.

Zoning District/Ward: BA/RB Zone / Ward 2

Zoning Approval Sought: Special Permits under SZO §4.4.1 and §4.5.1

Date of Application: August 21, 2012

Dates of Public Hearing: Zoning Board of Appeals – **September 19, 2012**

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a 4,912 square foot lot with a former automotive repair building on it near the corner of Somerville Avenue and Granite Street. The 1,300 gross square foot, single story, flat roofed masonry building is situated at the extreme rear of the lot. Between the building and the Somerville Avenue streetscape is a parking area with nine off-street parking spaces. The lot is



actually situated in two separate zoning districts with the building being located in an RB zoning district and the parking area located in a BA zoning district.

2. Proposal: The Applicant is proposing to convert the former automotive repair shop into butcher shop that will sell locally raised and grown meats and vegetables. The Applicant's business, Akimenko Meats, will be open Monday through Saturday, 10:00 AM to 7:00 PM and employ up to seven people. The butcher shop will sell different cuts of beef, pork, lamb, goat, and venison, among other meats, as well as vegetables that are raised and grown within a 250 mile radius of this location. Meats and vegetables will be brought to this location by local farmers in small vehicles such as vans and prepared for retail sale to customers. There will be no wholesale, cooking, or slaughtering of animals occurring at this location. The former auto repair shop will be outfitted with a retail area, a kitchen/prep area, a walk-in refrigerator with a rail system, a dish room, a small bathroom, and an office. Waste from the meats that are brought in should be minimal as most of the product will be internalized through the preparation of cuts for retail sale or used in the making of broths. Trash and waste will be disposed of in three different health code containers that will be stored on the left side of the building in a fenced in area. Waste pick up will occur at least twice a week or more frequently if necessary.

The existing garage door on the front of the building will be retained and a rail system inside the structure will be installed to provide easy transportation of meat into the walk-in refrigerator. There will be some alterations to the outside of the structure to provide better access into and out of the building. The window to the immediate left of the garage door will be replaced with a person-door and become the main entrance to the store. On the left side elevation, a new egress door will be installed and in the small projection at the front of the building, the existing person-door and adjacent window will be removed. The signage will display the business name, "AKIMENKO MEATS", and be painted onto the front façade of the building just above the garage door. The Applicant is also hoping to use the garage door as a display space for public art. The nine space parking space area in front of the building will be reserved only for the customers and employees of Akimenko Meats.

3. Nature of Application: The existing structure is nonconforming with regard to maximum ground coverage (in the RB zone), minimum landscaped area (there is none), and the minimum required rear and side yard setbacks (which are practically zero as the structure sits almost directly on the rear and right side property lines). These existing nonconformities require the Applicant to obtain a Special Permit under Somerville Zoning Ordinance (SZO) §4.4.1 to alter the existing nonconforming structure to create the new door openings and to close the door and window openings on the left side elevation.

The front portion of the property where the parking lot is located is in a BA zone and the structure on the property is located in an RB zone. Both automotive repair shops and butcher shops/meat markets are not permitted uses within the RB zone. It has been determined that the automotive repair shop has retained its nonconforming status and is therefore an existing nonconforming use at the property. Under SZO §4.5.1, an Applicant can seek permission from the Special Permit Grant Authority, in this case the Zoning Board of Appeals, to change from one nonconforming use (an automotive repair shop) to another nonconforming use (a butcher shop/meat market) via a Special Permit.

4. Surrounding Neighborhood: The front portion of the property where the parking lot is located is in a BA zone and the structure on the property is located in an RB zone just west of the heart of Union Square. The area along Somerville Avenue, primarily the BA zoning district, is a complete mix of uses with retail businesses, restaurants, office space, residential units, public space, automotive repair shops, and institutional uses. The area to the north of the property in the RB zoning district is predominately residential consisting of a mixture of two- and three-family dwellings. Most of the structures in the

surrounding area are 2½ to 3 stories in height with gable or flat roofs, and there are some larger light industrial buildings on the south side of Somerville Avenue that are several thousand square feet in size.

5. Impacts of Proposal: The proposed butcher shop and renovations to the existing building would not appear to be more detrimental to the surrounding neighborhood than the most recent previous use at the property (an automotive repair shop). The proposal will take a former potentially noxious and environmentally hazardous use out of the surrounding neighborhood and replace it with a more residentially and commercially compatible use. The use will provide neighborhood residents with access to locally raised and grown meats and vegetables, providing a healthy food alternative to the neighborhood. Hours of operation will be Monday through Saturday, from 10:00 AM to 7:00 PM and should not disrupt the adjacent residential neighborhood with their proposed operating hours. The butcher shop will also fit fairly well into the mixed use environment that can be found along this stretch of Somerville Avenue, just outside of Union Square. Waste from the meats that are brought to the store should be minimal as most of the product will be internalized through the preparation of cuts for retail sale or used in the making of broths (this includes bones). Trash and waste will be disposed of in three different health code containers that will be stored on the left side of the building in a fenced in area. Waste pick up will occur at least twice a week or more frequently if necessary, which should help to minimize or eliminate the potential for rodents at the site. There will be no cooking or slaughtering of animals as the site and this should avoid any issues of smells or odors permeating into the surrounding neighborhood. Construction and renovation of the building to outfit the space for the butcher shop will primarily occur on the interior of the building, with the exception of the creation of the new doors for egress purposes. The installation of the new front door that faces Somerville Avenue and the new signage will give the building a more inviting street presence. The new use will be providing more than the required number of parking spaces on site and therefore, there is little to no concern that customers or deliveries will create parking issues along Somerville Avenue or in the surrounding neighborhood. The meats and vegetables will be brought to this location by local farmers in small vehicles such as vans and prepared for retail sale to customers. No large trucks will be making deliveries to the business. Ultimately, the proposal will take a currently vacant former automotive repair shop property, renovate the existing building, and implement a commercial use that is quite compatible with the surrounding neighborhood.

6. Green Building Practices: The Applicant has indicated that they are not planning on using any green building practices at this time but they may pursue implementing a green roof at a later time.

7. Comments:

Fire Prevention: Has been contacted but has not yet provided comments.

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

Wiring Inspector: Has been contacted but has not yet provided comments.



Existing Conditions

II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1, §4.5.1, §5.1):

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 Special Permits under §4.4.1 and §4.5.1 of the SZO, Staff find that the proposed use and alterations to the existing structure would not be substantially more detrimental to the neighborhood than the former use of the property as an automotive repair shop. The proposal will take a former potentially noxious and environmentally hazardous use out of the surrounding neighborhood and replace it with a more residentially and commercially compatible use. The use will provide neighborhood residents with access to locally raised and grown meats and vegetables, providing a healthy food alternative to the neighborhood. The butcher shop will also fit fairly well into the mixed use environment that can be found along this stretch of Somerville Avenue, just outside of Union Square. There will be no cooking or slaughtering of animals as the site and this should avoid any issues of smells or odors permeating into the surrounding neighborhood. Construction and renovation of the building to outfit the space for the butcher shop will primarily occur on the interior of the building, with the exception of the creation of the new doors for egress purposes. The installation of the new front door that faces Somerville Avenue will give the building a more inviting street presence. The new use will be providing more than the required

number of parking spaces on site and therefore, there is little to no concern that customers or deliveries will create parking issues along Somerville Avenue or in the surrounding neighborhood.

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 promoting "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 conserve the value of land and buildings; 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 BA zoning district (6.1.6. BA - Commercial Districts) which covers the front portion of the property. The district's purpose is, "To establish and preserve business areas bordering main thoroughfares that are attractive to a wide range of uses, including retail business and services, housing, government, professional and medical offices, and places of amusement. While it is anticipated that most users will arrive by motor vehicle, it is intended that the area should be safe for and conducive to pedestrian traffic."

The proposal is also consistent with the purpose of the RB district (6.1.2. RB - Residence Districts), which is the zoning district where the structure on the property is located. The purpose of this district 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." While the proposed use is not a residential one, the use is compatible with and convenient to the residents of the surrounding area as it provides a locally owned business selling locally raised and grown meats and vegetables to the surrounding neighborhood.

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 proposed butcher shop/meat market would not be more detrimental to the surrounding neighborhood than the last use at the property. The proposal will take a former potentially noxious and environmentally hazardous use out of the surrounding neighborhood and replace it with a more residentially and commercially compatible use. Therefore, there shall be minimal, if any, negative impacts or disruption to the surrounding neighborhood. The new use will be providing more than the required number of parking spaces with nine on-site spaces via the curb cut along Somerville Avenue. The installation of the new front door that faces Somerville Avenue and the new signage will give the building a more inviting street presence. Ultimately, the proposal will take a currently vacant former automotive repair shop property, renovate the existing building, and implement a commercial use that is quite compatible with the surrounding neighborhood.

5. Adverse Environmental Impacts: The proposed use, structure or activity will not constitute an adverse impact on the surrounding area resulting from: 1) excessive noise, level of illumination, glare, dust, smoke, or vibration which are higher than levels now experienced from uses permitted in the surrounding area; 2) emission of noxious or hazardous materials or substances; 3) pollution of water ways or ground water; or 4) transmission of signals that interfere with radio or television reception.

No adverse environmental impacts are anticipated as part of this proposal. The proposal will take a former noxious and potentially environmentally hazardous use out of the surrounding neighborhood and replace it with a much more compatible commercial use at the site. The Applicant has submitted an environmental report which indicates that conditions of No Significant Risk of Harm to Human Health, No Significant Risk to the Environment, No Significant Risk to Public Welfare, and No Significant Risk to Safety all exist at the site. Additionally, no new noise, glare, dust, smoke, vibration, nor emissions of noxious materials nor pollution of water ways or ground water nor transmission of signals that interfere with radio or television reception are anticipated as part of the project. There will be no cooking performed at the site and the vast majority of meat that is brought into the shop will be internalized through the preparation of meats for sale and through the creation of broths (this includes bones). Waste at the site is anticipated to be minimal and will be stored in health code compliant trash receptacles. The Applicant has indicated that these receptacles will be emptied at least twice a week or perhaps more frequently if the need arises.

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.

The proposed new butcher shop will be retaining the existing nine space parking layout at the front of the property. These spaces will be reserved for only customers, employees, and delivery vehicles of Akimenko Meats, which differs from the current situation as the lot is being rented for use by a nearby restaurant. All vehicles will enter and exit the site via the curb cut onto Somerville Avenue.

III. RECOMMENDATION

Special Permits under §4.4.1 and §4.5.1

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 PERMITS**.

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 to change a nonconforming use (an automotive repair shop) to another nonconforming use in order to open a butcher shop (SZO §7.11.9.3.a) under SZO §4.5.1. Approval is also to make alterations to the façade of the existing nonconforming structure, including new door openings, under SZO §4.4.1. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/PIng.																	
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>(August 21, 2012)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>(September 13, 2012)</td> <td>Site Plan</td> </tr> <tr> <td>August 28, 2012 (September 12, 2012)</td> <td>Existing Front and (Left) Side Elevations (A.101 and A.102)</td> </tr> <tr> <td>August 28, 2012 (September 12, 2012)</td> <td>Existing Floor Plan (A.100)</td> </tr> <tr> <td>August 28, 2012 (September 12, 2012)</td> <td>Proposed Front and (Left) Side Elevations (A.104 and A.105)</td> </tr> <tr> <td>August 28, 2012 (September 12, 2012)</td> <td>Proposed Floor Plan (A.103)</td> </tr> <tr> <td>(September 12, 2012)</td> <td>Proposed Signage Image</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	(August 21, 2012)	Initial application submitted to the City Clerk's Office	(September 13, 2012)	Site Plan	August 28, 2012 (September 12, 2012)	Existing Front and (Left) Side Elevations (A.101 and A.102)	August 28, 2012 (September 12, 2012)	Existing Floor Plan (A.100)	August 28, 2012 (September 12, 2012)	Proposed Front and (Left) Side Elevations (A.104 and A.105)	August 28, 2012 (September 12, 2012)	Proposed Floor Plan (A.103)	(September 12, 2012)	Proposed Signage Image
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Any changes to the approved site plans, elevations, or use that are not <i>de minimis</i> must receive SPGA approval.																				
2	The Applicant shall meet the Fire Prevention Bureau's requirements.	CO	FP																	
3	All exterior lighting must be confined to the subject property or adjacent rights of way, cast light downward and must not intrude, interfere or spill onto neighboring properties.	CO	PIng.																	
4	The Applicant shall remove the chain link fence along the front property line and install some type of planters or buffer to separate the parking spaces from the public sidewalk.	CO	PIng.																	

5	Trash and recycling bins that are kept outside shall be screened by buildings, fencing, or vegetation that blocks any view of them.	CO	Plng.	
6	Public art displays shall be confined to the garage door on the front façade and shall not advertise goods and/or services that are sold and/or rendered on or off the premises.	Cont.	ISD/Plng.	
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.	

