2014-02379 / 4

Reviewed for Code Compliance
Inspections Division
Approved with Conditions
Date: 01/29/18

Grime Studios

Addendum to Change of Use and Building Permit Application

Zoning

299 Presumpscot Street is located in the IM zone. The issue is whether the proposed use of a musician rehearsal studio meets the criteria for an accepted use. There are arguments that the types of uses permitted have sufficient similarities to the proposed use that it is acceptable. For example Section 14-247 The permitted uses within this zone include:

a. low impact industrial uses including ********** "musical instruments"**********

h. Indoor amusement or recreational centers

t. General ,Business and Professional offices This use is not defined in sufficient detail to exclude musicians taking their tools of their trade to work in an office and could include musicians practicing or developing their craft

Section 14-248, Performance based uses

Uses not expressly permitted in section 14-247 or expressly prohibited in section 14-249 may be permitted if they meet the following conditions and standards.

a. The proposed development is consistent with the purposes of this zone.

b. The proposed development is **designed and operated so that it will prevent undue adverse environmental impacts, substantial diminution of the value or utility of neighboring structure**, or significant hazards to the health or safety of neighboring residents **by controlling noise levels**, emissions, traffic lighting, odor, and **any other potential negative impacts of the proposal**

The applicant submits that the types of music being generated is the industrial equivalent of creative work space and lends itself to the types of structures in the IM zone, that are incompatible with a residential use or in fact any other use where neighbors are in close proximity, and would be disturbed by this use.. An industrial warehouse is an ideal location for this use.

This application for Grime Studios is for the construction and operation of a musician rehearsal space that is forced to relocate due to the Thompson's Point Development. Presently it is a 15 room CMU building separated from other structures, by at least 200 feet. It will be bulldozed for a parking lot. The subtenants of the building are primarily musicians who practice a wide range of musical genres from the acoustic guitars to very loud heavy metal bands.

The present building has sound containment measures that prevent the other tenants from being adversely impacted . The nature of this use will generate decibel levels in the 110 level range. Therefore the siting of this type of operation has proven to be very difficult. The applicant Justin Curtsinger has looked at 5 different locations (one twice) before finding the proposed location at 299 Presumpscot Street.

The landlord is a middle aged man with a son who understands the challenges of loud music. The building is a warehouse of approximately 30,000 sf. The landlord occupies about half with his import business. Another tenant who will be adjacent to the proposed Grime Studios is Jon Meade, who builds custom countertops and other items out of concrete. His uses include large wet saws, grinders, polishers and other tools that will also generate significant noise. Grime studios will not be impacted by the noise generated by Meade. His operation will use about 5000 sf.

Grime Studios has undertaken extensive research into sound attenuation products, materials and techniques in order to minimize the impacts of the potentially very loud music that will be generated.

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The appeal of this space is that:

(1) it is large empty warehouse that can be built out fairly easily and the building is already sprinkled

(2) the abutting neighbors in the building will not be affected by loud noises

(3) the construction will be a sound proof demising wall constructed of 2*6 metal studs to the girder and then wrapped to for a fire stop and additional sound attenuation

(4) the individual studios will also be sound proofed between the units and will be covered by acoustic tile and insulation

(5) the applicant and his consultants are cognizant of the city's noise levels of 60 db between 7 am to 9 pm and 55 db from 9pm to 7 am.

(6) During the construction a noise meter will be used to ensure the noise levels are acceptable and code compliant

(7) While there is some residential structures and uses in this zone , they are several hundred feet away, and will not be impacted by this business.