



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
JOSEPH A. CURTATONE
MAYOR

PLANNING DIVISION

PLANNING BOARD MEMBERS

KEVIN PRIOR, *CHAIRMAN*
JOSEPH FAVALORO, *CLERK*
ELIZABETH MORONEY
JAMES KIRYLO
MICHAEL A. CAPUANO, ESQ.
ELIZABETH MORONEY

Case #: PB 2011-02-R1 (1/2012)
Site: 130 Broadway
Date of Decision: February 2, 2012
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: February 6, 2012

PLANNING BOARD DECISION

Applicant Name:	Bernard H. Pucker, Trustee
Applicant Address:	171 Newbury Street, Boston, MA 02116
Property Owner Name:	S&B Realty Trust
Property Owner Address:	171 Newbury Street, Boston, MA 02116
Agent Name:	Stuart L. Snyder
Agent Address:	110 Cedar Street, Suite 250, Wellesley, MA 02481

Legal Notice: Applicant, Bernard H. Pucker, and Owner, S & B Realty Trust, seek a revision to Special Permit PB 2011-02 (SZO §5.3.8) in order to alter a condition to keep an existing curb cut on Glen St. The original permit was to alter the façade of the building including window and door openings and a special permit to establish Medium Retail and Service uses in the building totaling approx 18,000 sf. The proposal also includes site renovations to the rear parking lot where 19 parking spaces would be located.

<u>Zoning District/Ward:</u>	CCD 55 zone/Ward 1
<u>Zoning Approval Sought:</u>	§5.3.8
<u>Date of Application:</u>	January 10, 2012
<u>Date(s) of Public Hearing:</u>	February 2, 2012
<u>Date of Decision:</u>	February 2, 2012
<u>Vote:</u>	5-0



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



Appeal #PB 2011-02-R1-(1/2012) was opened before the Planning Board at Somerville City Hall on February 2, 2012. 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 Planning Board took a vote.

DESCRIPTION:

The proposal is to remove condition 4 of the special permit to allow for the curb cut on Glenn Street to remain. The condition states, "The Applicant shall close or narrow the curb cuts to the site that are not required for access to the parking lot, including but not limited to the curb cut to the side loading dock." The Applicant stated that PSG Framing uses the curb cut to load oversized deliveries to the side entrance on Glen Street. Also, the new retail tenants along Broadway will be using the curb cut to unload their goods and bring them to the door on Glen Street.

FINDINGS FOR REVISION TO SPECIAL PERMIT #2011-02 (SZO §5.3.8):

The following Special Permit findings are relevant to the proposed site plan renovations.

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."

With the approval of the condition change, the site will otherwise comply with the approvals and conditions of case number PB 2011-02 as amended by de minimis changes PB 2011-02-DC1 (4/2011) to add a transformer to the plan, change the material of three windows to glass block, and recess two doors and PB 2011-02-DC2 (7/2011) to change the location of the transformer.

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 providing for and maintaining the uniquely integrated structure of uses in the City. This curb cut has been an existing situation for a number of years and will allow for efficient loading for the tenants in the building. The proposal is consistent with the purpose of the Corridor Commercial District in that the curb cut will provide loading access for pedestrian oriented uses that are encouraged in the district.

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 Planning Board approved the condition regarding closing the curb cut because the plans included removing the loading door on Glen Street. Curb cuts should be replaced with curbing where possible to allow for more on-street parking and improve safety for pedestrians as the curb prevents vehicles from entering the sidewalk. In this case the curb cut is still needed for deliveries for the tenants. Despite removal of the loading door, the two entrances on Glen Street will provide access to load goods into the building and the curb cut is useful to wheel containers to the entrances.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722

www.somervillema.gov



5. 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 vehicle and pedestrian circulation and condition will not change from its current state if the approval to change the condition is granted.

DECISION:

Present and sitting were Members Kevin Prior, Elizabeth Moroney, Joseph Favaloro, James Kirylo and Michael Capuano. Upon making the above findings, Elizabeth Moroney made a motion to approve the request for a revision to special permit #2011-02. Joseph Favaloro seconded the motion. Wherefore the Planning Board voted **5-0** to **APPROVE** the request. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
Application and Plans										
1	<p>Approval is for the alteration the façade of the 130 Broadway including window and door openings and to establish Medium Retail and Service uses in the building totaling approx 18,000 sf (§7.13.C). This approval is based upon the following application materials and the plans submitted by the Applicant:</p> <table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>Jan 11, 2011</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>Jan 11, 2011</td> <td>Plans submitted to OSPCD (L-2.1 Existing Site/Landscape Plan, L2.2 Proposed Site/Landscape Plans, A-2.2 Plan, A-2.3 Roof Plan, A-3.0-3.1 Building Elevations)</td> </tr> </tbody> </table> <p>Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval. Sign replacement of the same size within the same sign footprint and using the same sign technology shall be permitted by right.</p>	Date (Stamp Date)	Submission	Jan 11, 2011	Initial application submitted to the City Clerk’s Office	Jan 11, 2011	Plans submitted to OSPCD (L-2.1 Existing Site/Landscape Plan, L2.2 Proposed Site/Landscape Plans, A-2.2 Plan, A-2.3 Roof Plan, A-3.0-3.1 Building Elevations)	CO / BP	Plng.	
Date (Stamp Date)	Submission									
Jan 11, 2011	Initial application submitted to the City Clerk’s Office									
Jan 11, 2011	Plans submitted to OSPCD (L-2.1 Existing Site/Landscape Plan, L2.2 Proposed Site/Landscape Plans, A-2.2 Plan, A-2.3 Roof Plan, A-3.0-3.1 Building Elevations)									



2	Once the existing panels on the façade have been removed, the Applicant will provide Planning Staff with photos of what remains in place. If the original details of the pediment have already been removed, are not salvageable, or are bereft of architectural details, the applicant shall design a detailed pediment for the building so that it is not solely a flat surface. These plans are to be reviewed by the DRC and Planning Staff and approved by Planning Staff.	BP	Plng.	
Construction Impacts				
3	The Applicant shall at his 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. Specifically, all driveway aprons shall be concrete.	CO	DPW	
4	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	
5	Prior to any work on parking lot or landscaping the Applicant shall submit to the Planning Staff a letter from a LSP indicating that all work is in compliance with the AUL and applicable DEP regulations. Any amendment with site design to meet regulations shall be reviewed and approved by Planning Staff. In the vegetable planting area, the Applicant shall install a soil barrier (geotextile, 6" of crushed stone or similar) that restricts clean soils and rooting systems in the elevated beds from mixing with contaminated soils unless an alternative design is proposed by the LSP and approved by Planning Staff. Applicant should take care to ascertain the root depth of plants to be installed in the future and ensure that the depth of the raised bed is adequate to ensure plants to not permeate the soil barrier.	During Construction		
6	The Applicant shall add a storefront window system to the bay on the Glen Street side of the building closest to Broadway unless the Applicant can prove to Planning Staff that the interior configuration of the space precludes this additional window.	CO	Plng.	
Public Safety				
7	Applicant shall comply with Fire Prevention Bureau's requirements.	CO	FP	
Impacts of Completed Project				
8	The Owners shall provide artistic displays in the windows of storefronts that are vacant for more than 3 months.	Perpetual	Plng.	



9	Any transformers should be located as not to impact the historic building or landscaped area, and shall be fully screened.	Electrical permits & CO	Plng. / ISD	
10	Applicant will screen the dumpster with fencing that blocks any view of the dumpster itself.	CO	Plng.	
11	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards.	Perpetual	Plng. / ISD	
12	Applicant will supply 2 bicycle parking spaces on the sidewalk at or near the property, at a location reviewed and approved by OSPCD.	CO	Plng.	
13	Signage will be limited to the type of lettering, materials, and lighting technology shown in the elevation. No internally lit signs shall be allowed unless specifically individually approved by the SPGA in a separate special permit application. The location shall be in the sign band or near the back door entrance.	CO/Cont.	Plng.	
14	The applicant shall remove the billboard from the roof of the structure and shall cancel the license for the billboard from the Outdoor Advertising Board. The applicant and/or the billboard owner shall not try to move this billboard or its license to any other location in Somerville.	BP	Plng.	
15	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	
16	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.	
Final Review				
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 Planning Board:



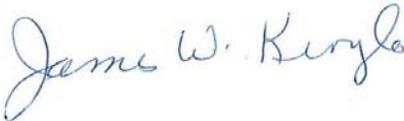
Kevin Prior, Chairman



Elizabeth Moroney



Joseph Favaloro



James Kirylo



Michael A. Capuano, Esq.

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.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722

www.somervillema.gov



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 _____



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722

www.somervillema.gov

